

**BOROUGH OF MONTROSE
ORDINANCE NO. 1996 -**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MONTROSE BOROUGH
SECTION BY ADDING A NEW ORDINANCE NO. 1996 -
TO BE ENTITLED DOG ORDINANCE, WHICH ORDINANCE PROVIDES FOR
DEFINITIONS OF THE OWNERS RESPONSIBILITY OF BARKING DOGS, AND
PENALTIES FOR THE VIOLATION THEREOF.**

It is hereby ordained and enacted by the Council of the
Borough of Montrose in regular session assembled this day
of , 1996, as follows:

SECTION 1 - DEFINITIONS:

"Borough" shall mean the Borough of Montrose, Susquehanna County,
Pennsylvania.

"Dog" is any member of the animal species, *Canis Familiaris*,
whether male or female, neutered or spayed, 6 months or more in
age.

"Owner" is any person having the right of property in any dog;
who keeps a dog, who owns a dog in his care or custody; or who
willingly permits a dog in or about a premises occupied by him.

"Person" is any individual, male or female, firm, corporation,
partnership, association, trust, estate, or other legal entity.

"Police" means any full time or part time member of the Police
Department of the Borough of Montrose, or any officer of the
Pennsylvania State Police or any Pennsylvania Dog Enforcement
Officer.

SECTION 2 - BARKING DOGS

(A) It shall be unlawful for any person knowingly to keep or
harbor any dog which habitually barks, howls, yelps to the great
discomfort of the peace and quiet of the neighborhood, or in such
manner as to materially disturb or annoy persons in the
neighborhood who are of ordinary sensibilities. Such dogs are
hereby declared to be a public nuisance.

(B) Petitions complaining of barking dogs:

1. Whenever any person shall complain to the Police Department that a dog which habitually barks, howls, or yelps is being kept by any person in the Borough, the Police Department shall notify the owner of said dog that a complaint has been received and that the person should take whatever steps necessary to alleviate the barking, howling or yelping.

2. If the warning given to the person alleged to be keeping a dog as set forth in (1) above is ineffective, then a verified complaint of at least two citizens not from the same family may be presented to the Police Department, alleging that a dog which habitually barks, howls or helps is being kept by any person in the Borough. The Police Department shall inform the owner of such dog that said petition has been received and shall cite the owner of the dog for the violation of this section.

SECTION 3 - VALIDITY:

If any section, provision, sentence, clause or part of this ordinance shall for any reason be held unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, provisions, or clauses or parts of this ordinance.

SECTION 4 - PENALTY:

Any person or persons convicted of violating this ordinance shall be subject to a fine of not more than three hundred dollars (\$300.00) and costs.

DULY ORDAINED AND ENACTED this day of ,
1996.

ATTEST:

Secretary

BY: _____
Montrose Borough Council President

APPROVED this day of , 1996.

BY: _____
Montrose Borough Mayor