

ORDINANCE NO. 63

**AN ORDINANCE REGULATING THE KEEPING OF DOGS
IN THE TOWNSHIP OF BENNER**

BE IT ENACTED, AND IT HEREBY IS ENACTED BY THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP, AS FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known as the "Benner Township Dog Ordinance."

SECTION 2. AUTHORIZATION

This Ordinance is authorized by Article V Section 702 cls. XII, XXIX, XXXV, XLI, XLCCII, and LXII; 53 P.S. Sections 65712 (Nuisances); 65729 (Public Health); 65735 (Regulation of Dogs); 65741 (Ordinances); 65747 (Public Safety); and 65762 (General Powers).

SECTION 3. DEFINITIONS

CONTINUOUS BARKING -- Sustained barking by a dog.

DOG OWNER -- When applied to the proprietorship of a dog, means every person having a right of property in any dog, and every person who keeps or harbors any dog or has it in his/her care, and every person who permits any dog to remain on or about any premises occupied by him/her.

KEEPER -- Any person who shall possess, maintain, house or harbor any dog, or otherwise have custody of any dog, whether or not the owner of such dog, whether for compensation or otherwise.

CODE ENFORCEMENT OFFICER -- Ordinance Enforcement Officer of the Township of Benner, Centre County.

PREMISES -- A tract of land, including buildings.

REPETITIVE BARKING -- Barking by a dog at frequent intervals.

SECTION 4. CONFINEMENT AND CONTROL OF DOGS

It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:

- a. confined within the premises of the owner; or
- b. firmly secured by means of a collar and chain, leash, rope or other device so that it cannot stray beyond the premises on which it is secured; or

- c. under the reasonable control of some person, or when engaged in lawful hunting, exhibition or field training.

SECTION 5. EXCESSIVE BARKING

It shall be unlawful for any owner to keep or harbor any dog which barks repetitively during any given one hour period, or which barks continuously for a period of ten consecutive minutes or more, and which creates an annoyance or disturbance on any adjacent property or public right-of-way. The harboring of any such dog, as defined herein, is hereby declared to be a nuisance.

SECTION 6. ENFORCEMENT AND PENALTIES

- A. The Code Enforcement Officer of Benner Township shall be authorized to enforce the provisions of this Ordinance.
- B. Any person who shall violate any provision of this Ordinance shall, upon the first offense, be given a written warning notice by personal service or by certified mail, return receipt requested. It shall be a condition precedent to any enforcement action for penalties or fines, to show that a written warning was served upon or sent to the dog owner or keeper within the previous 12 month period.
- C. Any person who shall violate any provision of this Ordinance after notice of a previous violation as set forth in Section 6(B) above, shall, upon conviction thereof before a District Magistrate, be subject to pay a fine or not less than \$25.00 nor more than \$300.00, plus costs of prosecution for each offense.

SECTION 7. SEVERABILITY

Should any sentence, clause, section or part of this Ordinance be found to be unconstitutional, illegal or invalid for any reason, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections of this Ordinance.

If any sentences, clauses, sections or parts of this Ordinance conflict with any sentences, clauses, sections or parts of any other Ordinance of the Township of Benner or The Pennsylvania "Dog Law," such sentence, clause, section or part which was adopted most recently or which was excerpted from said Law which supersedes local ordinance shall prevail.

SECTION 8. REPEALER

Ordinance No. 56, enacted on February 7 1991, and known as the "Benner Township Animal Control Ordinance," is hereby repealed in its entirety.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective 5 days after enactment.

ENACTED AND ORDAINED this 22nd day of August 1994 A.D.

BENNER TOWNSHIP BOARD OF SUPERVISORS

By: _____
Michael R. Kelleher, Chairman

Richard C. Lahr, Vice Chairman

Helen M. Alters, Supervisor

ATTEST:

Sharon Royer, Secretary

(SEAL)