

SOUTH ABINGTON TOWNSHIP

Ordinance No. 79 1983

AN ORDINANCE PROVIDING FOR THE CONTROL OF DOGS AND OTHER ANIMALS; REMOVAL OF CANINE WASTES; PROHIBITING THE HARBORING OF A NUISANCE AND ANIMALS AT LARGE, AND PROVIDING FOR THE PUBLIC PEACE, SAFETY COMFORT, CONVENIENCE AND GENERAL WELFARE; AND PROVIDING FOR PENALTIES

BE IT ORDAINED by the Township of South Abington, County of Lackawanna, Pennsylvania, and it is hereby ordained by and with the authority of the same as follows:

Section 1. The following terms whenever used in this Ordinance shall have the meaning indicated in this section, except where the context indicates a different meaning.

- (a) "DOG"-The genus and species known as canis familiaris.
- (b) "CAT"-Species domesticated-felis catus
- (c) "LIVESTOCK"-Members of the equine, bovine, ovine caprine and porcine species, and confined domesticated hares, rabbits and mink.
- (d) "POULTRY"-Includes all domestic fowl.
- (e) "WILD GAME ANIMALS"-Shall include all animals, reptiles, birds and fowl generally hunted for sport or food which the keeping of same provide no generally acceptable domestic purpose and shall include all such wild game animals native to the Commonwealth of Pennsylvania, the United States of America and foreign countries.
- (f) "OWNER"-When applied to the proprietorship of a dog, cat, livestock, poultry or game animal, includes every person or group of persons, firms or corporations having a right of property in such dog, cat, livestock, poultry, or game animal, or has such dog, cat, livestock, poultry or game animal in his care, and every person who permits such dog, cat, livestock, poultry or game animal to remain on or about any premises owned or occupied by him.

(g) "EUTHANISIZE" is to put to death in a humane manner.

SECTION 2: RUNNING AT LARGE. It shall be the duty of every police officer or authorized agency to seize and detain any dog or dogs which are running at large, either upon the public streets or highways of South Abington Township, or upon the property of other than the owner of such dogs and not restrained by owner or keeper.

SECTION 3: HARBORING A NUISANCE. It shall be unlawful for any person to keep any dog or dogs, cats, or other animals which by frequent howling, barking, baying, yelping or screeching, shall disturb the peace of the neighborhood, or constitute a health hazard to the citizens of South Abington Township.

SECTION 4: NOTICE OF APPREHENSION. Whenever a dog or other animal has been apprehended in accordance with Sections 2 and 3 herein, the police or other authorized agency shall notify the owner or owners of such dog or other animal of said apprehension, notifying said owner or owners that they have violated the provisions of this ordinance, and issue a warning for the first offense; after the first offense warning, said police officer may issue a Citation to such person, charging the violation of the Summary Offense as an alternative to filing an Ordinance Complaint.

SECTION 5: REMOVAL OF CANINE WASTES. It shall be the duty of each dog owner to remove any feces left by his or her dog or any other animal on any sidewalk, gutter, street, public yards, private yards, or other public area. For purpose of Section 5, a Citation may be issued by sanitation officers and by police officers to such animal owner charging them with a summary offense and fined as outlined in Section 8. The provisions of this Ordinance do not apply to a guide dog accompanied by a blind person.

SECTION 6: PLEA OF DEFENDANT. The defendant shall within ten (10) days of issuance of a Citation, either (a) plead not guilty be appearing before the District Magistrate, entering his plea and posting such security for his appearance at trial as the issuing authority shall require, or (b) notifying the District Magistrate, in writing, of his plea, and forwarding a sum equal to the fine and costs specified in the Citation, or (c) plead guilty, by forwarding to the District Magistrate an amount equal to the fine and costs when specified in the Citation, or (d) a notice that failure to respond to Citation as herein provided in the time specified shall result in the issuance of a warrant for the arrest of the defendant.

SECTION 7: FINE AND PENALTIES. An owner of a dog violating any provision of this Ordinance shall pay a fine of not more than Three Hundred (\$300.00) Dollars, or in default of payment thereof shall undergo imprisonment for a period not exceeding twenty-four (24) hours.

SECTION 8: SEVERABILITY CLAUSE. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

SECTION 9: All ordinances or parts of ordinances inconsistent herewith or any part hereof, be and the same is hereby repealed

THE AFORESAID ORDINANCE is to be effective January 1, 1984.

DULY ENACTED THIS 27th day of December, 1983.

TOWNSHIP OF SOUTH ABINGTON

BY

William C. Cole
William C. Cole

Alfred Lockett
Alfred Lockett

Giles W. Stanton
Giles W. Stanton

ATTEST:

Burton A. [Signature]