

BOROUGH OF WARRIOR RUN
Luzerne County, Pennsylvania

DOG
ORDINANCE

ORDINANCE 01 -2017

AN ORDINANCE OF THE BOROUGH OF WARRIOR RUN ESTABLISHING REGULATIONS FOR THE CONTROL OF DOGS PROHIBITING THEM FROM RUNNING AT LARGE, DISTURBING THE PEACE, TO INJURE HUMANS OR CREATE A NUISANCE, LIMITING THE NUMBER OF DOGS, BY PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION AND IMPLEMENTING CERTAIN PROVISIONS OF THE PENNSYLVANIA DOG LAW

WITNESSETH:

WHEREAS, the Council of the Borough has not previously enacted any Ordinance regulating the keeping of dogs within the Borough of Warrior Run; and

WHEREAS, that pursuant to the Borough Code, the Council, in order to better protect the health, safety and welfare of the residents of the Borough of Warrior Run, desire to set forth the Borough's regulations for the control of dogs within the Borough of Warrior Run.

AND NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby ENACTED AND ORDAINED by the Council of Warrior Run as follows:

Section 1.0 Definitions. As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER-when applied to the proprietorship of a dog includes every person having a right of property in such dog and every person who keeps or harbors such dog or had it in his or her care and every person who permits such dog to remain on or about any premises occupied by him or her.

RUNNING AT LARGE- being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of owner or any other person having custody of said dog.

DANGEROUS DOG-a dog determined to be a dangerous dog under the Pennsylvania Dog Law, as amended (3 P.S. §459-101 et seq.)

Section 2.0 Running at Large Prohibited. It shall be unlawful for any person who owns or keeps any dog to permit such a dog to run at large. Any dog running at large in violation of

the Ordinance or the Pennsylvania Dog Law shall be subject to seizure, detention and disposal as provided therein.

Section 2.1 Duty of Police Officers. It shall be the duty of every police officer serving the Borough to seize and detain any dog which is found running at large either upon the public streets or highways of the Borough or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper. Every police officer may humanely kill any dog which is found running at large and is deemed after due consideration by the police officer to constitute a threat to the public health and welfare.

Section 2.2 Confinement of Dogs. It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:

- (a) Confined within the premises and under the control of the owner,
- (b) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or
- (c) All dogs off private property shall be kept on a lease not greater than five (5) feet in length or otherwise under the reasonable control of some person, except when engaged in lawful hunting, exhibition or field training.

Section 3.0 Disturbance of the Peace. It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Borough. Continuous barking, howling or making of other loud noises by such dog for more than one (1) hour or continuous barking for a period of less than one (1) hour but more than one-half (1/2) hour which periods occur on two (2) or more consecutive days shall be deemed to disturb the peace and to cause annoyance and discomfort of persons in the Borough.

Section 3.1 Warning and notice. Any person may request the Police Department serving Warrior Run Borough to warn any person who shall own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of persons in the borough. Any such request shall be in writing and shall identify and specify the residence or other address of the owner, keeper or custodian of the dog and shall identify the residence of the person making the request. If, upon investigation by the Borough police, a warning is found to be warranted, said warning by the borough police shall consist of delivery of a full and complete copy of this Ordinance at the residence in the Borough of Warrior Run of such owner, keeper or custodian, along with a written warning, either by certified mail-return receipt requested or personal service.

Section 3.2 Violation. A violation of this Section shall be deemed to have occurred upon a second or subsequent violation of Section 3.0, above, after the date of delivery of the first warning.

Section 4.0 Unlawful Acts. It shall be unlawful for the owner of any dog to permit said

dog to attempt to injure or to injure any human being by biting, jumping on, knocking down or attacking said human being. It shall be unlawful for any person to abandon or attempt to abandon any dog within the Borough.

Section 5.0 Committing of Nuisances and Acceptable Disposal. No person owning, harboring, keeping or otherwise in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, or any private property without the permission of the owner of said property. In the event that a dog defecates in said area, the owner shall immediately remove all feces deposited by the dog and dispose of the same by any sanitary manner approved by the Borough's Board of Health or other ordinance of the Borough.

Section 6.0 Number of Dogs on Premises. It shall be unlawful to keep more than three (3) dogs, six (6) months of age or older, on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Pennsylvania Dog Law (3 P.S. §459-101 et seq.)

Section 7.0 Dangerous Dogs. This Ordinance hereby incorporates all applicable provisions of the Pennsylvania Dog Law (3 P.S. §459-101 et seq.) including the definition of a Dangerous Dog.

Section 7.1 Owner Compliance with the Pennsylvania Dog Law. The owner of a dangerous dog shall comply with all of the requirements of the Pennsylvania Dog Law including obtaining a license and a certificate of registration of the dangerous dog with the Commonwealth, requiring the owner to obtain a surety bond or a policy of liability insurance of not less than \$50,000.00 and conspicuously display an approved warning symbol that informs children of the presence of a dangerous dog.

Section 7.2 Confinement of Dangerous Dogs. Except as otherwise provided in Section 7.3 below, a dangerous dog shall be confined in one of the following:

- (a) Inside of the dwelling of the owner;
- (b) Outdoors in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. An outdoor enclosure shall have secure sides and a secure top, and shall be designed to protect the dog from elements. If the enclosure does not have a floor which is secured to its sides, the sides shall be embedded at least two (2) feet into the ground. The pen shall be no less than six (6') feet high and shall contain no less than fifty (50) square feet.

Section 7.3 Control of Dangerous Dog Outside Enclosure. A dangerous dog shall not be

permitted to be outside the required enclosure described in Section 7.2 above, unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person.

- (a) Substantial Chain or Leash. As used herein, a substantial chain or leash is a chain or leash with a minimum tensile strength of at least 300 pounds and a maximum length of not more than 3 feet.
- (b) Responsible Person. As used herein, a responsible person is the owner or person acting at the direction of the owner who is physically able, through use of the chain or leash, to prevent the dangerous dog from escaping or causing damage to a person, animal or property.

Section 7.4 Prohibited Location. No dog which has been determined by a district Justice or otherwise to be a dangerous dog or is registered as such with the State Bureau of Dog Law Enforcement or other designated state registry, shall be kept or harbored on the property within one thousand (1,000') feet of any public or private daycare, pre-school, elementary or high school within the Borough.

Section 7.5 Public Safety. It shall be the duty of any police officer serving the Borough to immediately confiscate a dangerous dog upon the occurrence of any of the following:

- (a) The dog is not validly registered pursuant to the Pennsylvania Dog Law.
- (b) The owner does not secure and maintain the liability insurance coverage required under this Ordinance and the Pennsylvania Dog Law.
- (c) The dog is not maintained in the proper enclosure as required by this Ordinance or the Pennsylvania Dog Law.
- (d) The dog is outside of the dwelling of the owner or outside of the proper enclosure and not under the physical restraint of the responsible person as required by this Ordinance and the Pennsylvania dog Law.

Section 7.6 Penalties. Any violation of this section that would also violate the Pennsylvania Dog Law, or other applicable state law, shall be prosecuted under the state law and not under this ordinance.

Section 8.0 Violation and Penalties. Except as otherwise provided herein, any person who shall be convicted of violating or failing to comply with the provisions of this ordinance before any District Justice shall be punishable by a fine of not more than three hundred

(\$300.00) dollars, together with the costs of prosecution, and on default of payment of such fine and costs, the violator shall be subject to imprisonment in the Luzerne County Correctional Facility for a term not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

Section 9.0 Exclusions. The Ordinance shall not apply to dogs used by law-enforcement officials for police work, certified guide dogs for the blind, hearing dogs for the deaf or other dogs trained to aid the disabled, sick, or handicapped.

Section 10.0 Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or part thereof is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

Section 11.0 Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 12.0 Effective Date. This ordinance shall become effective thirty (30) days from its enactment.

ENACTED AND ORDINAED BY THE COUNCIL OF THE BOROUGH OF WARRIOR RUN ON THIS 8th DAY OF MAY, 2017.

BOROUGH OF WARRIOR RUN

by [Signature]
Luke Matthews, President Council

ATTEST:

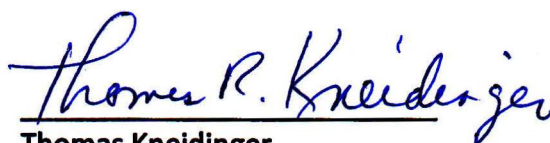
[Signature]
THOMAS KNEIDINGER, *Borough Secretary*

Passed and adopted this 8th day of may, 2017

[Signature]
Dolores Mynes, Mayor

CERTIFICATION

I hereby certify that the foregoing Ordinance No. 01 2017 was advertised in the Citizens Voice, a newspaper of general circulation in the municipality on MAY 1, 2017; and was duly enacted and approved as set forth at a regular meeting of the Borough of Warrior Run, Luzerne County, Commonwealth of Pennsylvania on MAY 8, 2017



Thomas Kneidinger
Borough Secretary

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