

AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA REGULATING THE KEEPING OF DOGS IN THE TOWNSHIP BY PROHIBITING THEM FROM RUNNING AT LARGE; BY MAKING IT UNLAWFUL FOR THE DOGS TO BE ALLOWED TO DISTURB THE PEACE, INJURE HUMANS, OR CREATE A NUISANCE; AND PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

ORDINANCE NO. 6 – 5 – 23

**MUNICIPALITY OF  
EXETER TOWNSHIP**

LUZERNE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

June 5, 2023

**EXETER TOWNSHIP**  
**Luzerne County, Pennsylvania**

**ORDINANCE No. 6-5-23**

**AN ORDINANCE OF THE TOWNSHIP OF EXETER, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA REGULATING THE KEEPING OF DOGS IN THE TOWNSHIP BY PROHIBITING THEM FROM RUNNING AT LARGE; BY MAKING IT UNLAWFUL FOR THE DOGS TO BE ALLOWED TO DISTURB THE PEACE, INJURE HUMANS, OR CREATE A NUISANCE; AND PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.**

WHEREAS, for the past several months preceding the enactment of this Ordinance, residents of Exeter Township have expressed their concerns to the Board of Supervisors about dogs running at large and disturbing the peace by excessive barking; and

WHEREAS, the Pennsylvania Dog Law of 1982, as amended, 3 P.S. § 459-101 et seq., governs many of the issues raised by township residents related to dogs as domestic pets; and

WHEREAS, notwithstanding the Dog Law, the Board of Supervisors wish to establish township regulations for the keeping of dogs in Exeter Township and providing for the enforcement of penalties for violations of those regulations; and

WHEREAS, it is the intent and purpose of this Ordinance to provide for the general health, safety, and welfare of the residents of Exeter Township by providing for more effective regulation and control of dogs within the township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Exeter, County of Luzerne, and Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

The recitals of this Ordinance as set forth above are incorporated herein by reference.

**SECTION I: DISTURBANCE OF PEACE**

It shall be unlawful to own, harbor, or keep in custody any dog which disturbs the peace by barking, howling, screeching, yelping, baying, or making other loud noises to the annoyance and discomfort of any person in the Township of Exeter. Continuous barking, howling, screeching, yelping, baying, or making other loud noises for more than forty-five (45) minutes, which periods occur on two (2) or more consecutive days or nights, shall be deemed to disturb the peace and cause the annoyance and discomfort of persons in the Township of Exeter.

## **SECTION II: RUNNING AT LARGE PROHIBITED**

It shall be unlawful for any person who owns, harbors, keeps, or is in charge of any dog to permit such dog to run at large in violation of the provisions of the Pennsylvania Dog Law of 1982; specifically 3 P.S. § 459-305. Any owner or keeper of a dog running at large in violation of the Dog Law or this Ordinance shall be subject to the penalties as provided therein.

## **SECTION III: NUISANCES**

No person owning, harboring, keeping, or in charge of any dog shall cause or allow such dog to soil, defile, or defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or on any public property whatsoever, and not on any private property without the permission of the owner of said property. These restrictions shall not apply under the following conditions:

**A.** If a dog soils or defecates on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or on any public property whatsoever, or on private property without the permission of the property owner, the person owning, harboring, keeping, or in charge of said dog shall immediately remove all feces deposited by such dog by any sanitary method.

**B.** The feces removed from the aforementioned areas described in Subsection A above shall be disposed of by the person owning, harboring, keeping, or in charge of said dog in a sanitary manner.

## **SECTION IV: WARNINGS**

Any person may request the Wyoming Area Regional Police Department or any successor law enforcement agency to warn (1) any person who owns, harbors, keeps or is in charge of any dog which disturbs the peace by barking, howling, screeching, yelping, baying, or making other loud noises to the annoyance and discomfort of any person in the Township of Exeter; (2) any person who owns, harbors, keeps or is in charge of any dog who permits such dog to run at large; or (3) any person who owns, harbors, keeps or is in charge of any dog which soils, defiles, or defecates on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or on any public property whatsoever, or on any private property without the permission of the owner of said property.

Any such request made to the Wyoming Area Regional Police Department shall identify the address of the person making the request, and shall identify the person who owns, harbors, keeps or is in charge of any dog who violated the terms of this Ordinance. The Wyoming Area Regional Police Department shall also be provided with sufficient detail of the alleged violation(s).

Upon receipt of a request as described above, the Wyoming Area Regional Police shall mail, by regular and certified mail, a copy of this Ordinance and a description of the alleged violations thereof to the person identified as having ownership or control of the dog in question.

A violation of this Ordinance shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of Sections I, II, and/or III above.

#### **SECTION V: INJURY TO HUMANS**

It shall be unlawful for any person who owns, harbors, keeps or is in charge of any dog to permit said dog to injure any human being by biting, scratching, or attacking said human being.

#### **SECTION VI: EXEMPTIONS**

This Ordinance shall not apply to farm animals, a police work dog in the performance of its duties, or a dog being actively used for hunting by an individual possessing a valid permit or license issued by the Commonwealth of Pennsylvania.

#### **SECTION VII: VIOLATIONS AND PENALTIES**

Any person who shall be convicted of violating this Ordinance shall be punishable by a fine of three hundred dollars (\$300.00) plus all costs of prosecution, and in default of payment of such fine and costs, imprisonment for not more than thirty (30) days. The continuation of such violation(s) for each successive day shall constitute a separate offense, and the person committing the same may be punished as provided above for each separate offense.

#### **SECTION VIII: REPEALER**

Any ordinance or resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

#### **SECTION IX: SEVERABILITY**

The provisions of this Ordinance shall be severable. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, and/or invalid, such unconstitutionality, illegality, and/or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, and/or parts of this Ordinance.

**SECTION X: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon enactment hereof.

**DULY ENACTED AND ORDAINED** this 5<sup>TH</sup> day of June 2023, by the Board of Supervisors in lawful session duly assembled.

**TOWNSHIP OF EXETER**

By: *Nancie Redmond*  
**NANCIE REDMOND, Chairperson**  
**Board of Supervisors**

ATTEST:

*Paige Evans*  
**PAIGE EVANS, Secretary**