

**BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA**

ORDINANCE 2006-03

**AN ORDINANCE OF THE BOROUGH OF BOWMANSTOWN, CARBON COUNTY,
PENNSYLVANIA, ESTABLISHING RIGHTS AND OBLIGATIONS OF DOG OWNERS
RESIDING WITHIN THE BOROUGH OF BOWMANSTOWN AND PRESCRIBING
PENALTIES FOR VIOLATION AND REPEALING ALL ORDINANCES AND PARTS
OF ORDINANCES INCONSISTENT HEREWITH.**

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of the Borough of Bowmanstown as follows:

SECTION 1: DEFINITIONS.

All definitions of Section 102 of Act of 1982 P.L. 784 No. 225 and Act 151 of 1996, also known as the Pennsylvania Dog Law, as amended, is hereby adopted and incorporated in its entirety.

SECTION 2: ACTIVITIES CONSTITUTING NUISANCES.

A. On or after the effective date of this Ordinance, it shall be unlawful for any Owner to keep or harbor any dog or dogs which habitually barks, howls, screeches, bays or yelps incessantly for a period of ten (10) minutes or intermittently for a period of one (1) hour between the hours of 7:00 a.m. and 10:00 p.m. or incessantly for a period of five (5) minutes or intermittently for a period on one-half (1/2) hour between the hours of 10:00 p.m. and 7:00 a.m. to the discomfort or annoyance of its neighbors, or which materially disturbs, annoys or endangers the health, safety, welfare or repose of its neighbors. Such dogs are hereby declared a public nuisance.

B. On or after the effective date of this Ordinance, it shall be unlawful for any Owner to allow its dog or dogs to defecate, expectorate or menstruate in or upon any public street, public property or private property (other than that of the Owner). Such dogs, unless the defecation, expectorate or menstruation is immediately removed from the public or private property by the Owner of the dog, are hereby declared a public nuisance.

C. On or after the effective date of this Ordinance, it shall be unlawful for any Owner to allow its dog or dogs to scratch, dig, burrow or otherwise damage any public or private property (other than that of the Owner). Such dogs are hereby declared a public nuisance.

D. On or after the effective date of this Ordinance, it shall be unlawful for any Owner to allow its dog or dogs to be harbored or kept in unsafe, offensive or unsanitary conditions so as to create offensive or foul odors or so as to create a danger, risk or infringement

upon or to the health, safety, welfare, or comfort of its neighbors or the public. Such conditions are hereby declared a public nuisance.

E. On or after the effective date of this Ordinance, it shall be unlawful for any Owner to allow its dog or dogs to walk, run or otherwise roam at large on public or private property (other than that of the Owner). Such dogs shall be under the control of its Owner at all times and must be restrained by a leash at all times while on public or private property (other than that of the Owner). Such dogs are hereby declared a public nuisance.

F. In addition to the regulations set forth in this Section 2, all regulations pertaining to the keeping of pets, kennels, and livestock, as set forth in the Zoning Ordinance of the Borough of Bowmanstown, shall apply.

SECTION 3: ENFORCEMENT AND NOTICE PROCEDURE.

A. Any resident, desiring to file a complaint regarding nuisances described in Section 2 above, shall complete a complaint form and submit it to the Borough Secretary at the Borough Office. This complaint form shall be submitted to the Code Enforcement Officer for enforcement.

B. Upon receipt and validation of a complaint form, the Code Enforcement Officer shall submit an enforcement notice ("Notice") to the violator, notifying the violator that a complaint has been received and that the nuisances described in the complaint form shall be corrected within a twenty-four (24) hour period.

C. In the event the conduct listed in Section 2 above continues after the Code Enforcement Officer gives Notice as set forth above, and upon the written complaint of two (2) residents concerning the continued violation of Section 2 above, then the Code Enforcement Officer shall, upon verification of the facts that form the basis of the complaint, and upon authorization of Borough Council, file a complaint with the District Magistrate.

SECTION 4: PENALTIES.

Any person violating any provisions of this Ordinance shall be subject, upon conviction before the District Justice in and for the Borough, to the payment of a fine of not less than One Hundred (\$100.00) Dollars, not more than Six Hundred (\$600.00) Dollars per violation. A separate offense shall be deemed committed for each day in which a violation of this Ordinance occurs. Persons violating this Ordinance shall be liable for any fines imposed, plus court costs and reasonable attorneys' fees incurred by the Borough in the proceedings to enforce the provisions of this Ordinance.

SECTION 5: SEVERABILITY.

Should any section, paragraph or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this

Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 6: **REPEALER**. This Ordinance shall supersede and repeal all ordinances and parts thereof inconsistent or conflicting herewith.

SECTION 7: **EFFECTIVE DATE**. This Ordinance shall become effective immediately upon enactment.

DULY ORDAINED AND ENACTED this 3 day of Oct, 2006, by the Borough Council of Bowmanstown, in lawful session duly assembled.

ATTEST:

Lisa Woodring
LISA WOODRING, Secretary

BOROUGH OF BOWMANSTOWN
BOROUGH COUNCIL

William R. Raver
WILLIAM RAVERT, President

Approved this 3 day of October, 2006.

Keith G. Billig
KEITH G. BILLIG, Mayor

**KEITH G. BILLIG
MAYOR OF BOWMANSTOWN
CARBON COUNTY, PA
MY COMMISSION EXPIRES 1/04/2010**