

MONAGHAN TOWNSHIP

ORDINANCE # 34

AN ORDINANCE AMENDING MONAGHAN TOWNSHIP DOG ORDINANCE #28, TO BE KNOWN AS "AMENDMENT #1 TO MONAGHAN TOWNSHIP DOG ORDINANCE #28", AND RE-DEFINING AS A NUISANCE CERTAIN ACTS OF ANIMALS, INCLUDING PARTICULARLY DOGS AND CATS, AND PROVIDING FOR THE IMPOSITION OF PUNISHMENT, INCLUDING FINES AND IMPRISONMENT, ON THE OWNERS OR PERSONS RESPONSIBLE FOR THE ANIMAL/S COMMITTING SUCH ACTS OF NUISANCE, AND/OR REMOVAL OR DESTRUCTION OF THE OFFENDING ANIMAL.

Section 12 of said Ordinance #28, entitled "An ordinance regulating the keeping of dogs, providing for the impoundment of dogs, prohibiting the running at-large of dogs, regulating to some extent the keeping of cats, and providing penalties for the violation of the ordinance", is hereby revoked and deleted in its entirety and the following is substituted therefor:

Section 12. NUISANCE

(a) The following acts of animals, including particularly dogs and cats, are declared to be a nuisance:

(1) Frequent or habitual barking, howling, screeching, yelping, baying or emission of other animal noise, which noise continues for a period of at least (15) fifteen minutes, and which period of noise is repeated more than twice (2 times) during any forty-eight (48) hour period, and which noise is audible to human beings removed

a distance of at least fifty (50) yards from the source of the noise.

(2) Molesting, attacking and/or biting any person, chasing vehicles or attacking other domestic animals. In order to constitute a nuisance, such act/s must have been committed by the animal on at least two (2) separate occasions, except in the case of injury to the person, where one (1) such act shall be sufficient.

(3) Scratching, digging, defecating upon or otherwise defacing any property other than the property of the owner or person charged with control of said animal. In order to constitute a nuisance, such act/s must have been committed by the animal on at least two (2) separate occasions. Further, if the offending feces or other offal is immediately removed or the defacement is restored by the person responsible for the animal, the nuisance shall be considered abated.

(b) Any person aggrieved by such a nuisance may lodge a complaint with any police officer of Monaghan Township or the Animal Enforcement Officer or a District Justice having jurisdiction. A police officer, or the Animal Enforcement Officer, upon receipt of such complaint, may then lodge the complaint with a District Justice.

(c) Upon hearing such complaint, a District Justice may:

(1) Find the responsible person guilty of a summary offense and order payment of a fine pursuant to Section 17 of this Ordinance; and/or

(2) If the circumstances so warrant, order that the animal be removed permanently from the Township, or destroyed, if removal is refused by the owner, or is otherwise impractical. In such latter event, the responsible person shall surrender the animal to the Animal Enforcement Officer and pay the euthanasia fee provided by Section 11.(e) of this Ordinance.

Adopted by the Board of Supervisors of Monaghan Township, York County, Pennsylvania and enacted and ordained into Ordinance this 8TH day of MARCH, 1989.

BOARD OF SUPERVISORS, MONAGHAN
TOWNSHIP, YORK COUNTY, PENNSYLVANIA

BY *Frank J. Patten*
Chairman

Robert J. Patten
Vice Chairman

James P. Patten
Supervisor

Attest:

Louise F. Robinson
Secretary