

Hickory Township, Lawrence County Pennsylvania  
Animal Ordinance  
Ordinance No. 1-2017

**SECTION A: PURPOSE**

The purpose of this Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Township by regulating the harboring and possession of animals.

**SECTION B: DEFINITIONS**

Whenever, in this Ordinance, the following terms are used they shall have the meaning as described to them in this chapter, unless, it is apparent from the context thereof that some other meaning is intended:

1. "Animal" means any pet or domesticated or wild animal of any species (native, exotic and otherwise) owned, possessed, kept, maintained, cared, boarded or controlled by any person, whether or not such animal is licensed.
2. "Nuisance" means 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.
3. "Owner" means, when applied to the proprietorship of an animal, (i) every person having a right of property in the animal, (ii) every person who keeps or harbors the animal or has it in his or her care for seven (7) consecutive days regardless of whether or not he or she has a right of property in the animal, and (iii) every person who permits the animal to remain on or about a premises owned and/or occupied by him or her for seven (7) consecutive days regardless of whether or not he or she has right of property in the animal.
4. "Private Property" means all property within Hickory Township which is not public property.
5. "Public Property" means all public property of any kind within Hickory Township, which shall include, but not be limited to, any public right-of-way, street, road, roadway, alley, sidewalk, walkway, passageway, travel way, path, sports arena, stadium, recreational field, park, yard, grounds, facility or building, or other public place where people meet, gather or congregate, or travel or move about, or officially conduct business with Township government; or any property whatsoever which is owned, leased, possessed or operated by or under the control of Hickory Township.

**SECTION C: 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, residents, or other persons 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.

**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 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.
2. Permission. If it shall be determined that a dog has disturbed the peace, quiet, rest, sleep or repose of any person or has caused 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.

**SECTION D: 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 property where people congregate or walk; or
  2. Upon any private property of another person without their permission of the owner of the 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.

**SECTION E: OFFENSIVE ODORS**

- A. Nuisance defined. An animal owner shall be presumed to have created or maintained a nuisance if he shall:
1. Permit an animal to cause annoyance or discomfort to the citizens, residents or other persons by emitting any offensive odor or smell from the animal(s), animal waste, animal housing or kennel.
- 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 an animal for more than 1/2 hour on any one occasion shall give rise to the presumption that such animal has caused the annoyance and discomfort of persons.
  2. Permission. If it shall be determined that an animal by its offensive odor or smell has caused the annoyance or discomfort of any person, it shall be conclusively presumed that the animal owner has permitted the occurrence to have happened.
- C. Exception. This section shall not apply in any district zoned "A – Agriculture".



## **SECTION F: NOTICE REQUIRED**

- A. Method of serving notice. Prior to the issuance of a citation for violation of this Ordinance, it shall be necessary for the Township to serve written notice upon the animal owner in one of the following ways:
1. By mailing copy of the notice to the animal owner by any form of mail requiring a receipt signed by the animal owner or his agent;
  2. By personal delivery of the notice to the animal owner, or to an adult member of the family with which he or she resides or to an adult person in charge of such residence, by a Hickory Township Police Officer;
  3. By fixing 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 Township Police 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 animal 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 the notice; and a statement to the effect that a complaint may be filed if the nuisance is not abated within twenty-four (24) hours of 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 (6) months; within six (6) months, no additional notice need be given prior to the determination of a violation of this Ordinance.

## **SECTION G: PENALTY FOR VIOLATION; ENFORCEMENT**

- A. Any officer of the Hickory Township Police Department is hereby authorized to determine in each case whether a violation of this Ordinance has occurred. Upon determining that a violation has occurred, the officer shall issue institute proceedings by issuing a citation to the individual determined to be in violation of the ordinance, or by any other means permitted under Rule 400 of the Pennsylvania Rules of Criminal Procedure.
- B. Enforcement shall be by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- C. Any person who violates or permits a violation of this Ordinance shall, upon being convicted in a summary proceeding, pay a fine of not more than \$300, plus all court costs, including reasonably attorney fees incurred in the enforcement of this Ordinance.

D. In default of the payment of such fine and costs, it shall be the duty of the District Justice to commit such person to the Lawrence County Jail until such time as the costs shall be paid, not exceeding, however, a period of thirty (30) days.

E. Each day a violation exists shall constitute a separate offense.

**SECTION H: SEVERABILITY**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

**SECTION I: REPEALER**

All prior Ordinances, to the extent they are inconsistent herewith, are hereby repealed and rescinded in whole or in part to the extent inconsistent herewith.

**SECTION J: CONFLICTS**

Should any provision of this Ordinance be in conflict with any other section, provision, regulation or standard of any other Township Ordinance, the more restrictive shall apply.

**SECTION K: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption by the Hickory Township Board of Supervisors.

**ENACTED AND ORDAINED** into law by the Board of Supervisors of Hickory Township, Lawrence County, Pennsylvania, this 3<sup>rd</sup> day of April, 2017.

**HICKORY TOWNSHIP BOARD OF SUPERVISORS**

Attest: Carol A. Kordish  
Carol A. Kordish,  
Secretary

Kathleen Abranovich  
Kathleen Abranovich,  
Chairman

William W. Dean  
William W. Dean  
Vice-Chairman

Jon P. Sweet  
Jon P. Sweet  
Supervisor