

WEST MAHANoy TOWNSHIP
ORDINANCE NO. 2011-3
DOG AND OTHER ANIMAL CONTROL ORDINANCE

Definitions: Dog shall include a canine of any age or breed including a puppy.

Other Animals: Include all animals which could produce or create the types of problems or nuisances mentioned herein and/or conditions which would interfere with anyone's quiet enjoyment of property within the Township of West Mahanoy and to which they have a right. The definition of "other animals" shall exclude birds housed in cages and other animals such as reptiles/fish which are housed in a terrariums or aquariums.

Barking or Howling Dogs or Other Animals Creating Noise: No person shall keep or harbor any dog within the Township which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises or on such a character, intensity, and duration as to disturb the peace, quite and good order of West Mahanoy Township. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard, or enclosure, which he occupies or owns, shall be considered harboring such dog.

Limitation On Number of Animals: No household or residence or property in the Township of West Mahanoy shall house either temporarily or otherwise no more than four (4) animals without first registering said animals at no cost with the Township officials and without obtaining a permit to do so. Outdoor farm animals including horses are prohibited in an area zoned as residential.

Permit To House More Than Four Animals: A permit is hereafter required by anyone who houses or harbors four (4) or more dogs or other animals on their property. Said permit will be granted without cost, when said property owner proves that there is sufficient room and sanitation to house or harbor such dogs or other animals and sufficient insulation of the structure, housing of harboring said animals to restrict the sound emanating from said animals so as not to create a disturbance in any neighborhood in the Township of West Mahanoy. The above animals restriction shall exclude terrarium, aquarium, caged birds and other such caged animals.

Registration of All Animals Exceeding the Above Requirements Must Register With the Township: All animals that exceed the above requirements must register at no cost all animals on their property beginning with the adoption of this Ordinance. Any additional animals after the approval of this Ordinance must be approved by the Board of Township Supervisors.

The sanitation facilities must be such as to avoid odor and run-off in the ground water as a result of the waste products of said animals. The sufficient room provision requires that each animal must have at least one hundred fifty (150) square feet. No dog or other animal shall be housed outside a shelter overnight so that the insulation provision cited above can be fulfilled.

Nuisance: Three (3) or more convictions of any violation of the provisions of this Ordinance with regard to any particular property within the Township limits shall constitute the establishment of a public nuisance as to that property. The Township may then take appropriate nuisance abatement legal action and the property owner shall be responsible for the costs including legal fees and other costs to abate the nuisance incurred by the Township.

**WEST MAHANOV TOWNSHIP
DOG and OTHER ANIMAL CONTROL ORDINANCE**

Inspection: Any officer or agent of the Township as authorized by the Board of Supervisors shall have the right to inspect any premises in the Township that houses animals and about which there is probable cause to believe that there are four (4) or more animals on the premises. Probable cause shall include sounds, smells, and visual signs of four (4) or more animals on the premises or complaints of same by neighboring property owners.

Dangerous or Vicious Dogs: a) A dangerous or vicious dog is any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation. b) Any dog that, without provocation, approaches in a threatening or terrorizing manner, any person or domestic animal on the streets, sidewalks or any public places. c) Any dog that is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog that has a history of attacking or propensity to attack. d) Police dogs, guard dogs acting under the supervision of a police officer or certified trained dog handler or guide dogs are exceptions.

Time To Comply: The pet owner must comply to this ordinance when summoned within seventy-two (72) hours. This Ordinance will be enforced by Township police and code enforcer. Any pet owner who shall fail, neglect or refuse to comply with this section of this Ordinance pertaining to "dangerous or vicious dogs," will be subject to a fine of six hundred dollars (600.00) for the first offense, eight hundred dollars (\$800.00) for the second offense and the third offense will result in "mandatory euthanasia of the dangerous dog at the expense of the dog owner according to this Ordinance.

Limitation On Other Animals: No person may house other animals without the proper space which shall include one hundred fifty (150) square feet per animal; proper care, which shall include daily grooming, feeding, cleanliness and all other proper care needed. At no time shall any animal run free in the Township. Any and all complaints by neighboring residence shall be dealt with in a proper manner which may include police officers of the Township.

Pooper-Scooper Provision: No person owning or taking care of a dog or dogs or other animals which excretes solid organic waste shall allow said animal to excrete said solid waste onto property which is not owned or rented by that person or by the animal owner or the person in charge of said animal. It is a defense to charges of violating this provision if said accused cleans-up after said animal within fifteen (15) minutes of said infraction. This provision shall apply to such incidents on private and/or public access property. Said persons shall not allow solid animal waste to accumulate on their own property from animals within their care so as to create an odor of such degree to interfere with the quiet enjoyment of neighboring residents whether they are tenants or owners of their property. In no event shall such an accumulation of solid animal waste be permitted to remain on any property for more than two (2) hours after excretion onto said property. Owner of said property is responsible for clean-up.

Vaccination Requirement: All dog owners and/or caretakers of dogs or other animals must show proof that their animals have been properly inoculated as required by county or state law and has been appropriately licensed according to applicable laws.

**WEST MAHANoy TOWNSHIP
DOG and OTHER ANIMAL CONTROL ORDINANCE**

Penalty: That any person, firm or corporation who shall fail, neglect or refuse to comply with any terms or provisions of this Ordinance shall upon conviction thereof be ordered to pay a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) and in default of payment of fine and costs, imprisoned not more than ninety (90) days. Each day's violation shall constitute a separate offense. This stipulation does not apply to dangerous and vicious dogs violation penalties.

Ordinance Adopted this 20th day of SEPTEMBER, 2011, by the Township of West Mahanoy Board of Supervisors.

Attest:

M. S. M. L. K.

Board of Supervisors West Mahanoy Township

Christy M. M. L. K.
Chairman

Ronald A. P. R. K.
Vice Chairman

Thomas M. L. K.
Supervisor