

Upon motion of Roy Thomson, seconded
by Bob Brown, the following Ordinance was duly adopted;
3 voting in favor of enactment, 0 voting against enactment.

ORDINANCE NO. 91-007

**AN ORDINANCE PROHIBITING DOGS AND CATS
FROM RUNNING AT LARGE AND PROHIBITING
UNUSUAL OR EXCESSIVE NOISE BY SAID ANIMALS**

WHEREAS, it is the opinion of the Supervisors of North East Township that the health and welfare of the residents of the Township require the regulation of the activities of dogs and cats within the Township.

NOW THEREFORE, be it ordained and enacted by North East Township, Erie County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The following words and phrases as used in this Ordinance shall have the meanings set forth below, except where the context clearly indicates a different meaning:

"OWNER" - Any person, who or which owns, possesses, maintains, houses, keeps, or permits a dog or cat within the Township of North East.

"NOISE" - Any sound made by a dog or cat which annoys or disturbs humans or which causes or tends to cause adverse psychological or physiological effect on humans.

"PERSON" - A natural person, partnership, corporation, fiduciary, or association. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to any partnership, association, corporation or other entity, shall mean the partners, members or officers thereof.

"PERMIT" - To allow, consent, let, give leave or license, to acquiesce by action or failure to prevent, or to expressly accept or agree to the doing of an act.

SECTION 2. It shall be unlawful for the owner of a dog or cat to permit such animal to run at large in the Township of North East, either upon the public streets or highways, or upon property other than that of the owner or other person from which express permission has been obtained.

SECTION 3. An owner of a dog or cat shall not permit said dog or cat to make any loud or harsh noise or disturbance which shall interfere with or deprive the peace, quiet, rest, or sleep of any person within the Township.

SECTION 4. Any police officer, dog enforcement officer, or other person charged with the enforcement of ordinances within the Township, upon receiving a complaint or information that a violation has occurred of the foregoing provisions, said person shall investigate the complaint, and upon a finding of probable cause, shall issue to the owner of the animal or animals, notice of violation and direct the owner to comply with the terms of the Ordinance and prevent future violations. A record shall be maintained of all warnings given pursuant to this Section.

SECTION 5. Upon receiving a second or subsequent complaint or information within twelve (12) months of the issuance of a notice as set forth above, a police officer, dog enforcement officer, or other individual charged with the enforcement of this Ordinance, upon finding of probable cause to believe that a violation of this Ordinance has occurred, then in that event, said officer or other official shall initiate summary proceedings against such owner in accordance with the Pennsylvania Rules of Criminal Procedure.

SECTION 6. Any person who shall violate any of the provisions of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars, nor more than Six Hundred (\$600.00) Dollars, along with costs of prosecution and

attorney fees, and on default of payment of the fine and/or penalty imposed, the Defendant may be sentenced and committed to imprisonment for not more than ten (10) days in the Erie County Jail. Each day's violation of any of the provisions of this Ordinance shall constitute a separate offense and shall be subject to separate fine or imprisonment therefore.

SECTION 7. Any Ordinance conflicting with this Ordinance is hereby repealed insofar as the same effects this Ordinance. The singular shall include the plural and the masculine shall include the feminine.

SECTION 8. The provisions of this Ordinance shall be severable, if any of its provisions shall be held invalid, the same shall not affect or impair the remaining provisions of this Ordinance.

ENACTED AND ADOPTED this 3rd day of December, 1991.

**NORTH EAST TOWNSHIP BOARD OF
SUPERVISORS**

Robert L. Brown
Robert Brown

Frank E. Fenton
Frank E. Fenton

Roy D. Thomson
Roy D. Thomson

ATTEST:

Roy D. Thomson
Roy D. Thomson, Secretary