

ORDINANCE NO. 3 OF 2002

AN ORDINANCE ADOPTING A UNIFORM ANIMAL REGULATION REQUIRING ALL RESIDENTS OF THE BOROUGH OF KOPPEL TO COMPLY AND PARTICIPATE IN THE MUNICIPAL ANIMAL CONTROL SYSTEM. THIS ORDINANCE PROVIDES FOR THE APPLICATION, ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM ANIMAL CONTROL CODE BY REGULATING ALL RESIDENTS WITHIN THE BOROUGH OF KOPPEL PROVIDES FOR THE ISSUANCE OF LICENSES AND THE COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; AND, REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH.

WHEREAS, it is the intent of the Commonwealth of Pennsylvania to provide standards for the protection of life, health, property and environment and for the safety and welfare to the general public; and

WHEREAS, the Commonwealth of Pennsylvania has created the Borough Code in an effort to protect owners and occupants of buildings and structures and residents of buildings, homes and structures located within municipalities; and

WHEREAS, the Borough of Koppel empowered by the Borough Code hereby enacts the following regulations to provide for uniform animal control; and

WHEREAS, the Borough of Koppel is desirous of maintaining order and control over and of all animals within the boundaries of the aforementioned borough; and

WHEREAS, the Borough of Koppel desires to grandfather all animals presently owned by a current resident of the Borough so that this ordinance shall not apply to said owners or animals currently and lawfully residing in the Borough of Koppel at this time.

Section 1.0 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal includes any living vertebrate, domestic or wild, not including man.

Animal control coordinator is an employee of the Borough of Koppel who shall be primarily responsible for enforcing the provisions contained in this chapter, and who has the power and authority to issue and serve citations for any violation of this chapter.

Animal control officer is an employee of the Borough of Koppel who shall be under the direct supervision of the animal control coordinator and pursuant to his direction may enforce the provisions contained in this chapter, and has the power and authority to issue and serve citations for any violation of this chapter.

Bird includes warmblooded, two-legged, egg laying vertebrates with feathers and wings.

Bite means seizure with the teeth or jaws of an animal so that the skin of the human being or animal has been gripped, pierced or broken and further includes contact of the saliva of the biting animal with any break of the skin of the human being or animal bitten.

Carrier and racing pigeons means pigeons as defined in the "Carrier and Racing Pigeon Act of 1984."

Cat means all members of the feline family (Felis Catus).

Dangerous animal means any animal listed in the respective section herein as amended from time to time.

Dog includes all animals, regardless of sex, of the canine species (Canis Familiaris).

Domestic animal means any animal, except a farm or dangerous animal, which has been domesticated so as to live and/or breed in a tame condition as a household pet or guardian. For the purpose of this chapter, ferrets and pot-bellied pigs are determined to be domestic animals.

Domestic animal at large means any animal not under the control by leash of the owner or a member of his immediate family over ten (10) years of age. If the animal is on the owner's property it is at large if it is not contained on the property by means of a fence, chain, owner's supervision, leash or other visible means of restraint sufficient to protect pedestrians on public property.

Euthanasia means death brought about by any medically recognized method which produces instant loss of consciousness and results in painless death.

Farm animal includes but is not limited to, horses, mules, bison, cattle, goats, sheep, swine and fowl.

Fowl includes the larger, domesticated birds used as food, not-including chickens and ducks.

Humane society is any not-for-profit corporation chartered under the laws of the Commonwealth of Pennsylvania for the object of animal welfare and humane treatment.

Kennel means any establishment wherein any person engages in the business of boarding, building, buying, grooming, letting for hire, training for a fee or selling dogs; provided, however, that the ownership of dogs which are a part of the household shall not constitute the operation of a kennel. Kennel shall not include any animal control and care facility, any kennel, pound or training facility operated by any subdivision of local, state or federal government, any humane society or veterinary hospital.

Leash means a cord, rope, strap, chain or other device not to exceed six (6) feet in length which is securely fastened to the collar or harness of a dog or other animal and which shall be of sufficient strength to keep such dog or animal under control.

Other enterprise means any public or private animal attraction or exhibition staged temporarily or permanently, with or without charge to viewers, in compliance with applicable ordinances of the Borough of Koppel, statutes of the Commonwealth of Pennsylvania and Federal laws, including but not limited to zoos, circuses, pony rides, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or expositions utilizing or displaying animals, and businesses of any kind that place animals on display to the public for promotion or advertising purposes.

Owner means any person having a right of property in an animal, or who keeps or harbors any animal, or for purposes of this chapter, who has an animal in his care or custody or acts as its custodian, or who knowingly permits it to remain on or about any premises owned or occupied by

him.

Person means any individual, firm, corporation, partnership, association or other legal entity.

Pet means any species of domestic animal customarily regarded as suited to live within an abode used for human occupancy.

Stray animal means any animal not under restraint and not in the presence of its owner.

Trap means to capture, or attempt to capture, by setting or placing a leg hold trap, cushion-hold trap, body-gripping trap, cage or box trap, spring trap, dead/fall trap, pit/trap, snare or other similar device to capture, hold or kill any animal.

Veterinarian means a practicing veterinarian licensed by the Commonwealth of Pennsylvania.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for diagnosis, treatment and/or surgery of diseases and injuries of animals.

Vicious animal is any animal that bites or attacks, or which is known to have bitten or attacked, a human being or other animal on one (1) or more separate occasions within any twenty-four-month period, without provocation whenever that person or animal was peacefully conducting themselves where they were lawfully entitled to be provided, however, that the animal control coordinator has the discretion to declare any animal as vicious after only one such bite whenever the animal control coordinator believes the circumstances warrant such a declaration.

2.0 PENALTIES

Every owner or any other person who shall violate any of the provisions of this chapter shall, upon conviction, be punished as provided in section as follows:

1. First Offense: \$50.00
2. Second Offense and each additional: \$300.00
3. Offenses shall be determined on a yearly basis.

This penalty shall be in addition to other penalties or remedies provided by this chapter, or state or federal law.

The animal control coordinator and the animal control officer(s) are deemed peace officers and may prepare and serve citations personally or by certified mail, for violation(s) of this chapter.

The fees and fines required by this chapter shall be determined, from time to time, by separate ordinance or resolution of the borough council.

3.0 LIMIT ON NUMBER

There shall be a maximum limitation per household of two (2) domestic animals, not to exceed two (2) of any one (1) species, provided however, that any newborn animals shall be allowed to remain in the household despite the limitation of this section for up to four (4) months from the date of birth.

(a) Every person who owns, keeps or harbors a dog or cat within the limits of the borough shall, within thirty (30) days of acquisition of the dog or cat, register the dog or cat or cause it to be registered for a license with the county clerk or his authorized agent and shall have the dog or cat inoculated for rabies.

(b) A borough dog or cat license shall be required. Every person who owns, keeps or harbors a dog or cat within the limits of the borough shall, within thirty (30) days of acquisition of the dog or cat, and annually on such date as may be determined by the borough secretary, register the dog or cat or cause it to be registered for a license with the borough and obtain a license tag as evidence of such registration. The owner of every dog shall present to the borough secretary the county issued dog license. Upon presentation, a borough license shall be issued without cost to the owner. The owner of every cat shall obtain from the borough secretary a cat license at a cost of five (\$5.00) per cat annually.

(c) All proceeds resulting from the imposition of the dog or cat license fee shall be used by the borough of Koppel

4.0 RABIES INOCULATION

Every owner of a dog or cat four (4) months of age or older shall, each year, cause such dog or cat to be inoculated against rabies by a licensed veterinarian, and provide the dog or cat with a collar or harness and attach thereto an official rabies vaccination tag which shall be worn by the dog or cat at all times. However, if the vaccine used is one recognized by the state department of agriculture, for a three-year period of immunity and the dog or cat is over twelve (12) months of age at the time of inoculation, the interval between inoculations may be extended to three (3) years.

Any dog or cat which is not inoculated against rabies as required herein is hereby declared to be a public nuisance and such dog or cat may be apprehended and impounded upon the order of the animal control coordinator or his designee

5.0 CANINE EXEMPTION

Trained police dogs utilized by an official law enforcement agency and assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of this chapter as well as any applicable provision of any other chapter of this Code.

6.0 PIGEON ACT

To the extent of any conflict between this chapter and the Carrier and Racing Pigeon Act of 1984, that Act shall prevail, provided however, that where there is no conflict, this chapter shall apply to carrier and racing pigeons.

7.0 RAISING, BOARDING OR HARBORING

No person shall raise animals for sale within the borough limits unless properly zoned, nor keep for profit any kennel for the boarding of animals unless properly zoned.

8.0 NUISANCE AND ABATEMENT

Any animal suffering from rabies is hereby declared to be a public nuisance and such animal may be destroyed by the animal control coordinator or his designee, or by any police officer if such animal cannot be safely apprehended and impounded.

It shall be the duty of every owner of an animal thought to be infected with rabies to place it immediately in a veterinary hospital or, upon demand, to surrender such animal to any police officer, the animal control coordinator or his designee.

It shall be the duty of every person who discovers any animal thought to be suffering with rabies, or that any person or animal has been bitten by any animal thought to be suffering from rabies, to report such fact immediately to the police department or the animal control coordinator.

No person who owns, keeps or harbors a domestic animal shall cause or permit such animal to run at large within the borough. Any domestic animal running at-large is hereby declared a public nuisance, whether currently licensed or not, and may be promptly impounded as provided in this chapter.

It shall be unlawful for the owner or any person who keeps or harbors any animal, or for any person who has the power or authority to prevent same, to suffer or permit any such animal to bark, howl, cry or make other frequent or loud noise so as to disturb the peace and quiet of any place, family, person or neighborhood in the borough. Such disturbance of the peace is a public nuisance, and it shall be unlawful for any person to suffer or permit such nuisance to exist on their property. This provision shall not apply to a properly zoned and constructed kennel, animal hospital or pound.

- (a) Bites and attacks. It shall be the duty of every owner of an animal to prevent such animal from biting or attacking any person or other animal. Any animal which, without provocation, bites or attacks any person or other animal is hereby declared to be a nuisance and such animal may be apprehended and impounded by the animal control coordinator or an animal control officer. In such a case, the animal control coordinator has the discretion to a) allow the owner to retain ownership of the animal with certain restrictions being placed on the owner, in writing by the animal control coordinator or b) declare the animal vicious after only one such bite or attack, and in that event, the provisions in paragraph (b) below shall apply.
- (b) Vicious animals. It is unlawful to keep or harbor in the borough any vicious animal as hereinabove defined unless such animal is confined by its owner on the owner's premises at all times in such manner that it cannot reach persons or animals who may have occasion to lawfully enter upon or near such premises and unless such animal is kept according to any written restrictions placed by the animal control coordinator. Any such vicious animal which is not so confined or which unprovokingly bites or attacks any person or animal within twenty-four (24) months of having been declared vicious, or which is found to be in violation of any written restriction placed by the animal control coordinator, is hereby declared to be a public nuisance and such animal may be apprehended and impounded by the animal control coordinator or an animal control officer. If such animal is impounded, the owner shall have no right to redeem the animal except in the discretion of the animal control coordinator, and then only pursuant to certain written restrictions which (s)he may place thereon.

9.0 DANGEROUS ANIMAL

1. No person shall own, keep or harbor within the borough: snake, reptile or lizard that is physically capable of injuring any person, regardless of age, by bite, poison, constriction or other means;
2. Any lion, tiger, cougar, jaguar, panther, bobcat, mountain lion, lynx, ocelot, leopard, any hybrid thereof or any other similar feline animal;
3. Any wolf, coyote, jackal, fox, wild dog, or hybrid thereof;
4. Any bear or bison;
5. Any rodent weighing more than one (1) pound, with the exception of guinea pigs;
6. Any noncanine animal not native to the North American continent and which when full grown normally attains a weight in excess of two hundred (200) pounds.
7. Any monkey, gorilla, chimpanzee or other similar apelike primate.
8. Any animal, snake, reptile, lizard, rodent or other creature covered by subsection (a) is declared a public nuisance, and may be abated in accordance with this chapter.

9. This section shall not apply to properly zoned and constructed zoos, animal shelters, veterinary hospitals, pounds, federally licensed exhibits, circuses, animal refuges and the scientific or research laboratories of educational or other licensed institutions.

No person shall own, keep or harbor within the borough any dangerous animal, bees, farm animal, insect, or other animal which is feral naturae in the eyes of the law, and each day such animal is kept in violation of this section shall constitute a separate offense. It is no defense to a violation of this section that the owner or keeper of any such animal which is prohibited in this section has attempted to domesticate such animal. Any such animal found to be within the borough may be apprehended and impounded by the animal control coordinator or his designee. The disposition of such animal covered by this section shall be in accordance with the provisions of state law. Where no state law applies, the owner or person shall have no right of redemption in such animal, and the animal control coordinator shall have the authority to dispose of said animal as he deems fit. Provided, however, that in the discretion of the animal control coordinator, written permission may be granted upon application for a special and limited purpose to have farm animals present in the borough, such as for pony rides, petting zoos and the like. Additionally, for farm-zoned property annexed into the Borough of Koppol, the owner(s) of the property at the time of annexation shall be allowed to maintain existing farm animals on such property until the property ceases to be used as a farm, or until residentially zoned and occupied property comes within two hundred (200) yards of any portion of the annexed property, whichever is earlier.

No person shall instigate, cause or procure any animal to fight.

10.0 ANIMALS IN HEAT

The owner of any domesticated animal in heat shall not keep, harbor or otherwise maintain such animal in the borough unless the same is confined in a boarding kennel, veterinary hospital or the owner's house during the entire period such animal is in heat; except that it shall be lawful for a domestic animal in heat to be walked if the animal remains on a leash and is not permitted to run at large. Any animal in heat not so confined is hereby declared to be a public nuisance and may be apprehended and impounded by the animal control coordinator or his designee.

11.0 REMOVAL OF EXCRETA AND REMAINS

The owner of every animal shall be responsible for the removal and sanitary disposition of excreta deposited by his animal anywhere in the borough. When accompanying the animal outside his property, the owner shall have on his person suitable means for the removal of such excreta which will then be placed in a refuse container for sanitary removal.

Any animal killed on the streets of the borough shall be removed at once by the person who killed the animal.

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ORDAINED AND ENACTED into an Ordinance on this 14TH day of MAY, 2002.

[BOROUGH SEAL]

ATTEST:

Patricia Maguire
Borough Secretary

Samuel Crangi
President of Council

EXAMINED AND APPROVED by me on this 14TH day of MAY, 2002.