ORDINANCE NO. 2026-179

Amended July 15, 2026
Previous Ordinance No. 2000-120

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HAMILTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES RELATING TO DOGS AND CATS ON PRIVATE AND PUBLIC PROPERTY WITHIN THE TOWNSHIP; ESTABLISHING PROCEDURES FOR ENFORCEMENT OF THE SAME; AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, The Board of Supervisors deems it to be in the best interests and general welfare of the citizens and residents of this Township to prohibit disturbances of the peace caused by dogs and cats on public and private property and unreasonable annoyance and discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, the Second Class Township Code, as amended, 53 P.S. Section 65712, authorized Townships of the Second Class to prohibit nuisances, and to impose penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Hamilton Township, Franklin County, Pennsylvania, and it is hereby enacted and ordained by Authority of the same as follows:

SECTION 1: DEFINITIONS. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number and words in the singular number include the plural number; any personal pronoun shall be construed so as to mean either the masculine, feminine or neuter gender, as the context may require; and the word "shall" is always mandatory and not merely precatory.

(1) "Township" is the Township of Hamilton, Franklin County, Pennsylvania.

(2) "Board of Supervisors" is the Board of Supervisors of Hamilton Township, Franklin County, Pennsylvania.

(3) "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.

(4) "Person" is any natural person, firm, partnership, association, corporation, company or organization of any kind.

(5) "Nuisance" is the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

(6) "Dog Owner" shall include every person having a right or proprietorship or ownership in a dog; and every person who keeps or harbors a dog or has it in his care or custody; and every person who permits a dog to remain on or about any premises occupied by him; and the parents of any child under

18 years of age who owns or has the control and custody of a dog; regardless of whether any such dog is licensed or unlicensed.

(7) "Cat Owner" shall include every person having a right of proprietorship or ownership in a cat; and every person who keeps or harbors a cat or has it in his care or custody; and every person who permits a cat to remain on or about any premises occupied by him; and the parents of any child under 18 years of age who owns or has the control and custody of a cat; regardless of whether any such cat is licensed or unlicensed.

(8) "Non-commercial Livestock" is an shall include any animal of the bovine, equine, camelidae, goat, sheep or rabbit family, which is not raised on a commercial farming or agricultural operation, duly licensed and permitted as a commercial operation by Hamilton Township and/or otherwise under the law.

(9) "Permits" means to suffer, allow, consent, let; to give, leave or license; to acquiesce by failure to prevent, or to expressly accept or agree to the doing of any act.

SECTION 2: BARKING DOGS

(A) Nuisance Defined. With respect to dogs, a dog owner shall be presumed to have created or maintained a nuisance if he shall:

(1) permit his dog to cause annoyance or discomfort to or to disturb the peace of the citizens, residents or other persons lawfully in the Township, by barking, yelping, howling or causing any other unseemly noise; or

(2) permit his dog to make any loud or harsh noise or disturbance with such frequency as to interfere with or disturb the peace, quiet, rest, sleep, or repose of any person within the Township.

(B) Presumptions.

(1) Disturbance of the Peace: Annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this section. However, continuous barking, yelping, howling or the making of any loud or harsh noise by a dog for more than one-half (1/2) hour on any one occasion shall give rise to the presumption that such dog has disturbed the peace and has caused the annoyance and discomfort of persons in the Township.

(2) Permission. At the trial of any charge of violation of this section, if it shall be determined that a dog has disturbed the peace, quiet, rest, sleep or repose of any person within the Township or has caused the annoyance or discomfort of such persons by barking, yelping, howling or causing any other unseemly noise as hereinbefore set forth, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

SECTION 3: OFFENSIVE DOG ODORS.

(A) Nuisance Defined. With respect to dogs, a dog owner shall be presumed to have created or maintained a nuisance if he shall:

permit his dog to cause annoyance or discomfort to the citizens, residents or other persons lawfully in the Township, by emitting any offensive odor or smell whether from a dog, dog waste, dog box, dog kennel or dog run.

(B) Presumptions.

(1) Annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this section. However, continuous odor or smell from a dog for more than one-half (1/2) hour on any one occasion shall give rise to the presumption that such dog has caused the annoyance and discomfort of persons in the Township.

(2) Permission. At the trial of any charge of violation of this section, if it shall be determined that a dog by its offensive odor or smell has caused the annoyance or discomfort of any person within the Township, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

SECTION 4: DOG AND CAT DEFECATION AND URINATION.

(A) Nuisance Defined. With respect to dogs and cats, a dog owner or cat owner shall be presumed to have created or maintained a nuisance if he shall permit his dog or cat to defecate or urinate,

(1) upon any street, sidewalk, passageway, park or any other public place where people congregate or walk; or

(2) upon any private property of another person without the permission of the owner of said property

unless, with regard to the defecation only, such dog owner or cat owner shall immediately remove and dispose of in a sanitary manner all feces deposited by such dog or cat.

(B) Presumption. At the trial of any charge or violation of this section, if a dog or cat has defecated or urinated upon public or private property as hereinbefore set forth, it shall be conclusively presumed that the dog owner or cat owner has permitted the occurrence to have happened.

SECTION 4.a: NON-COMMERCIAL KEEPING OF LIVESTOCK.

(A) Nuisance Defined. With respect to non-commercial livestock, an owner shall be presumed to have created or maintained a nuisance if he shall permit any animals to roam freely,

(1) upon any street, sidewalk, passageway, park or any other public place where people congregate or walk; or

(2) upon any private property of another person and/or causing property damage or disturbance, without the permission of the owner of said property

(B) Presumptions.

(1) Damage or Disturbance. It shall not be necessary to establish that any occurrence has taken place in order to find a violation of this section. However, continuous occurrences shall give rise to the presumption that such livestock has caused property damage and disturbance of persons in the Township.

(2) Permission. At the trial of any charge of violation of this section, if it shall be determined that the livestock has caused the annoyance or discomfort of any person within the Township, it shall be conclusively presumed that the owner has permitted the occurrence to have happened.

SECTION 5: NOTICE REQUIRED.

(A) Method of Serving Notice. Prior to the filing of a private civil complaint for violation of Section 2, 3 or 4 of this Ordinance, it shall be necessary to serve written notice upon the dog owner or cat owner in one of the following ways:

(1) by mailing copy of the notice to the dog owner or cat owner by any form of mail requiring a receipt signed by the dog owner or cat owner or his agent; or

(2) by personal delivery of the notice to the dog owner or cat owner; or

(3) by handing a copy of the notice at the residence of the dog owner or cat owner to an adult member of the family with which he resides; but if no adult of the family is found, then to an adult person in charge of such residence; or

(4) by fixing a copy of the notice to the door at the entrance of the premises in violation.

(B) Form to be Provided. Notice required under this section must be given on a form prescribed and provided by the Township and said required notice may be executed and served as required by the aggrieved party or by a Township Official on complaint received from the aggrieved party in writing and signed.

(C) Content of Notice. Notice shall set forth the name and address of the dog owner or cat owner; the nature and extent of the violation or offense; the identity of the person giving notice; the date of the sending or posting of notice; and a statement to the effect that a complaint may be filed if the nuisance is not abated within twenty-four (24) hours of the time of receipt or posting of notice.

(D) Duration of Notice. Any notice given pursuant to this section shall be valid for a period of six (6) months; within six (6) months, no additional notice need be given prior to the filing of a private complaint.

SECTION 6: PENALTY FOR VIOLATION. Any person found guilty of a violation of this Ordinance in a civil proceeding before a District Magistrate shall pay a fine of not more than Three Hundred Dollars ($300.00) and the costs of prosecution including court costs and reasonable attorney's fees. Each day's continuance of a violation shall constitute a separate offense.

SECTION 7: ENFORCEMENT. The provisions of this Ordinance may be enforced by any person who, after prior notice is given as required, shall, as an affiant, institute a civil proceeding by filing a complaint with the District Magistrate as provided by law.

SECTION 8: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

SECTION 9: CONFLICTING ORDINANCES. Any Ordinance inconsistent with the provisions of this Ordinance is hereby repealed to the extent of the conflict.

SECTION 10: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into an Ordinance this 15th day of July, 2026.

BOARD OF SUPERVISORS OF HAMILTON TOWNSHIP

_____

Jeffrey T. Rockwell, Chairman

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Richard K. Troup, Vice Chairman

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Ronald R. Yeager, Supervisor

ATTEST:

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Patricia L. Clugston, Secretary