

Canaan Township Dog Ordinance

An Ordinance of Canaan Township defining disturbing of the peace and establishing requirements, pursuant to §1506, §1527, §1529 and §1530 of the Second Class Township Code, for the control of nuisances and the restraining of dogs from running at large within the Township limits and prescribing penalties for violations.

§ 10-01. General Restrictions.

A. It shall be unlawful for any owner of any dog in Canaan Township to permit or allow such dog to:

- (1) Run at large other than on premises owned or operated by the owner, unless it is accompanied by its owner or a responsible person able to control it by command. For the purpose of this chapter, a dog or dogs hunting in company of a hunter or hunters shall be consider as accompanied by its owner, and a dog or dogs performing farm or livestock duties shall be considered as accompanied by its owner.
- (2) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog. (See also § 10-03 hereof.)
- (3) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of such dog.
- (4) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (5) Habitually chase, run alongside or bark at motor vehicles while on a public street or highway or upon public or private property other than the property of the owner or harborer of said dog.
- (6) Create a nuisance by defecating, urinating or digging on public property or private property other than the property of said owner.

B. Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by Subsection A of this section shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine or control his dog.

§ 10-02. Limitations on numbers of dogs harbored.

It shall be unlawful to keep more than six (6) dogs of six (6) months of age or more on any property, regardless of the number of owners, unless there is minimum of 10,000 square feet of lot area per dog and a license has been obtained from Canaan Township to operate a kennel on said premises. Kennels shall be located a minimum of three-hundred (300) feet from any adjoining property line and in granting a license the Township Board of Supervisors shall be authorized to impose special setbacks, buffers and other measures to limit noise, odor, water pollution and other impacts on adjacent properties. No kennel shall be operated on any property which lacks a full-time manager or resident manager to deal with problems of noise and other impacts on adjoining properties. All existing kennels shall be required to comply with the operational requirements of this Ordinance and make application for a license to operate a kennel, which application shall be made within thirty (30) days of the effective date of this Ordinance. Applications shall be accompanied by a fee of \$100, which amount may be amended from time to time by resolution of the Board of Supervisors. A license shall be good for twelve (12) months and may be renewed by the Board of Supervisors pending an inspection to determine that all operational standards continue to be met. A license may be revoked at any time if such standards are not being met, provided the owner has been given a warning and opportunity to remedy any problems, and no party shall operate a kennel without such license.

Canaan Township Dog Ordinance

§ 10-03. Limitations on dog barking.

A. Disturbing the peace.

It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 7 AM and 9 PM for more than one-half (1/2) hour or between 9 PM and 7 AM barking for more than five (5) minutes. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of persons in Canaan Township.

B. Warning procedure.

- (1) Any resident of the Township may request, in writing, that the Board of Supervisors warn any person who shall own, harbor or keep in custody any dog which disturbs the peace by barking.
- (2) Any such request shall identify the owner of the premises, the keeper or custodian of the dog and the name and address of the person making the request. Upon receipt of such request the Board of Supervisors or their designated agent shall investigate the complaint and, upon satisfaction that there is probably cause that such complaint is valid, shall give the owner, keeper or custodian of the dog a warning.
- (3) The warning shall consist of personal delivery of a copy of these provisions to such owner, keeper or custodian, or to someone in their household, or by mailing a copy of these provisions if the violator resides outside of Canaan Township, together with a written notice that no further warning shall be given and that any future complaints shall be prosecuted according to law.
- (4) A violation of this provision shall be deemed to have occurred upon a second or subsequent violation of § 10-03.A above which occurs after the date of delivery of the aforesaid warning.

§ 10-04. Violations

Any person violating the provisions of this Ordinance shall be subject to a fine of not more than Three Hundred (\$300.00) dollars and costs of prosecution, and, in default of payment of said fine and costs, to imprisonment for not more than thirty (30) days. Each day of violation shall be considered a separate violation. Such proceeding shall be enforced by summary proceeding brought in the name of Canaan Township before a Pennsylvania District Justice having appropriate jurisdiction. Responsibility for enforcement of this Ordinance shall rest with such official as may be designated by resolution of the Canaan Township Board of Supervisors or, in the absence of such designation, with any peace officer or officer of the court. The Township Board of Supervisors shall also be authorized to pursue such civil remedies as may be available under Commonwealth law including securing of an injunction to enjoin a property owner or other violator from continuing a violation or engaging in action that would constitute a violation.

§ 10-05. Waivers

The Township Board of Supervisors may, by resolution and for good cause, waive any of the requirements contained herein or establish classes of exemption.

§ 10-06. Separability

If any section, paragraph, clause or provision of this Ordinance be held invalid, the validity thereof shall not affect any of the other provisions of this Ordinance.

§ 10-07. Repeal

The enactment of this Ordinance shall serve as a repeal of any other Ordinance inconsistent herewith.

Canaan Township Dog Ordinance

§ 10-08. Effective Date

The Ordinance shall be effective five (5) days from the date of adoption.

ENACTED AND ORDAINED INTO LAW THIS 1st DAY OF MARCH, 2000 BY THE BOARD OF SUPERVISORS OF CANAAN TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA

ATTEST:

Township Secretary

Board of Supervisors