

ORDINANCE NO. 2003-4

**AN ORDINANCE OF THE BOROUGH OF DURYEA,
COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA,
REGULATING THE KEEPING OF DOGS, CATS OR OTHER ANIMALS IN
THE BOROUGH OF DURYEA BY PROHIBITING THEM FROM RUNNING AT
LARGE, BY MAKING IT UNLAWFUL FOR THE DOGS, CATS OR OTHER
ANIMALS TO BE ALLOWED TO DISBURB THE PEACE, INJURE HUMANS
OR CREATE A NUISANCE; AND SETTING FORTH DEFINITIONS, AND BY
PROVIDING FOR ENFORCEMENT AND PENALTIES
FOR VIOLATIONS OF SAID ORDINANCE**

BE IT ENACTED AND ORDAINED by the Borough Council of Duryea,
County of Luzerne and Commonwealth of Pennsylvania as follows:

SECTION I. DISTURBANCE OF THE PEACE

It shall be unlawful to own, harbor or keep in custody any dog , cat or other animal which disturbs the peace by barking, howling, screeching, yelping or baying or making other loud noises to the annoyance and discomfort of any person in the Borough of Duryea. Continuous barking, howling, screeching, yelping or baying or the making of other loud noises by such dog, cat or other animal for more than any one (1) hour shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the borough of Duryea.

SECTION II. RUNNING AT LARGE PROHIBITED

It shall be unlawful for any person who owns or keeps any dog to permit such dog to run at large in violation of the provisions of the Dog Law of 1982 (3 P.S. 459-101 et seq.). Any dog running at large in violation of said law shall be subject to seizure and/or detention as provided therein.

SECTION III. WARNINGS

A. Any person may request the Borough Police Department to warn any person who shall harbor or keep in custody any dog, cat or other animal which disturbs the peace by barking, howling, screeching, yelping or baying, or making other loud noise to the annoyance and discomfort of persons in the borough of Duryea.

B. A warning by the police shall consist of delivery of a copy of this chapter at the residence in the Borough of Duryea of any such owner, keeper or custodian. In the absence of any such warning made by said police, the complaining person may request the Police of the Borough of Duryea to provide such warning.

C. Any such request shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the dog or other animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Duryea Code Enforcement Officer shall mail a copy of this ordinance to the person identified as the owner, keeper or custodian of the dog, cat or their animal.

D. Prior to the delivery of the warning notice contained herein, the police shall determine if the animal suspected of disturbing the peace is doing so because indirect contact with another animal. If that is the case, police will use their best efforts to capture the stray or roaming animal. However, if the police are unsuccessful in this effort, they shall not be precluded from proceeding under this Ordinance in the prosecution of confined animals found to be disturbing the peace.

E. A violation of this ordinance shall be deemed to have occurred upon a second or subsequent violation of Section above after the date of delivery of the warning.

SECTION IV. INJURY TO HUMANS

It shall be unlawful for the owner of any dog, cat or other animal to permit said dog, cat or other animal to injure any human being by biting, scratching or attacking said human being.

SECTION V. NUISANCES

No person owning, harboring, keeping or in charge of any dog, cat or other animal shall cause, suffer or allow any such dog, cat or other animal 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, not on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of street lying between the curblines which shall be used to curb such dog, cat or other animal under the following conditions;

A. The person who so curbs such dog, cat or other animal shall immediately remove all feces deposited by such dog, cat or other animal by any sanitary method approved by the Board of Health.

B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog, cat or other animal in accordance with the provisions of this ordinance in a sanitary manner approved by the Board of Health.

SECTION VI. EXEMPTIONS

Any person with defective eyesight or hearing while relying upon a dog or other animal specifically trained for these purposes shall be exempt from compliance with Section V.

SECTION VII. NUMBER OF ANIMALS ON PREMISES

It shall be unlawful to keep more than four (4) dogs, nine (9) months of age or older on any premise, regardless of the number of owners; provided, however, that this section shall not apply to any premise for which a kennel license has been obtained pursuant to the Dog Law Act of 1982 (3 P.S. 459-208) et seq.)

SECTION VIII. VIOLATIONS AND PENALTIES

Any person who shall be convicted of violating or failing to comply with the provisions of the chapter before any District Magistrate shall be punishable by a fine of not more than three hundred(\$300.00) dollars, plus all costs of prosecution, and in default of payment of such fine and costs shall undergo imprisonment for not more than 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 a violation may be punished as provided above for each separate offense.

SECTION IX. SEVERABILITY

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

SECTION X. REPEAL OF INCONSISTENT PRIOR ORDINANCES

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

SECTION XI. EFFECTIVE DATE

This ordinance shall become effective immediately after final passage.

DULY ENACTED AND ORDAINED as an Ordinance, NO: 2003-4 of the
Borough of Duryea, Luzerne County, Pennsylvania, THIS 14 DAY OF JANUARY
2003.

By: Ann B Dommies
ANN DOMMES, President

Attest:

Lois Morreale
LOIS MORREALE, Secretary

By: Keith Moss
KEITH MOSS, Mayor