

TOWNSHIP OF NOTTINGHAM

ORDINANCE NO. 71

AN ORDINANCE OF THE TOWNSHIP OF NOTTINGHAM,
WASHINGTON COUNTY, PENNSYLVANIA REGULATING THE DOGS
RUNNING AT LARGE, THE BARKING, HOWLING AND EXCESSIVE NOISE
OF DOGS; DESIGNATING OF AN ENFORCEMENT OFFICER AND
PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Second Class Township Code, as amended, allows the Township Board of Supervisors to enact Ordinances to protect the health, safety, and welfare, and abate nuisances within the Township; and

WHEREAS, the Commonwealth of Pennsylvania pursuant to 3 P.S. 459-101 et. seq. has enacted a "dog law" and therein, inter alia, has determined that stray or dogs running at large are a problem; and

WHEREAS, the making and creation of excessive barking or howling of dogs within the Township of Nottingham is a detriment to the public health, comfort, convenience, and welfare of the residents of the Township of Nottingham; and

WHEREAS, dogs running at large within the Township is a detriment to the public health, comfort, convenience and welfare of the residents of the Township of Nottingham, and

WHEREAS, the Supervisors of Nottingham Township deem it to be in the best interest of the health, comfort, convenience, safety and welfare of the peace and quiet of the Township of Nottingham and its inhabitants to regulate and control dogs running at large, the barking, howling and excessive noise of dogs owned, kept or maintained within the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of of Supervisors of the Township of Nottingham, and the same is hereby ordained and enacted as follows:

1. 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 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. Under the reasonable control of some person, or when engaged in lawful hunting, exhibition or field training (3 P.S. 459-305);

- d. And it shall be unlawful for any person, owner or keeper to keep or allow to be kept any dog which, by causing frequent long or excessive noise, specifically but not necessarily limited to barking or howling, shall disturb the comfort or repose of persons residing in the vicinity of where the dog is kept or located. Running at large is further defined but not limited to the presence of a dog at any place except upon the premises of the owner, or upon the premises of another with the consent of the owner thereof, wherein said dog is not on a leash or some other similar instrument.
2. The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Animal Control Officer or upon such other person as may be designated by Resolution by the Board of Supervisors, provided such designee may not hold any elective office in the Township. It shall be the responsibility of the Animal Control Officer or such other person as may be designated by the Board of Supervisors to enforce this Ordinance, to notify any person owning or possessing or believed to own or possess any dog which is running at large and/or is causing excessive noise that said person or persons are in violation of this Ordinance and subject to the penalties described herein.
3. In determining whether said noise, barking or howling, shall be frequent, long, or excessive so as to disturb the comfort or repose of the persons residing in the vicinity where the animal is kept, the Animal Control Officer or Board designee, may take into account the totality of the circumstances, including but not limited to, the zoning area in which the alleged violation has occurred.
4. Any person who shall be advised by the Animal Enforcement Officer and/or the designee of a violation of this Ordinance, shall, immediately take all necessary actions to cause said violation to cease and/or terminate. Upon a second or subsequent notice of violation the responsible person shall be subject to prosecution for violation of this Ordinance as a Summary Offense. Therein any person who shall violate any provision of this Ordinance, shall upon being found guilty thereof of a first offense, pay a fine not less than \$100.00 and not more than \$300.00 plus all Court costs, including reasonable Attorneys fees incurred by the municipality in regards to the enforcement thereof. A second conviction for a violation shall subject the person who violates the same to a fine of not less than \$200.00 and not more than \$400.00. A third or further conviction shall subject the person who violates the same to a fine of not less than \$300.00 and not more than \$500.00. Any and all convictions shall also require the responsible party to pay any and all Court costs and/or attorney's fees incurred by the Township in regards to enforcement of this Ordinance. Each day that a violation shall occur shall be deemed a separate offense. It is further ordained and enacted that the aforesaid fines and/or sanctions may be changed by Resolution of the Board of Supervisors.


5. In the event any provision, section, sentence, or clause of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, or clause, being the intent of the Township that such remainder shall be and shall remain in full force and effect.
6. Any Ordinance, or part of any ordinance, conflicting with provisions of this Ordinance are hereby repealed to the extent of such conflict.
7. This Ordinance shall be come effective five (5) days after enactment.

ORDAINED AND ENACTED this 7th day of December 1998.

ATTEST:


Secretary

TOWNSHIP OF NOTTINGHAM


Supervisor


Supervisor


Supervisor