

## ORDINANCE NO. 2 OF 2003

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS FOR THE KEEPING, LICENSING AND CONTROL OF ANIMALS BY OWNERS AND/OR PERSONS HAVING CUSTODY OF ANIMALS, PROVIDING FOR AN ANIMAL CONTROL OFFICER AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; KNOWN AS THE ANIMAL CONTROL ORDINANCE

**BE IT ORDAINED AND ENACTED** by the Coaldale Borough Council, it is hereby ordained and enacted by the authority of the same as follows:

### Article I-General Provisions

Section 1. PURPOSE: The purpose of this article is to promote harmonious relationships in the interaction between humans and animals by:

- (a) protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (b) delineating the animal owner's and harboring's responsibility for the acts and behavior of his/her animal at all times;
- (c) providing security to residents from annoyance, intimidation, injury and health hazards by animals;
- (d) encouraging responsible pet ownership; and,
- (e) providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever.

Section 2. DEFINITIONS: As used in this article:

- (a) "Animal" is any mammal, domestic or wild, other than man which may be affected by rabies.
- (b) "Animal control officer" is that person educated in the care, seizure, custody and confinement of animals, a police officer or any agent as appointed by the Borough Council.
- (c) "Animal nuisance" is created when an animal:
  - (1) runs uncontrolled;
  - (2) molests or disturbs persons or vehicles by chasing, barking or biting;
  - (3) attacks other animals;
  - (4) damages property other than that of the owner or harboring;
  - (5) Barks, whines, howls, honks, brays, cries or makes any other noises, continuously and/or incessantly for a period of ten (10) minutes or make such noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance, provided that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.
  - (6) creates noxious or offensive odors;

(7) defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer; or,

(8) creates an insect breeding and/or attraction site or unsanitary condition due to an accumulation of excreta.

(d) "Animal shelter" is a licensed facility, public or private, used to confine and house animals seized, lost, abandoned or given over by owners.

(e) "Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced and saliva of the biting animal has contacted the resulting break or abrasion of the skin.

(f) "Borough" is Coaldale Borough, Schuylkill County, Pennsylvania.

(g) "Cat" is any member of the animal species *Felis Catus* three (3) months or more in age.

(h) "Control" of an animal means that same is on a leash not more than eight feet in length; is under voice control in the presence of a competent person; is on or within a vehicle being driven or parked; or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.

(i) "Dog" is any member of the animal species *Canis Familiaris* three (3) months or more in age.

(j) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

(k) "Euthanasia" is a death brought about by any method which produces rapid loss of consciousness to a painless death.

(l) "Exhibitor" is a person who exhibits animals, normally dogs and cats, for compensation or improvement of the breed.

(m) "Face bite" is a bite anywhere above the shoulders of a human.

(n) "Groomer" is a person who performs the service of trimming, bathing or pedicure of animals, normally dogs and cats.

(o) "Harbinger" is any person who provides food and shelter for any domesticated animal.

(p) "Owner" is any person having right of property in any animal; who keeps an animal; who has an animal in his or her care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him or her.

(q) "Person" is any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

(r) "Pound" is that facility as designated or described by the Borough used to temporarily confine and house animals that have been seized.

(s) "Trainer" is a person qualified by training and experience in various facets of animal life, normally dogs.

(t) "Vaccination" is the administration of anti-rabe vaccine by a licensed veterinarian at such intervals as required by state statutes and the State Department of Agriculture.

(u) "Vicious (dangerous) animal" is any animal, domestic or wild, known to attack a person where he may lawfully be at any time without provocation, or any animal that bites or otherwise injures a human.

(v) "Work dog" is any member of the animal species *Canis Familiaris* trained for and actively engaged in rescue, law enforcement or war work, or as a guide for the blind or deaf.

- (w) "Voice control" is deemed to mean that an animal:
- (1) is physically capable of hearing normal commands;
  - (2) is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary;
  - (3) has been adequately trained in obedience so as to be capable of understanding control commands; and,
  - (4) either continually demonstrates, or is able to demonstrate on demand, response to a command that will cause the animal to immediately come into close proximity to the controller and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.

Section 3. ANIMAL CONTROL OFFICER: There is hereby created the position of animal control officer within the organization of the police department. The animal control officer or an agent, or any officer of the law:

- (a) shall enforce all the provisions of this ordinance;
- (b) at reasonable times and subject to constitutional restrictions on unreasonable searches and seizures, may enter upon private premises to apprehend a stray animal, a vicious animal, a wild creature or an animal suspected of being infected with rabies;
- (c) may enter upon private premises to investigate complaints or irresponsibility or inhumane animal care;
- (d) may seize, impound or dispose of any vicious animal of any kind when necessary for the protection of any person or animal;
- (e) if entry is refused or not obtained, the officer is authorized to pursue recourse as provided by law; and,

Section 4. RESPONSIBLE ANIMAL CARE: It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his or her animal:

- (a) sufficient quantity of good and wholesome food and water;
- (b) proper protection and shelter from the weather;
- (c) veterinary care when needed to prevent suffering;
- (d) humane treatment;
- (e) prompt removal and sanitary disposal of all excreta deposited by his or her animal anywhere in the Borough; and
- (f) any other provision under the Pennsylvania Crimes Code Title 18, Section 5511.

Section 5. RABIES CONTROL: All cases of rabies occurring within the Borough shall be reported by the animal control officer to the Pennsylvania Department of Health. If in the opinion of the animal control officer, danger of a rabies epidemic exists, legal notice shall be used to inform all owners and harborers of animals to confine or securely muzzle their animals for such period of time as shall be designated in the published notice.

Section 6. RABIES PROCEDURE: It shall be unlawful for the owner or harbinger of any animal to refuse or fail to promptly surrender any animal suspected of being affected by rabies. Any animal suspected of being affected by rabies shall be seized by the animal control officer and impounded with a licensed veterinarian for observation, examination and testing. Upon

declaration by a licensed veterinarian that an animal may be affected by rabies, the animal control officer shall cause immediate euthanasia of the affected animal and removal of the animal's head for examination by a qualified laboratory. Disposal of the animal's body shall be controlled by the animal control officer.

Section 7. DISEASED ANIMALS: It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the Borough, or to ship or remove such animal from the owner's premises when same is afflicted with a contagious or infectious disease except under the supervision of the animal control officer. This provision shall not prevent taking a diseased animal to a licensed veterinarian at the request of the veterinarian. It shall be the duty of the animal control officer to order the disposition of such diseased animal and treatment of the affected premises to prevent the communication and spread of contagion or infection except in cases where the state veterinarian is empowered to act and does act.

Section 8. CRUELTY TO ANIMALS: It shall be unlawful for any person to:

(a) beat, underfed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the Borough;

(b) sell, offer for sale, barter or give away as a pet or a novelty any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impact an artificial color thereto;

(c) kill or wound, or attempt to kill or wound, or take the eggs or young of any game or song bird;

(d) knowingly poison or cause to be poisoned any domestic animal except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property; or,

(e) give away any domestic animal as a prize for or as an inducement to enter any contests, game or other competition; or as an inducement to enter into any business agreement when the offer was for the purpose of attracting trade.

Section 9. NUISANCE PROHIBITED: It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 2. Any animal found acting in any way forbidden by this chapter, in the determination of the animal control officer, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation.

Section 10. REMOVAL OF EXCREMENT: No person shall appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such animal. This section shall not apply to a blind person while walking his or her guide dog. Feces shall be removed daily from yards, pens and enclosures, and shall be wrapped and stored in tightly covered plastic or metal containers until final deposit.

Section 11. WILD CREATURES: It shall be unlawful for any person to keep, permit or have custody of any of the following anywhere in the Borough:

- (a) any wild creature contrary to federal, state or local laws or regulations, except that such a creature too young to survive without the presence of specie adults native to the area may be temporarily kept, cared for and protected in the same manner as domestic animals; or
- (b) an imported creature as is subject to special permit and licensing by the State Department of Agriculture.

Section 12. ANIMAL EXHIBITIONS: Exhibitions or parades involving ferae naturae or domestic animals or both may be conducted only upon the issuance of a permit therefor by the Borough Police Department. Performing exhibits, circuses and parades must be investigated in advance by the animal control officer as to purpose, intent, animal care procedures and assurances for human health and safety. A fee for such permit shall be set by Resolution by the Coaldale Borough Council.

Section 13. FEMALE ANIMALS IN HEAT: All female animals in heat shall be confined in a building or secure enclosure or upon leash in such a manner that the animal cannot come into contact with a male animal except for planned breeding.

Section 14. BITING ANIMAL: It shall be unlawful for the owner or harbinger of an animal involved in a biting incident to euthanize, sell, give away or otherwise dispose of such animal until a full release on the incident has been issued by the animal control officer. Animals, other than dogs and cats, must be examined by a veterinarian on the first and tenth day following a bite. See Section 20 for dog or cat bite procedure.

Section 15. FACE BITE PROCEDURE:

(a) Impoundment. Regardless of animal age or license status, the owner or harbinger of an animal inflicting a face bite shall impound the animal within twenty-four (24) hours with a licensed veterinarian if the animal species allows or with a humane organization where proper facilities are available. Such impoundment shall be for a period of ten (10) days.

(b) Impoundment exception. When the bitten person is a member of the same household as the owner or harbinger of the animal inflicting the face bite, such impoundment may be upon the premises. Impoundment shall mean within a structure or secure enclosure or upon leash only upon the premises of the owner or harbinger. The animal inflicting the face bite shall be examined by a licensed veterinarian on the first and tenth day of such confinement.

(c) Reporting. All incidents of face bite shall be reported immediately to the animal control officer or his agent. The animal control officer shall report all such incidents to the Schuylkill County Health Department on forms and in the time sequence required by that agency.

(d) Disposition of animal. It shall be unlawful for the owner or harbinger of an animal which has inflicted a face bite for the second time to disposed of such animal by sale, exchange, barter or give away without full disclosure of the animal's history.

Section 16. STRAY ANIMALS: It shall be unlawful for the owner or harbinger of any domestic animal to cause or allow the same to run at large in the Borough or be picketed or tied in any public place or the purpose of grazing or feeding. It shall be the duty of the animal control officer or his/her agent to apprehend and impound any animal not under control. In the event any such animal cannot be safely taken up and the animal is deemed to be a threat to any person or

property, the animal control officer is hereby empowered to eliminate same. Depending upon circumstances, impounding shall be by the Borough pound as follows:

(a) Known ownership.

(1) When the owner or harbinger of a stray animal is known through licensing, collar identification or other immediate means, the animal control officer shall notify such person of the impounding in the most expeditious manner available.

(2) The release of an impounded animal shall not be made by the animal control officer until all expenses of apprehension, notification and impounding have been paid by the owner or harbinger.

(3) If the impounded animal is one requiring a license and/or rabies vaccination, the owner or harbinger shall have forty-eight (48) hours in which to present proof of licensing and/or rabies vaccination to the animal control officer.

(4) The known owner or harbinger of the stray animal shall have seven (7) days from the time of notification in which to claim the animal. Failure by the known owner or harbinger to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming and the animal control officer shall consign said animal to a recognized animal humane society or licensed animal shelter.

(b) Unknown ownership.

(1) When the owner or harbinger of a stray animal cannot be ascertained, the animal shall be locally impounded for no less than seventy-two (72) hours.

(2) If unclaimed beyond this time period, the animal control officer shall consign said animal to a recognized humane society or licensed animal shelter. If, in the opinion, of a licensed veterinarian, such animal is not suitable as a pet, same shall be euthanized.

(c) Disclaimed animals.

(1) If, for any reason, the owner or harbinger of any stray animal chooses to disclaim ownership of same upon receipt of the impounding notification, the animal control officer shall proceed to consign the disclaimed animal as provided in Section 18 without regard to the time periods cited above.

Section 17. VICIOUS (DANGEROUS) DOGS: It shall be unlawful for a person to keep or otherwise maintain within the Borough any dog which is known to be vicious or dangerous or which has evidenced a disposition to attack human beings without provocation The Pennsylvania Department of Agriculture dog law may be applied when there is a question of definition of "dangerous dogs."

## **Article II-Licensing**

Section 18. LICENSING OF DOGS. Each owner of a dog more than three (3) months of age on January of any year, or three (3) months of age within the license year, shall annually, or within thirty (30) days from the date such dogs becomes three (3) months of age, pay a dog license tax and obtain a license therefor in accordance with the laws of the Commonwealth of Pennsylvania.

Section 19. VACCINATION:

(a) It shall be the duty of each dog and cat owner to have such dog or cat inoculated in

accordance with the Pennsylvania Rabies Vaccination Law.

(b) Dogs or cats under six (6) months of age are not required to be vaccinated.

(c) Any dog or cat, for which a veterinarian licensed by the state issues a certificate to the effect that the proposed inoculation will be harmful, shall be exempt from the inoculation prescribed by this article.

Section 20. BITE PROCEDURE: All incidents of bites by a dog or cat suffered by a human shall be reported to the animal control officer or an agent within twenty-four (24) hours. The animal control officer shall report all bite incidents to the Schuylkill County Health Department on forms and in the time sequence required by the agency. Depending upon circumstances in each case, the following procedure shall apply:

(a) Licensed dog or cat.

(1) The owner or harbinger of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian who shall submit a report to the animal control officer and the Pennsylvania Department of Health within ten (10) days of the incident.

(2) The biter dog or cat may be impounded in accordance with The Dog Law of the Pennsylvania Department of Agriculture.

(3) The owner or harbinger of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian again on the tenth day of impoundment. A written report by the veterinarian that the biter dog or cat is not affected by rabies, filed with the animal control officer, shall terminate the impoundment.

(b) Unvaccinated dog or cat.

(1) The owner or harbinger of a biter dog or cat which has not been vaccinated shall have it examined immediately by a licensed veterinarian who shall submit a report to the animal control officer within twenty-four (24) hours of the incident.

(2) The owner or harbinger will then impound the biter dog or cat in a licensed animal hospital for the required ten-day confinement period.

Section 21. EXPENSE LIABILITY: The owner or harbinger of any dog or cat requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any violations of this ordinance shall be responsible for all such expenses. Failure to assume such expenses shall be deemed an act of disclaiming and the dog or cat involved shall be considered a stray animal.

### **Article III-Penalties**

Section 22. NUISANCE VIOLATION: Any person found guilty of permitting a nuisance to exist as defined by Section 2 in violation of Section 9 shall be fined:

(a) not less than \$5 nor more than \$100 for the first offense;

(b) not less than \$15 nor more than \$500 for the second offense within a consecutive 12-month period;

(c) not less than \$50 nor more than \$500 for the third offense within a consecutive 12-month period;

(d) not less than \$150 nor more than \$500 for the fourth offense within a consecutive 12-month period; and/or

(e) ordered to remove such animal permanently from the Borough within twenty-four (24) hours of such order.

Section 23. VICIOUS (DANGEROUS) DOG VIOLATION: Any person found guilty of keeping or maintaining a vicious (dangerous) dog as defined by Section 2 in violation of Section 16 may be:

- (a) fined not less than \$15 nor more than \$500; and/or
- (b) ordered to remove such dog from the Borough within twenty-four (24) hours of such order or within twenty-four (24) hours after the rabies observation period has expired, if applicable.

Section 24. OTHER VIOLATIONS: Any person guilty of violating any provision of this chapter, excluding Sections 9 and 16, shall, be fined not less than \$10 nor more than \$500 for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue.

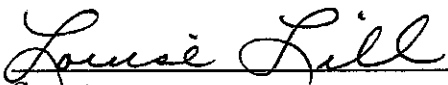
Section 25. PROSECUTION: In case of any unlawful acts, the animal control officer, agent appointed by the Borough or any sworn police officer shall institute an appropriate action or proceeding at law to exact the penalty provided in Sections 22, 23 and 24 of this Ordinance.

Section 26. REPEALER: This Ordinance expressly repeals and replaces all other previously enacted ordinances relating to animal control.

This ordinance shall be effective immediately upon passage, and approved in the manner prescribed by law.

**ENACTED AND ORDAINED** this 14<sup>th</sup> day of April, 2003.

ATTEST:

  
Secretary

  
President

  
Mayor