

TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 135

AN ORDINANCE

AMENDING THE CODE OF ORDINANCES OF LOWER NAZARETH TOWNSHIP REGULATING THE KEEPING OF DOGS, RESPONSIBILITIES OF OWNERS, HUMANE CARE, SANITATION, ENFORCEMENT, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREFOR.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Pennsylvania (the "Township"), and it is hereby enacted and ordained by authority of the same, pursuant to the provisions of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, and pursuant to the provisions of the Dog Law, Act of December 7, 1982, P.L. 784, as amended, and pursuant to the authority granted by law, it is enacted and ordained as follows:

SUBCHAPTER 6.2 DOGS

Section 6.21 DEFINITIONS

Animal Shelter. Animal Shelter shall mean the facility operated by the Northampton County SPCA.

Animal Warden. The term animal warden shall mean the person or persons employed by the Northampton County SPCA as its enforcement officer or shelter operator.

Restraint. The term restraint with reference to a dog shall mean that the dog is controlled by a leash, at heel, beside a competent person and obedient to that person's command, or within a vehicle being driven or parked on the streets on or within the property limits of its owner or keeper.

Owner of a Dog. Any person who has a right of property in such dog, who owns, harbors, keeps, or causes or permits to be harbored, kept, or has in his care a dog on or about any premises occupied by such person.

Kennel. Any establishment wherein dogs are kept for the purpose of breeding, boarding, sale or show purposes from which the dog cannot stray.

Officer. Any person employed by the Commonwealth of Pennsylvania, Colonial Regional Police, the Township of Lower Nazareth, Northampton County SPCA, whose duty is to preserve peace, make arrests or enforce this Township Ordinance or the Pennsylvania Code State Statute.

Person. Any individual, person, firm or corporation.

Veterinarian. A doctor of veterinary medicine who hold a valid license to practice his profession.

Collar. A band, a chain, harness or other suitable device worn around the neck of a dog to which a current rabies vaccination-registration tag and a license tag can be affixed.

Vaccination. Inoculation of a dog with the vaccine that is licensed by the United States Department of Agriculture and which is administered by a veterinarian for the purpose of immunizing the dog against rabies.

Exposed to Rabies. A dog has been exposed to rabies if it has been bitten by any other animal or if it has been in contact with any animal known to be, or suspected of being, infected with rabies.

Bite. Any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by a dog.

Lower Nazareth. Lower Nazareth shall mean the Township of Lower Nazareth.

Section 6.22 RESTRICTIONS

It shall be unlawful for the owner, custodian or keeper of any dog to allow such dog to run at large at any time either upon any of the streets, ways or public grounds in the Township of Lower Nazareth, or upon the property of any person other than the owner, custodian or keeper of such dog, unless accompanied by and under the immediate control of such owner, custodian or keeper.

It shall be the duty of the owner, custodian or keeper of any dog to keep at all times such dog either:

(a) confined within the premises of the owner, custodian or keeper;

(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;

(c) under reasonable control of some person, or when engaged in lawful hunting or field training accompanied by an owner or handler.

Section 6.23 KEEPING OF BARKING DOGS

A. Harboring: It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, screeches, bays, or yelps to the great discomfort of the peace and quiet of the neighborhood, or which disturbs or endangers the comfort, repose or health of persons, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance.

B. Petitions complaining of barking dogs.

1. Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps is being kept by any person in the Township, the police department shall notify the owner of said dog that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping, crying or aforementioned sounds.

2. If the warning given to the person alleged to be keeping a dog as set forth in (1) above is ineffective, then a verified complaint of at least two (2) citizens not from the

same family may be presented to the police department, alleging that a vicious dog or a dog which habitually barks, howls or yelps, or in any way makes any of the aforementioned annoying sounds being kept by any person within the Township. The police department shall inform the owner of such dog that said petition has been received and shall cite the owner of the dog for the violation alleged in said petition.

Section 6.24 HUMANE CARE

No person shall keep or harbor any dog in the Township of Lower Nazareth so as to create offensive odors, or unsanitary conditions which are a menace to the health, comfort or safety of the public and that of the dog.

Section 6.25 FORBIDDEN ACTS

It shall be unlawful for the owner, custodian or keeper of any dog to allow such dog to defecate, expectorate, menstruate or urinate in or upon any public street, way or place, or in or upon any private property other than that of the owner, custodian or keeper.

Section 6.26 SANITATION

Any dog which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance. Where the owner or person in charge or control of such dog

immediately removes all feces deposited on private or public property and disposes of same in a sanitary manner, such nuisance shall be considered abated.

Section 6.27 ENFORCEMENT

For the purpose of discharging the duties imposed by this Ordinance and State Statute and enforcing the provisions of same, any officer, animal warden, or employee duly authorized by the Supervisors as well as any police officer of the Colonial Regional Police Department are hereby empowered to enter upon any private property for the purpose of enforcing this Ordinance. No persons shall interfere, hinder or molest any officer in the performance of his duties hereunder.

Section 6.28 PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not less than Thirty-Five (\$35.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In default of payment such person or the chief executive officer of each firm or corporation shall be committed to the Northampton County Prison and confined for a period not exceeding sixty (60) days.

Section 6.29

Any Ordinance or part thereof inconsistent with the above is

hereby expressly repealed. This Ordinance shall be effective immediately.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, this 23rd day of September, 1998, in lawful session duly assembled.

TOWNSHIP OF LOWER NAZARETH

BY: 

TIMM TENGES, CHAIRMAN

ATTEST:


MARY ANN McCARTHY, SECRETARY