

# DRAFT

## **BOROUGH OF SWOYERSVILLE LUZERNE COUNTY, PENNSYLVANIA**

### **AMENDMENT TO DOGS ORDINANCE CHAPTER 44**

#### **AN ORDINANCE OF THE BOROUGH OF SWOYERSVILLE AMENDING CHAPTER 44 AS THE SAME RELATES TO THE "DOGS"**

WHEREAS, the Borough of Swoyersville, Luzerne County, was organized under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough of Swoyersville has enacted Chapter 44 as the same relates to "DOGS"

WHEREAS, there it has been brought to the attention of Borough Council that an issue has arisen with respect to "Dogs Running at Large" in the Borough; and

WHEREAS, the Swoyersville Borough of Council desires to provide a remedy for this issue and offer relief to the residents of the Borough of Swoyersville who are affected by the same; the Swoyersville Borough Council hereby amends Chapter 44-1 as the same relates to Stray or unattended dogs and nuisances unlawful as follows:

44-1D. Permitting Dogs Running at Large

#### **D. Running at Large**

##### **44-D-101 DEFINITIONS:**

As used in this section of the Dog Ordinance the following terms have the meaning indicated unless a different meaning clearly appears from the context.

##### **OWNER**

Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

##### **RUNNING AT LARGE**

Being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

# DRAFT

## **44-D-102 UNLAWFUL TO ALLOW DOGS TO RUN AT LARGE**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of Swoyersville. The owner shall have said dogs or dogs under the control of an appropriate leash at all times.

## **44-D-103 SEIZING OF DOGS**

Any police officer or dog warden of code enforcement officer may seize any dog found at large in the Borough of Swoyersville. Such dog or dogs are to be impounded in a licensed kennel.

## **44-D-104 LICENSED DOGS**

Owners of a licensed dog or dogs are to be notified by registered or certified mail, with return receipt, that the dog or dogs is/are impounded and will be disposed of in five (5) days if not claimed. Five (5) days after the return receipt has been received and the dog or dogs may be sold or destroyed in accordance with the Dog Law 3 P.S. section 459-301 et seq.

## **44-D-105 UNLICENSED DOGS**

An unlicensed dog or dogs that are seized are to be held in such kennel for Forty-Eight (48) hours and if not claimed may be destroyed in accordance with the Dog Law, 3 P.S. section 459-301 et seq.

## **44-D-106 THREATENING DOGS**

Any dog or dogs that, in the opinion of any police officer, dog warden or code enforcement officer, constitute a threat to public health and welfare may be killed by the police, dog warden or code enforcement officer.

## **44-D-107 PENALTY**

The first time a dog is seized the owner shall pay a fine of One Hundred (\$100.00) dollars to the Borough of Swoyersville as well as reasonable fees for keeping the animal in a kennel. The second time a dog is seized the owner shall pay a fine of Two Hundred (\$200.00) dollars to the Borough of Swoyersville as well as reasonable fees for keeping the animal in a kennel. Any person allowing an animal to run at large a third or subsequent time in violation of this Part of the Ordinance shall pay a fine of not less than Three Hundred (\$300.00) dollars and not more than One Thousand (\$1000.00) dollars plus reasonable fees for keeping the animal in a kennel and in default of payment of said fine and costs to a term of imprisonment not to exceed Thirty (30) days. Each day that a violation of this Part of the Ordinance continues or each section of this Part of the Ordinance which shall be found to have been violated shall constitute a separate offense.

ALL OTHER ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT  
HEREWITH ARE HEREBY EXPRESSLY REPEALED.

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Passed at a regular meeting of Swoyersville Borough Council on this \_\_\_\_\_ day of February, 2021.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor

DATED: February \_\_\_\_\_ 2021

ATTEST: \_\_\_\_\_  
Borough Secretary