

MONAGHAN TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012- 89

AN ORDINANCE OF MONAGHAN TOWNSHIP, YORK COUNTY, PENNSYLVANIA,
REGULATING THE CONTROL OF BARKING DOGS
AND REQUIRING THE REMOVAL AND DISPOSAL OF DOG FECES
FROM CERTAIN AREAS WITHIN THE TOWNSHIP.

IT IS HEREBY ENACTED AND ORDAINED BY THE Board of Supervisors of Monaghan Township, York County, Pennsylvania, under authority of law as follows:

SECTION 1: PURPOSE OF THE ORDINANCE.

The Board of Supervisors of Monaghan Township has determined that it is detrimental to the physical, mental and social well-being of the residents of Monaghan Township to be exposed to excessive and incessant barking of dogs. Further, the Board of Supervisors has determined that it is similarly offensive for residents to be exposed to dog feces that has not been disposed of properly or allowed to accumulate unreasonably. The purpose of this Ordinance, therefore, is to protect the health of residents and to protect their right to the peaceful enjoyment of their property, as authorized by Pennsylvania Statutes found at 53 P.S. Sections 66529 (Nuisances); 66530 (Regulation of Dogs); and 66506 (General Powers.)

SECTION 2: DEFINITIONS.

BARKING - Barking includes yelping, howling, baying or making of any noise by a dog.

DOG OWNER - When applied to the proprietorship of a dog, means every person having a right of property in any dog, and every person who keeps or harbors any dog or has it in his/her care and every person who permits any dog to remain on or about any premises occupied by him or her.

KEEPER - Any person who shall possess, maintain, house or harbor any dog, or otherwise have custody of any dog, whether or not the owner of such dog, whether for compensation or otherwise.

SECTION 3: CONFINEMENT AND CONTROL OF DOGS. It is unlawful for the owner or keeper of any dog to fail to keep the dog either:

- (A) Confined within the premises of the owner; or
- (B) Firmly secured by means of a collar and chain, lease, rope or other device so that it cannot stray beyond the premises on which it is secured; and so that it remains within the control of its owner or keeper.
- (C) Under the reasonable control of some person, when engaged in lawful hunting, exhibition, or field training.

SECTION 4: EXCESSIVE BARKING.

- (A) It is unlawful for any owner or keeper to harbor any dog which barks repetitively at frequent intervals during any given one hour period, or which barks on a sustained basis for a period of ten consecutive minutes or more, and which creates an annoyance or disturbance on another's private property or on a public right-of-way.
- (B) Upon the first offense the dog owner or keeper will be given a written warning notice by personal service or certified mail, return receipt requested.
- (C) It will be a condition precedent to any enforcement proceeding to show that a written warning was issued to the dog owner or keeper within the previous twelve (12) month period. Said written warning may be made by personal service; or, by certified mail, return receipt requested sent to the dog owner or keeper. If the owner is not available, notice may be given by posting the property at a conspicuous place.

SECTION 5: REMOVAL OF FECES.

- (A) It is unlawful for any owner or keeper to fail to immediately remove and dispose of all feces deposited by any dog on public property or on another's property. Owner or keeper shall dispose of feces in a sanitary manner.
- (B) It is unlawful for any owner or keeper of any dog to allow feces to accumulate on private property, owned or controlled by the owner or keeper, to a level which is detrimental to the health, safety or welfare of persons or property, as determined by the Monaghan Township Zoning Officer or Police Officer conducting the investigation of the property, subject to the following notice provisions.
- (C) Notice to remove and dispose of accumulated feces in a sanitary manner within a period of five (5) days, will be provided in writing to the dog owner or keeper by personal service; or, by certified mail, return receipt requested sent to the dog owner or keeper. If the owner is not available, notice may be given by posting the property

at a conspicuous place. Each five (5) day period after service or posting of notice that the property remains in a condition that is detrimental to the health, safety or welfare of persons or property shall constitute a separate offense.

SECTION 6: ENFORCEMENT AND PENALTIES.

- (A) The Zoning Officer of the Township of Monaghan, and any Police Officer empowered to enforce the laws of the Commonwealth of Pennsylvania within the jurisdictional boundaries of the Township of Monaghan is authorized to enforce the provisions of this Ordinance.
- (B) Any person who violates any provision of this Ordinance will upon conviction before a District Magistrate, be subject to pay a fine of not less than One-Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution for each offense. Second convictions of Section 4, regarding excessive barking, after the mandatory warning notice has been issued, within one (1) year of any previous such conviction, will be subject to a fine of not less than One-Hundred Dollars (\$100.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution for each offense. Third and subsequent convictions of Section 4, regarding excessive barking, after the mandatory warning notice has been issued, within one (1) year of any previous such conviction, will be subject to a fine of not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Dollars (\$1,000.00) plus costs of prosecution for each offense.
- (C) In addition to any of the remedies provided above, any continual violations of the Ordinance shall be considered a nuisance and the Township may seek to abate said nuisance by instituting appropriate legal proceedings.

SECTION 7: SEVERABILITY.

Should any word, sentence, paragraph, or section of this Ordinance, be declared invalid and contrary to, or in conflict with, any existing or future law or regulation for any reason whatsoever, it is the intent of the Supervisors of the Township of Monaghan that it would have enacted all other portions of this Ordinance, independent of the word, sentence, paragraph, or section declared invalid.

SECTION 8: REPEALER.

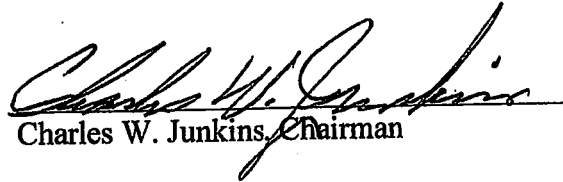
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. and, Monaghan Township Ordinance No. 34 is specifically repealed, as of the effective date of this ordinance.

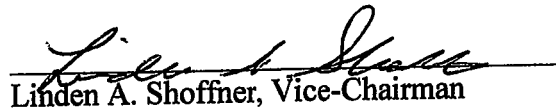
SECTION 9: EFFECTIVE DATE.

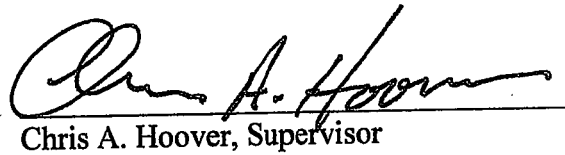
This Ordinance shall become effective five (5) days after enactment.

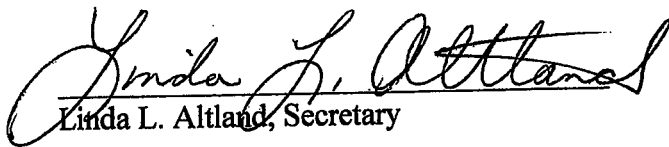
ENACTED AND ORDAINED into an Ordinance this 8th day of October, 2012,
by the Board of Supervisors of Monaghan Township of York County in Lawful Session duly
assembled.

BOARD OF SUPERVISORS OF THE TOWNSHIP OF MONAGHAN


Charles W. Junkins, Chairman


Linden A. Shoffner, Vice-Chairman


Chris A. Hoover, Supervisor


Linda L. Altland, Secretary