

**MIFFLIN TOWNSHIP**  
**DAUPHIN COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 17-08**

**AN ORDINANCE OF MIFFLIN TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, DEFINING DISTURBING OF THE PEACE AND ESTABLISHING REQUIREMENTS, PURSUANT TO §1506, §1527, §1529 AND §1530 OF THE SECOND CLASS TOWNSHIP CODE, FOR THE CONTROL OF NUISANCES AND THE RESTRAINING OF DOGS FROM RUNNING AT LARGE WITHIN THE TOWNSHIP AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

**SECTION 1. PURPOSE:**

The purpose of this Ordinance is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs within the Township.

**SECTION 2. AUTHORITY:**

This Ordinance is enacted pursuant to the provisions of the Second Class Township Code, §1506 (general powers of the Board of Supervisors), §1527 (public safety), §1529 (nuisances), and §1530 (regulation of dogs).

**SECTION 3. DEFINITIONS:**

(a) **“Township”** means the Township of Mifflin in the County of Dauphin in the Commonwealth of Pennsylvania.

(b) **“Owner;”** means any person who harbors or keeps any dog. In the event any dog found in violation of this ordinance shall be owned by a person under eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

(c) **“Harbor”** means to regularly provide food or shelter to any dog.

(d) **“At large”** means any dog that is not confined or is unleashed and on property open to the public or is on private property not owned or leased by

the owner of the dog, unless permission for such presence has been obtained from the owner of such property.

#### **SECTION 4. GENERAL RESTRICTIONS:**

A. It shall be unlawful for any owner of any dog in Mifflin Township to permit or allow such dog to:

(1) Run at large other than on premises owned or leased by the owner of the dog, unless it is accompanied by its owner or a responsible person able to control it by command. A dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner, and a dog or dogs performing farm or livestock duties shall be considered as accompanied by its owner.

(2) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(3) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of such dog.

(4) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

(5) Habitually chase, run alongside or bark at motor vehicles while on a public street or highway or upon public or private property other than the property of the owner or harbinger of said dog.

(6) Create a nuisance by defecating, urinating or digging on public property or private property other than the property of said owner.

#### **SECTION 5. LIMITATIONS ON DOG BARKING:**

A. Disturbing the peace.

It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 7:00 a.m. and 9:00 p.m. for more than one-half ( $\frac{1}{2}$ ) hour or between 9:00 p.m. and 7:00 a.m. barking for more



than five (5) minutes. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of the residents of the Township.

**B. Warning procedure.**

(1) Any resident of the Township may request, in writing, that the Board of Supervisors warn any person who shall own, harbor or keep in custody any dog which disturbs the peace by barking.

(2) Any such requests shall identify the owner of the premises, the keeper or custodian of the dog and the name and address of the person making the request. Upon receipt of such request, the Board of Supervisors or their designated agent shall investigate the complaint and, upon satisfaction that there is probable cause that such a complaint is valid, shall give the owner, keeper or custodian of the dog a warning.

(3) The warning shall consist of personal delivery of a copy of these provisions to such owner, keeper or custodian, or someone in their household, or by mailing a copy of these provisions if the violator resides outside of the Township, together with a written notice that no further warnings shall be given and that any further complaints shall be prosecuted according to law.

(4) A violation of this provision shall be deemed to have occurred upon a second or subsequent violation of this section which occurs after the date of delivery of the aforesaid warning.

**SECTION 6. VIOLATIONS:**

Any person violating the provisions of this Ordinance shall be subject to a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution, and, in default of payment of said fine and costs, to imprisonment for not more than thirty (30) days. Each day of violation shall be considered a separate violation. Such proceeding shall be enforced by summary proceeding brought in the name of the Township before a magisterial district judge having appropriate jurisdiction. Responsibility for enforcement of this Ordinance shall rest with such official as may be designated by resolution of the Township Board of Supervisors or, in the absence of such designation, with any peace officer or officer of the court. The Township Board of Supervisors shall also be authorized to pursue such civil remedies as may be available under the laws of the Commonwealth of Pennsylvania, including securing of an injunction to enjoin a property owner or other violator from continuing a violation or engaging in action that would constitute a violation.

**SECTION 7. WAIVERS:**

The Township Board of Supervisors may, by resolution and for good cause shown, waive any of the requirements contained herein or establish classes of exemption.

**SECTION 8. SEPARABILITY:**

If any section, paragraph, clause or provision of this Ordinance is deemed or declared invalid, the validity thereof shall not affect any other provisions of this Ordinance.

**SECTION 9. REPEAL:**

The enactment of this Ordinance shall serve as a repeal of any other Ordinance inconsistent herewith.

**SECTION 10. EFFECTIVE DATE:**

This Ordinance shall be effective 3 days from the date of adoption.

**ENACTED AND ORDAINED INTO LAW THIS 12<sup>th</sup> DAY OF August, 2008  
BY THE BOARD OF SUPERVISORS OF MIFFLIN TOWNSHIP, DAUPHIN  
COUNTY, PENNSYLVANIA.**

Attest:

BOARD OF SUPERVISORS  
MIFFLIN TOWNSHIP



*D. Straub*  
Secretary

*Paul M. Reitz*  
Paul M. Reitz, Chairman

*Albert G. Mauser*  
Albert G. Mauser

*Ronald C. Kolva*  
Ronald C. Kolva