

Chapter 45
ANIMALS

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General Provisions

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[HISTORY: Adopted by the Board of Supervisors of the Township of Greene as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 105.

ARTICLE I
General Provisions

[Adopted 10-19-1993 by Ord. No. 6-1993]

§ 45-1. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number and words in the singular number include the plural number; any personal pronoun shall be construed so as to mean either the masculine, feminine or neuter gender, as the context may require; and the word "shall" is always mandatory and not merely precatory.

BOARD OF SUPERVISORS — The Board of Supervisors of Greene Township, Franklin County, Pennsylvania.

CAT OWNER — Includes every person having a right of proprietorship or ownership in a cat; and every person who keeps or harbors a cat or has it in his care or custody; and every person who permits a cat to remain on or about any premises occupied by him; and the parents of any child under 18 years of age who owns or has the control and custody of a cat; regardless of whether any such cat is licensed or unlicensed.

DOG OWNER — Includes every person having a right of proprietorship or ownership in a dog; and every person who keeps or harbors a dog or has it in his care or custody; and every person who permits a dog to remain on or about any premises occupied by him; and the parents of any child under 18 years of age who owns or has the control and custody of a dog; regardless of whether any such dog is licensed or unlicensed.

NUISANCE — The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OWNER — A person owning, leasing, occupying or having charge of any premises within the township.

PERMITS — To suffer, allow, consent, let; to give, leave or license; to acquiesce by failure to prevent, or to expressly accept or agree to the doing of any act.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

TOWNSHIP — The Township of Greene, Franklin County, Pennsylvania.

§ 45-2. Barking dogs.

A. Nuisance defined. With respect to dogs, a dog owner shall be presumed to have created or maintained a nuisance if he shall:

- (1) Permit his dog to cause annoyance or discomfort to or to disturb the peace of the citizens, residence or other persons lawfully in the township, by barking, yelping, howling or causing any other unseemly noise; or
- (2) Permit his dog to make any loud or harsh noise or disturbance with such frequency as to interfere with or disturb the peace, quiet, rest, sleep, or repose of any person within the township.

B. Presumptions.

- (1) Disturbance of the peace; annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this section. However, continuous barking, yelping, howling or the making of any loud or harsh noise by a dog for more than 1/2 hour on any one occasion shall give rise to the presumption that such dog has disturbed the peace and has caused the annoyance and discomfort of persons in the township.
- (2) Permission. At the trial of any charge of violation of this section, if it shall be determined that a dog has disturbed the peace, quiet, rest, sleep or repose of any person within the township or has caused the annoyance or discomfort of such persons by barking, yelping, howling or causing any other unseemly noise as hereinbefore set forth, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

§ 45-3. Offensive dog odors.

A. Nuisance defined. With respect to dogs, a dog owner shall be presumed to have created or maintained a nuisance if he shall:

- (1) Permit his dog to cause annoyance or discomfort to the citizens, residents or other persons lawfully in the township, by emitting any offensive odor or smell whether from a dog, dog waste, dog box, dog kennel or dog run.

B. Presumptions.

- (1) Annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this section. However, continuous odor or smell from a dog for more than 1/2 hour on any one occasion shall give rise to the presumption that such dog has caused the annoyance and discomfort of persons in the township.
- (2) Permission. At the trial of any charge of violation of this section, if it shall be determined that a dog by its offensive odor or smell has caused the annoyance or discomfort of any person within the township, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

§ 45-4. Dog and cat defecation and urination.

A. Nuisance defined. With respect to dogs and cats, a dog owner or cat owner shall be presumed to have created or maintained a nuisance if he shall permit his dog or cat to defecate or urinate:

- (1) Upon any street, sidewalk, passageway, park or any other public place where people congregate or walk; or
- (2) Upon any private property of another person without the permission of the owner of said property unless, with regard to defecation only, such dog owner or cat owner shall immediately remove and dispose of in a sanitary manner all feces deposited by such dog or cat.

B. Presumption. At the trial of any charge of violation of this section, if a dog or cat has defecated or urinated upon public or private property as hereinbefore set forth, it shall be conclusively presumed that the dog owner or cat owner has permitted the occurrence to have happened.

§ 45-5. Notice required.

A. Method of serving notice. Prior to the filing of a private criminal complaint for violation of §§ 45-2, 45-3 or 45-4 of this article, it shall be necessary to serve written notice upon the dog owner or cat owner in one of the following ways:

- (1) By mailing copy of the notice to the dog owner or cat owner by any form of mail requiring a receipt signed by the dog owner or cat owner or his agent;
- (2) By personal delivery of the notice to the dog owner or cat owner;
- (3) By handing a copy of the notice at the residence of the dog owner or cat owner to an adult member of the family with which he resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

- (4) By fixing a copy of the notice to the door at the entrance of the premises in violation.
- B. Form to be provided. Notice required under this section must be given on a form prescribed and provided by the township and said required notice may be executed and served as required by the aggrieved party or by a township official on complaint received from the aggrieved party in writing and signed.
- C. Content of notice. Notice shall set forth the name and address of the dog owner or cat owner; the nature and extent of the violation or offense; the identity of the person giving notice; the date of the sending or posting of notice; and a statement to the effect that a complaint may be filed if the nuisance is not abated within 24 hours of the time of receipt or posting of notice.
- D. Duration of notice. Any notice given pursuant to this section shall be valid for a period of six months; within six months, no additional notice need be given prior to the filing of a private complaint.

§ 45-6. Penalty for violation. ¹

Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding before a District Justice, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the judgment may be enforced pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 45-7. Enforcement. ²

The provisions of this article may be enforced by any person who, after prior notice is given as required, shall, as an affiant, institute a civil proceeding by filing a complaint with the District Justice as provided by law.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).