

ORDINANCE NO. 2018-_____
TOWNSHIP OF CONOY
LANCASTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF CONOY TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, REGARDING THE CONTROL AND POSSESSION OF DOGS AND CATS, AND MAKING IT UNLAWFUL TO PERMIT DOGS AND CATS TO RUN AT LARGE, TO REMAIN IN THE OPEN AND TO HOWL, YELP OR BARK, OR TO CAUSE ANNOYANCE TO THE CITIZENS, RESIDENTS OR OTHER PERSONS IN THE TOWNSHIP BY BARKING, YELPING, HOWLING, BITING, JUMPING ON, KNOCKING DOWN OR ATTACKING PERSONS OR OTHERWISE DAMAGING OR INJURING PROPERTY, REQUIRING OWNERS, KEEPERS OR WALKERS OF DOGS AND CATS TO REMOVE AND CLEAN UP EXCRETA LEFT BY DOGS AND CATS ON PUBLIC OR PRIVATE PROPERTY, AND PROVIDING ENFORCEMENT PROCEEDINGS AND REMEDIES AND PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

IT IS HEREBY ORDAINED AND ENACTED BY THE CONOY TOWNSHIP BOARD OF SUPERVISORS THAT:

SECTION 1: TITLE This Ordinance shall be known and cited as the “Conoy Township Dog and Cat Ordinance”.

SECTION 2. DEFINITIONS The following words, terms and phrases, used herein, shall have the following meaning:

A) OWNER. The word “owner” when applied to the proprietorship of a dog or cat, shall include every person who keeps or harbors a dog or cat, or has it in his or her care, and every person who permits such dog or cat to remain on or about any premises occupied by him or her.

B) CONFINEMENT AND CONTROL. Confinement and control shall mean in any of the following manners:

(1) confined within the premises of the owner;

(2) 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

(3) under the reasonable control of some person, or when engaged in lawful recreational, hunting, exhibition, performance events or field training.

B) CONTINUOUS or EXCESSIVE. "Continuous" as used in this Ordinance shall mean uninterrupted, unbroken and persistent or so persistently repeated at short intervals as to constitute virtually an unbroken series. "Excessive" as used in this Ordinance shall mean substantially greater than what is commonly considered usual or common by a dog or cat

C) DOG AND CAT ENFORCEMENT OFFICER . Any municipal dog or cat control officer, state dog warden, agents of animal control organizations or any duly sworn law enforcement officer authorized to enforce the laws of the Commonwealth of Pennsylvania and the ordinances of the Township of Conoy.

D) KEEPER. Any person who shall possess, maintain, house or harbor any dog or cat, or otherwise have custody of any dog or cat, whether the owner of such dog or cat, whether for compensation or otherwise.

E) PERSON. The word "person" as used in this Ordinance shall mean any natural person, firm, association, company, partnership, or corporation.

F) ORDINANCE ENFORCEMENT OFFICER. The ordinance enforcement officer of the Township of Conoy.

H) POLICE OFFICER. Any person employed or elected by the Commonwealth of Pennsylvania or by any municipality or county whose duty is to preserve the peace or make arrests or to enforce the law. The term includes state constabulary, dog, game, fish or forest wardens.

I) PREMISES. A tract or lot of land and any buildings erected thereon.

J) RUNNING OR ROAMING AT LARGE. The phrase “running or roaming at large” shall mean being upon any public highway, street, alley, park or any other public land, or upon property of another person, other than the owners, and not being accompanied by and under the restraint or control of the owner, or any other person having custody of said dog or cat.

K) TO PERMIT. The term “to permit” as used in Section 3 shall include failure to restrain from the prohibited activity.

L) Singular words shall include the plural and masculine words shall include the feminine and neuter.

SECTION 3: VIOLATIONS

A) It shall be unlawful for the owner or keeper of any dog or cat to permit such dog or cat, whether licensed or not, to run or roam at large in the Township.

B) It shall be unlawful for the owner or keeper of any dog or cat to permit such dog or cat to remain in the open and to howl, yelp, or bark in a continuous or excessive manner for extended periods of time.

C) It shall be unlawful for the owner or keeper of any dog or cat to repeatedly cause annoyance to the citizens, residents or other persons lawfully in the Township by continuous or excessive barking, yelping, howling or other similar offensive noise for extended period of time or by molesting pedestrians and motorists.

D) It shall be unlawful for the owner or keeper of any dog, cat or other domestic animal to permit said dog, cat or other domestic animal to molest or injure any human by biting, jumping on, knocking down or attacking said human being.

E) It shall be unlawful for the owner or keeper of any dog or cat to permit such dog or cat to damage or injure personal property, real estate, shrubs, hedges, flowers or any growing

thing, or to permit such dog or cat to repeatedly deposit excrement on property other than his own.

F) It shall be unlawful for the owner or keeper of any dog or cat to fail to exercise proper control of his or her dog or cat to prevent it from becoming a public nuisance

SECTION 4: ENFORCEMENT

A) Upon receiving a complaint or information that a dog or cat is doing any of the acts prohibited by this Ordinance, Any Dog Enforcement Officer, Ordinance Enforcement Officer or Police Officer, whichever of such officials or bodies is empowered to enforce the laws of the Commonwealth of Pennsylvania or Conoy Township has jurisdiction over the incident, shall make investigation, and if the complaint or information is found to be true, a summary citation prepared in accordance with the Pennsylvania Rules of Criminal Procedure and Conoy Township shall be issued against the owner or keeper of the dog or cat.

B) In conjunction with any proceeding under this Ordinance, or upon complaint or information otherwise received, the appropriate official or body, as listed above, shall investigate and take appropriate action to enforce all provisions of the Pennsylvania Dog Law, Act of December 7, 1982, P.L. 784, 3 P.S. 459-101, et seq., and amendments thereto in accordance with the provisions of said law.

C) Unlicensed animals that are seized are to be held for 48 hours and if not claimed may be disposed of by sale, adoption or destruction in some humane manner.

D) Any Dog Enforcement Officer, Ordinance Enforcement Officer or Police Officer may kill animals that, in the opinion of such officer, constitute a threat to public health and welfare.

E) The provisions of this ordinance shall not apply to activities which constitute normal agricultural operations.

SECTION 6: PENALTY Any person who shall violate any of the provisions of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township, before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 and costs of prosecution and restitution and shall be subject to imprisonment in the County Jail for not more than ninety (90) days, provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 7: OTHER REMEDIES In addition to any of the remedies provided above, any continual violations of this Ordinance shall be considered a nuisance and the Township may seek to abate said nuisance by instituting appropriate legal proceedings.

SECTION 8: REPEALER All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed including but not limited to the Conoy Township Dog Ordinance of 2003.

SECTION 9: SEVERABILITY The provisions of this Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

SECTION 10: EFFECTIVE DATE This Ordinance shall become effective five (5) days after enactment.

ATTEST:

BOARD OF SUPERVISORS
OF CONOY TOWNSHIP

Secretary

Chairman