

Animal Control, Spaying and Neutering, and Licensing

Chapter 89, ANIMALS

ARTICLE I, Control of Animals

§ 89-1. Short title.

This article shall be known and cited as the "Hazleton City Animal Control Law of 1990"

§ 89-2. Definitions.

For the purpose of this article, the following terms shall have the following meanings:

ANIMAL Dogs, cats, domestic fowl, poultry, domesticated hares, rabbits, mink and members of the equine, bovine, ovine and porcine species.

DOMESTIC ANIMAL Every animal domesticated by man so as to live and breed in a tame condition.

DOMESTICATED To adapt an animal to a life of intimate association with and to the advantage or pleasure of man.

OWNER When applied to the proprietorship of an animal, shall include every person having a right of property in such animal and every person who keeps or harbors such animal or has it in his care and every person who permits such animal to remain on or about any premises occupied by him.

PERSONS Includes state and local officers or employees, individuals, corporations, copartnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

POLICE OFFICER Any person employed, appointed or elected by the Commonwealth of Pennsylvania, or by any municipality, county or township, and whose duty is to preserve peace, to make arrests or to enforce state and local health and animal laws.

WILD OR EXOTIC ANIMAL Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm. "Wild animals," however domesticated, shall also include but not be limited to:

- A. Dog family (Canidea): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc.
- B. Cat family (Felidea): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.
- C. Bears (Ursidea): all bears, including grizzly bears, brown bears, black bears, etc.
- D. Weasels (Mustelidea): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc.
- E. Raccoons (Procyonidae): all raccoons and civets.
- F. Porcupine (Erethizontidae): all porcupines.
- G. Skunks.
- H. Snakes: all venomous and constricting snakes.
- I. Venomous lizards.
- J. Crocodillians: all alligators, caimans, crocodiles, gavials, etc.
- K. Venomous fish and piranha.
- L. Venomous invertebrates.

§ 89-3. Animals running at large.

It shall be unlawful for any person who owns or keeps any animal to permit such animal to run at large in any area within the boundaries of this municipality. Any animal running at large in violation of this article shall be subject to seizure, detention and disposal, as provided herein.

§ 89-4. Animal noise.

It shall be unlawful to own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the City of Hazleton. Continual barking, howling or the making of other loud noises by such animal for more than any one half hour time period from 8:00 a.m. to 8:00 p.m., or continual barking, howling or the making of other loud noises for more than 15 minutes after 8:00 p.m. or before 8:00 a.m. on weekdays or after 8:00 p.m. or before 9:00 a.m. on weekends and holidays, which periods occur on two or more consecutive days or nights and/or which occurs three or more days or nights in any seven day period, shall be deemed to

disturb the peace and to cause the annoyance and discomfort of persons in the City of Hazleton.

A. Any City resident may request the Health Department or the City Police Department to warn any person who shall own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noise to the annoyance and discomfort of persons in the City of Hazleton.

B. Any such request, whether in writing or by phone, shall identify and specify the residence of the owner, keeper or custodian of the animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Health Officer or the City Police Chief or their designated agent shall investigate and issue a warning about compliance with this article to the person identified as the owner, keeper or custodian of the animal.

C. Sworn testimony of the complainants from two separate households, not related by blood or marriage, may be considered adequate and sufficient to evidence a violation of this article and the prosecution of the person or persons identified as the owner, keeper or custodian of the animal by the City of Hazleton.

D. A violation of this article shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of § 89-4.

§ 89-5. Wild or exotic animals prohibited.

No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital or clinic, humane society, circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public.

§ 89-6. Sale, exchange, adoption or transfer of wild or exotic animals prohibited.

No person shall sell, offer for sale or adoption, exchange or transfer, with or without charge, any wild or exotic animal. This section is not intended to apply to persons owning or possessing wild or exotic animals prior to the passage of this article, provided that the person or persons taking possession of such wild or exotic animal following said sale, adoption, exchange or transfer is or are not a resident of the City of Hazleton.

§ 89-7. Existing ownership of wild or exotic animals.

Any person owning or possessing a wild or exotic animal at the time of enactment of this article may, pending the approval of the City Health Officer, obtain a permit for said wild or exotic animal, provided that:

A. A permit application is filed with the City Health Officer within 45 days of the effective date of this article. Such application is to include:

- (1) Species, age and sex of said wild or exotic animal.
- (2) A plan for the housing and containment of said wild or exotic animal.

B. The plan and facilities for the housing and containment of wild or exotic animal must be reviewed, inspected and approved by the City Health Officer as adequate to prevent such animal from escaping or injuring the public.

C. An annual permit fee in the amount set forth in Chapter 24, Fees, for each wild or exotic animal shall be paid by the owner or possessor of such animal to the City of Hazleton.

D. Upon the death, sale, adoption, exchange, transfer or disposal of said wild or exotic animal, the animal may not be replaced. However, wild or exotic animals which are used for educational purposes or which are the source of one's livelihood may be replaced upon death of said animal(s), subject to the discretion of the City's Health Officer and registration of the replacement animal(s).

§ 89-8. Injury to humans.

It shall be unlawful for the owner of any animal to permit such animal to injure any human being by biting, jumping on, knocking down or attacking said human being. An exception to this section will be when the animal is reasonably protecting the owner or the owner's property from an unlawful invasion of the person or property respectively.

§ 89-9. Nuisances; responsibility for cleanup.

No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property

without permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curbline and sidewalk which shall be used to curb such animals under the following conditions:

- A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health.
- B. A person who allows an animal to defecate on his property shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health.
- C. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions of this article in a sanitary manner approved by the Board of Health.

§ 89-10. Location of animal shelter facilities.

The outdoor facilities where animals are quartered must be located at least 25 feet from any neighboring residential structure or 1/2 the distance from the outdoor facility and the residential structure, whichever is greater, so as not to be offensive to the neighboring residents.

§ 89-11. Limitation on number of animals.

If more than four animals, six months of age or over, are kept on any premises, regardless of the number of owners, the owner of the premises must notify and register with the Hazleton City Health Department. Failure to so notify and register constitutes a violation of this article. The penalty for such violation shall be in accordance with Chapter 1, Article II, Violations and Penalties, of this Code. Each day that any violation of this article continues shall constitute a separate offense, in accordance with Chapter 1, Article II, Violations and Penalties.

§ 89-12. Impoundment; duties of City personnel; notice and redemption.

It shall be the duty of the Animal Shelter personnel or every police officer of the City to seize, detain and dispose of any animal that is found running at large in the City in accordance with the provisions of 3 P.S. § 459-302.

§ 89-13. Enforcement.

- A. It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this article, and to refuse to assist in the enforcement of this article.
- B. It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this article.
- C. It shall be unlawful for any person to forcibly cut the leash or take an animal away from such officer or agent having it in his possession when found running at large unaccompanied by the owner or keeper.
- D. It shall be unlawful for any person to whom a license certificate has been issued to fail or refuse to produce the license certificate for such animals upon demand of any police officer or agent of the department.

§ 89-14. Rabies vaccination required.

- A. It shall be unlawful for the owner or custodian of a dog or cat or subhuman primate (e.g., monkey) to keep, harbor or have in custody or control a dog, cat or subhuman primate three months or older for longer than 14 days unless such dog, cat or subhuman primate has a current vaccination against rabies with a vaccine listed in the current compendium of animal rabies vaccine as approved by the National Association of State Public Health Veterinarians. Proof of vaccination shall be furnished at the request of the City Health Officer, Animal Control Officer or City police.
- B. All such cats or dogs who have been vaccinated must wear rabies collars showing proof and date of vaccination.

§ 89-15. Injury or abandonment prohibited.

- A. It shall be unlawful for any person, except a police officer or agent, to kill or injure any animal which bears a license tag for the current year. The exception to the preceding sentence will be when any person sees an animal in the act of attacking human beings whether or not such animal bears the license tag required by the licensing laws of this commonwealth. There shall be no liability on such persons in damages or otherwise for such killing.
- B. It shall be unlawful for any person to abandon or attempt to abandon any animal within the City of Hazleton.

§ 89-16. Minimum standards for animal care.

A. Feeding. All animals shall be supplied with sufficient, wholesome food and water, free from contamination, and in which food and water there shall be sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animal and to assure the proper health of each animal.

B. Health of animals.

(1) Proper shelter and protection from the weather shall be provided at all times to assure that no animal is overcrowded or exposed to excessive heat or cold. Proper temperature for the well being of each animal shall be maintained at all times.

(2) Adequate exercise shall be provided to assure the good health of each animal.

(3) Any leash or chain to which an animal is attached must be at least 10 feet in length or no less than three times the length of the animal measured from the tip of the nose to the end of the tail.

(4) No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.

C. Compliance with minimum standards.

(1) It shall be unlawful for the owner of any animal housing to fail to comply with any of the minimum standards set forth in this article.

(2) The City Health Officer and Animal Control Officer shall have the authority to inspect the premises of any animal housing at a reasonable time and in a reasonable manner to assure compliance with the provisions of this article. When permission is refused or cannot be obtained, inspections shall be conducted upon obtaining a lawfully authorized warrant.

§ 89-17. Farm animals.

A. The keeping, maintaining or slaughtering of any farm animal, with the exception of poultry, shall be permitted only on land of sufficient area so that there shall be 60,000 square feet for the first animal, with an additional 20,000 square feet required for each additional animal. There shall also be provided a pen or enclosure of at least 1,600 square feet for the first animal, with 400 square feet of pen or enclosure required for each additional animal. Within the pen, there must be provided a stable or similar roofed enclosure having an area of at least 100 square feet for each animal to be held therein. Any such pen or enclosure shall be situated not less than 100 feet from any street or other property line.

B. The keeping, maintaining or slaughtering of poultry (i.e., ducks, chickens, swans, geese, turkeys, guinea fowl, pheasants, pea fowl and pigeons) shall be permitted only on a lot with a land area equivalent to 40,000 square feet or more. In no event shall more than 10 poultry birds be permitted on each 40,000 square feet of area. The pen, shelter or enclosure shall be set no closer than 75 feet to the front lot line nor closer than 75 feet to any side or rear line.

C. The owner or person(s) responsible for the care and keeping of such animals shall be responsible to prevent or eliminate all odors, animal waste and insect infestation caused by the maintenance of such animals.

§ 89-18. Racing or homing pigeons.

Any person owning or possessing racing or homing pigeons at the time of enactment of this section may, pending the approval of the Health Officer, obtain a permit for said pigeons, provided that:

A. A permit application is filed with the City Health Officer within 45 days of the effective date of this article. Such application is to include:

- (1) The number of said pigeons.
- (2) A plan for the housing and containment of said pigeons.

B. The plan and facilities for the housing and containment of pigeons must be reviewed, inspected and approved by the City Health Officer as adequate to prevent such pigeons from causing a nuisance to neighbors.

C. An annual permit fee in the amount as set forth in Chapter 24, Fees, shall be paid to the City by the owner or possessor of such pigeons.

§ 89-19. Enforcement officers.

Police, state dog wardens and municipal animal control officers are charged with enforcement.

§ 89-20. Violations and penalties.

Any person who shall be convicted of violating or failing to comply with the provisions of this article before any District Justice shall be punishable as set forth in Chapter 1, Article II, Violations and Penalties. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

ARTICLE II, Spaying and Neutering

§ 89-21. Legislative purpose.

It is the purpose of this article to promote the health, safety and general welfare of the residents of the City by reducing the number of stray dogs and cats. The City finds that each year dogs and cats are euthanized in the City because they are unwanted. It is the purpose of this article to eliminate the excessive number of unwanted animals and thereby obviate the needless killing of these animals by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable. It is also the purpose of this article to create a mandatory licensing program for cats owned or harbored in the City.

§ 89-22. Violations.

The owner(s) of any dog or cat which is not spayed or neutered, not properly licensed, not currently inoculated with the rabies vaccination, or found abandoned and/or found running at large shall be in violation of this article and subject to the penalties provided in § 89-23.

§ 89-23. Penalties.

A. First offense. The owner(s) of any dog or cat found to be in violation of § 89-22 of this article shall be given a written warning by the Code Enforcement Office and is required to meet all license and vaccination requirements as mandated by City ordinance and state law.

B. Second offense. A second offense is defined as a second violation of § 89-22 of this article which occurs within one year of the first offense. The owner(s) of any dog or cat found to be in violation of § 89-22 of this article shall be fined pursuant to Chapter 1, Article II, Violations and Penalties, for a second offense or, in lieu of the fine, shall have the cat/dog spayed or neutered within 30 days of the second offense. In the event the animal is not spayed or neutered within 30 days of the second offense, then the owner(s) of the cat or dog shall be fined pursuant to Chapter 1, Article II, Violations and Penalties. Proof of spaying or neutering from a veterinarian shall be provided to the Code Enforcement Office.

C. Third offense. A third offense is defined as a third violation of §89-22 of this article within one year of the first offense. The owner(s) of any dog or cat found to be in violation of §89-22 of this article shall be fined pursuant to Chapter 1, Article II, Violations and Penalties, for a third offense and is required to have the cat/dog spayed or neutered. Proof of spaying or neutering from a veterinarian shall be provided to the Code Enforcement Office.

§ 89-24. Impound fees.

New impound fees for cats and dogs shall be lower in the event the owner complies with the following guidelines:

A. Cat or dog is spayed or neutered.

B. Cat or dog is identified with license tag, tattoo, microchip or other reliable, approved ID; cat or dog is up to date on rabies vaccination, as required by Public Health Law for all cats/dogs over three months of age.

§ 89-25. Licensing of cats; fees.

A. The annual local license fee for each cat over the age of three months which is owned or harbored within the City of Hazleton shall be as set pursuant to Chapter 24, Fees.

B. Said licenses shall be purchased on or before January 1 of each year from the Hazleton Code Enforcement Officer who shall have the power to enforce this article.