

ORDINANCE NO. 326

REPEALING ORDINANCE 324; AND IMPOSING AN ORDINANCE OF THE BOROUGH OF MINERSVILLE TO REGULATE ANIMALS WITHIN THE BOROUGH

BE IT ENACTED AND ORDAINED by the Council of the Borough of Minersville, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. DEFINITIONS.

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

- A. "Animal" means all non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.
- B. "At large" means an animal off the premises of the owner not secured by a lease or lead, or under the control of a responsible person and obedient to the person's commands.
- C. "Borough Official" means any police officer, authorized inspector, or public official designated by the Borough Council to enforce the Borough ordinances.
- D. "Owner" means and includes every person, firm or corporation having a right of property in any animal which is kept harbored, or cared for within the Borough of Minersville for a period of three (3) or more days as well as every person, firm or corporation occupying any premises within the Borough which permits any animal to remain on or about its premises for a period of three (3) or more days.
- E. "Veterinarian" means a graduate of a recognized school of veterinary medicine licensed to practice in the Commonwealth of Pennsylvania.
- F. "Kennel" shall mean any property, premises, place or commercial establishment in or at which dogs and/or cats are kept under the following condition:
 - a. More than a total of three (3) dogs and/or cats more than six (6) months of age that are kept for the purpose of sale or rental or in connection with the boarding, care, grooming, breeding, or the training of dogs for guard or sentry purposes for which any fee is charged. This provision is not intended to apply to hobby breeders.
- G. "Kennel Owners" shall mean any person, firm or partnership, or corporation who owns or operated a kennel.
- H. "Animal Housing" shall mean any property, premises or place where animals are located by not a place that is defined as a kennel
- I. "Wild or Exotic Animal" shall include any animal of 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, uncontrollable, or naturally inclined to do harm.

Wild animals, however, domesticated, shall also include but not be limited to:

- a) Bees (Anthophila);

- b) Dog Family (Canidea)- such as wolf, fox, coyote, dingo, etc;
- c) Cat Family (Felidea) – such as lions, pumas, panthers, mountain lions, leopards, jaguar, ocelots, margays, tigers, wild cats, etc.;
- d) Bears (Ursidea) – All bears including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc.;
- e) Racoons (Procynnidae). All raccoons and civets;
- f) Pigeons (Columbidae) All pigeons;
- g) Primates (Hominidae). All sub-human primates;
- h) Porcupine (Erethizontidae). All porcupines;
- i) Skunks (Mephitidae). All skunks;
- j) Snakes. All venomous and constricting snakes;
- k) Venomous lizards;
- l) Crocodillians. All alligators, caimems, crocodiles, gavials, etc.;
- m) Venomous fish and piranha;
- n) Venomous invertebrates.

- J. “Guard or Sentry Dog” shall mean a dog which has been trained or conditioned to attack only to protect persons or property.
- K. “Use of guard or sentry dogs” shall mean dogs kept at a place, property or premises for the purpose of protecting the premises.
- L. “Borough” means the Borough of Minersville, Pennsylvania
- M. “Vicious Animal” means any animal which has attacked without cause a human being or domestic animal in such a manner as to inflict physical damage on the human being or domestic animal, or has caused property damage.
- N. “Residential Area” means any area of the Borough where the predominant land use is the residential dwelling use of human beings.
- O. “Pet Shop” shall mean any property, premises, place, commercial establishment, or person that buys for resale or sells dogs, cats, birds, fish or other animals to the general public on a retail basis. This excludes persons making a sale or trade of any such animal from their residence and/or property when not regularly engaged in the business of selling or trading animals.
- P. “Hobby Breeder” shall mean any person who places together dogs or cats for the purposes of breeding and sells, trades or otherwise transfers the product of such breeding provided that:
 - a. Such breeding, selling, trading, or transfer is conducted by the person at the person’s residence and/or property;
 - b. Such breeding does not take place more frequently than once per annum; and
 - c. The person is not regularly engaged in the business of breeding, selling, or trading dogs or cats.
- Q. “Torture.” Any of the following acts directed toward or against an animal unless directed to be performed by a licensed doctor of veterinary medicine acting within the normal scope of practice:
 - a. Breaking, severing or severely impairing limbs.
 - b. Inflicting severe and prolonged pain from burning, crushing or wounding.
 - c. Causing or allowing severe and prolonged pain through prolonged deprivation of food or sustenance without veterinary care.

SECTION 2. LICENSE, COLLAR AND TAG REQUIRED

Dogs. No person shall own, keep or harbor within the Borough, any dog six (6) months or older unless such animal is licensed by the Treasurer of Schuylkill County, Pennsylvania and unless such dog wears a collar and license tag. This provision is not intended to apply to dogs whose owners are non-residents and temporarily in the Borough nor to any service dogs properly trained and licensed to assist disabled persons for the purpose of going from place to place.

SECTION 3. VACCINATION OF DOGS AGAINST RABIES REQUIRED

It shall be unlawful for the owner or custodian of a dog to keep, harbor or have in his custody of control a dog six (6) months or older for longer than fourteen (14) days, unless such dog has been vaccinated with a modified live virus (flury Strain) or an acceptable inactivated Rabies Vaccine approved by the State Department of Health within a period of thirty-six (36) months or vaccinated within a period of twelve (12) months with a standard Rabies Vaccine approved by the State Department of Health.

SECTION 4. PERMITTING ANIMALS TO TRESPASS, AT LARGE ANIMALS PROHIBITED, LEASH LAW, AND CLEAN-UP OF ANIMAL FECAL MATTER

- a. Permitting Animals to Trespass. The owner, possessor or manager of any animal shall not permit the same to trespass upon the premises of another property owner without prior permission or he shall be in violation of this Article and shall have the burden of proving permission to trespass was granted.
- b. At Large Animals Prohibited.
 1. No animal shall run at large in the Borough. Any person who is the owner or custodian of an animal found at large in the Borough shall be in violation of this Article. It shall be unlawful for any owner of an animal to place such animal or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such animal. This Section shall not apply to any person who uses an animal while engaged in a supervised formal obedience training class of show, or during formally sanctioned field trials.
 2. It shall be the duty of the Borough Official to seize and detain any animal, licensed or unlicensed found running at large, either upon other public streets or highways of the Borough or on property of any other person and unaccompanied by its owner or keeper. The Borough Official is hereby authorized and empowered to go on any public premises and to enter any public building to seize and detain any animal which has been running at large unaccompanied by any owner or keeper when such Borough Official is in immediate pursuit of such animal.
- c. Clean-up of Animal Fecal Matter
 1. No owner of any animal or any person having the care, custody and control of any animal shall permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing such matter and disposing of it in a sanitary manner. The term "property of another" shall be interpreted to include the property of the Borough of Minersville or of any other political subdivision.
 2. No owner or possessor of real property shall permit animal fecal matter to accumulate on such property for more than twenty-four (24) hours and it shall be the owner's or possessor's responsibility to daily remove such matter to prevent any such accumulation from becoming a danger to public health.

SECTION 5. VICIOUS AND DESTRUCTIVE ANIMALS

- a. Any person who keeps within the Borough an animal which is known by such person to be vicious shall insure that adequate protective devices are provided to prevent the animal from escaping or injuring the public.
- b. An actual attack by such vicious animal upon any person or domestic animal conducting himself/itself in a lawful manner at the time of such attack, whether such attack occurs on or off the property of the owner or custodian of such animal shall be deemed prima facie evidence that there was not adequate preventive provisions made and therefore constitutes a violation of this Article and requires the surrender of the animal to the Borough Official.
- c. Any animal known to be vicious and found running at large which cannot be safely taken up and impounded may be slain by any police officer.

SECTION 6. IMPOUNDMENT OF UNRESTRICTED ANIMALS AND UNVACCINATED ANIMALS, VICIOUS ANIMALS AND LARGE ANIMALS.

- a. It shall be the duty of the Borough Official charged with the enforcement of this Article to impound any dog found at large and not confined to the dog owner's premises. If the owner or custodian of the animal can be ascertained and located, a summons may be issued and the animal may, in lieu of impoundment, be released to its owner or custodian. However, within seventy-two (72) hours of the animal's release, the owner must present the Borough Official with a valid rabies certificate or surrender the animal to the Borough Official.
- b. Should it be necessary for a Borough Official to seize or pick up a large animal such as a horse, cow or mule, or any other animal not acceptable to an animal shelter or animal hospital, he is hereby empowered to have such an animal removed by a trucking firm at the owner's expense to a farm or stable where such animal can be housed. If no such place exists within the Borough, such animals may be taken outside the Borough limits.

SECTION 7. ANIMAL BITES AND RABID ANIMALS

- a. Person Bitten by Animals. It shall be the duty of any persons who has knowledge that an animal has bitten or injured any person in this municipality to immediately report the facts of the incident and the whereabouts of such animal to the PA Department of Agriculture, Bureau of Dog Law Enforcement.
 1. The owner of every such animal shall immediately place said animal in confinement in such a manner as to prevent it from escaping, running at large or having physical contact with other animals or humans other than the animal owner or controller, and maintain such confinement for a then (10) day period of observation.
 2. At the end of said ten (10) day observation period the animal shall be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted by the owner of veterinarian within twenty-four (24) hours to the PA Department of Agriculture. If the report reveals no symptoms to rabies the animal may then be released.
 3. If at any time during the said ten (10) day period of observation the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the PA Department of Agriculture and the animal shall immediately be removed to a veterinary hospital acceptable to the PA Department of Agriculture.
 4. If the animal is diagnosed as rabid, it shall be humanly euthanized. Confirmatory tests for the presence of rabies shall be conducted on the animal's remains as necessary. After such testing the remains of the animal shall be disposed of in such manner as the PA Department of Agriculture directs.
 5. If the animal is a stray that cannot be identified, it shall be the duty of the Borough Official charged with the enforcement of this Article to impound such animal and

place it in confinement for observation, examination or other necessary action normally required of a private animal owner.

6. It shall be the duty of the Department of Health of the Borough to notify the victim of an animal bite of the results of the ten (10) day observation period and veterinary examination of the biting animal in writing following the receipt of reports of those results.
- b. Animal Bitten by an Animal Suspected of Rabies. It shall be the duty of any person who has knowledge that an animal in this municipality has been bitten or otherwise injured by, or been exposed to, or been in contact with an animal infected with or suspected of being infected with rabies, to immediately report the facts and whereabouts of such animals to the PA Department of Agriculture.
- c. Animals Infected with Rabies. It shall be the duty of any person who has knowledge that an animal in this municipality is infected with or suspected of being infected with rabies to immediately report the facts and the whereabouts of such animal to the PA Department of Agriculture. Any animal suspected of being infected with rabies shall immediately be removed to the PA Department of Agriculture, and such animal shall not be released therefrom without permission of the PA Department of Agriculture. Any animal infected with rabies shall be disposed of in such a manner as the PA Department of Agriculture may direct.
- d. Animals Dying of Rabies. Any person killing an animal that is rabid or suspected of being rabid, or any person having knowledge that an animal had died of rabies, or is suspected of having died of rabies, shall report the facts and the whereabouts of such animals to the PA Department of Agriculture, which will determine the disposition of the animal's remains.

SECTION 8. RECLAIMING SEIZED ANIMALS; FEES; DISPOSITON OF UNCLAIMED ANIMAL.

- A. Notification. The Borough Official who has seized an animal under the provisions of this Article shall see that the same is properly kept and fed and if ownership of such animal can be ascertained, the Borough Official shall immediately give notice of such seizure by registered mail to the owner of said animal to claim such animal within ten (10) days from the receipt of the notice.
- B. Reclaiming. The owner of the animal so seized and detained may reclaim the same day:
 1. Paying all expenses incurred in medical treatment, feeding and boarding the animal at a prevailing rated established by the Humane Society or other similar organization at which the animal detained;
 2. Paying an impoundment fee of Fifteen (\$15.00) dollars; and
 3. Paying any fines levied due to the violation of the Article
- C. Disposition. Any animal seized and detained by the Borough Official which has not been claimed by its owner can be given to the Humane Society.

SECTION 9. SUMMARY DESTRUCTION OF ANIMALS FOR HUMANE REASONS.

When in judgement of the Borough Official, it is determined at the scene of the accident that an animal is injured beyond any medical help, such animal may be humanely destroyed.

SECTION 10. SLAUGHTERING OF ANIMALS

The slaughtering, killing or dressing of animals such as but not limited to cattle, sheep, swine, goats, horses, rabbits or poultry shall not be allowed in the Borough except at places authorized by state or federal government agencies. This provision is not intended to apply to wild animals or fishes taken in conformance with applicable game and/or fish laws.

SECTION 11. BURIAL OR CREAMATION OF DEAD ANIMALS AND FOWL

The owner of any animal or fowl which has died when said owner knows of such death shall forthwith have its body cremated or buried, or otherwise disposed of in a manner acceptable to the Borough Official. Should the owner of any dead animal or dead fowl fail to comply with the provisions of this Article and after forty-eight (48) hours of written notice delivered to such owner by the Borough Official, said Borough Official shall be authorized to cause any dead animal or fowl to be cremated or buried at the expense of said owner.

SECTION 12. KENNELS AND PET SHOPS

- A. Location. Kennels and Pet Shops shall not be permitted in residential areas as defined in the Schuylkill County Zoning Ordinance or any successor Ordinance. Kennels and Pet Shops shall be permitted in other zones of the Borough as allowed by the County Zoning Ordinance so long as they meet all those zones requirements. This Section shall not relieve any person from meeting the requirements of Zoning Ordinance.
- B. Minimum Standards.
 1. Feeding. All kennel and pet shop animals shall be provided with sufficient, wholesome food and water which is free from contamination. Such food and water shall be of 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.
 2. Health of Animals.
 - a. All kennel and pet shop animals shall have fresh water available at all times. Water vessels shall be of the removable type and shall be mounted or secured in a manner that prevents tipping.
 - b. Sick or diseased animals in a kennel or pet shop shall be properly cared for and isolated at all times from any healthy animal kept in a kennel or pet shop and shall not knowingly be sold while sick or diseased, and shall be kept segregated so as to prevent the illness or disease from being transmitted to any other animal or individual.
 - c. No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.
 - d. Adequate exercise shall be provided to assure the good health of each animal.
 - e. All kennel and pet shop animals shall be segregated on basis of size and sex except in the case of immature animals or in the case of animals deliberately placed together for breeding purposes.
 3. Building and Enclosures of Kennels and Pet Shops
 - a. All kennel and pet shop building and enclosures shall provide adequate protection against weather extremes for each animal. The floors and walls be of a surface material to permit proper cleaning and disinfecting. Building temperatures shall be maintained at a temperature comfortable for each animal. Each such building shall provide adequate ventilation for each animal, and shall be kept clean, dry and in a sanitary condition with the use of a disinfectant. All animal waste and refuse must be daily removed and must be placed in a tightly covered, impervious receptacle which must be removed every other day so as to prevent it from becoming a nuisance.
 - b. Animals shall be maintained in quarters so as to prevent their escape.
 4. Cages and Runs

- a. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of his cage.
 - b. Cages are to be of a material and constructions that allows for cleaning and sanitizing.
 - c. Cage floors of concrete shall have a resting board or other adequate bedding.
 - d. Runs shall be of sufficiently large size to provide an adequate exercise area, and shall provide adequate weather protection.
- C. Compliance with Minimum Standards, Enforcement
- 1. It shall be unlawful for the owner of any kennel to fail to comply with any of the minimum standards set forth in this Article. The owner of any kennel must apply for a permit to operate within the Borough in accordance with this Ordinance.
 - 2. The Borough Official shall have the authority to inspect the premises of any kennel 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.

SECTION 13. ANIMAL HOUSING

A. Minimum Standards

- 1. Feeding. All animals shall be supplied with sufficient, wholesome food and water, free from contamination, and which food and water shall be of 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.
- 2. Health of Animals
 - a. 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.
 - b. Adequate exercise shall be provided to assure the good health of each animal.
 - c. No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.
- 3. Sanitation and Safety
 - a. There shall be sufficient, clean, dry bedding to meet the needs of each animal. All animals and animal quarters shall be kept in a clean and sanitary condition and adequate ventilation shall be maintained.
 - b. Animals shall be maintained in quarters so as to prevent their escape.
 - c. Animals must have access to an area of shade that permits the animal to escape the direct rays of the sun or temperatures under 32 degrees Fahrenheit.
- 4. Compliance with Minimum Standards.
 - a. 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.
 - b. The Borough Official shall have the authority to inspect the premises of any animal housing at a reasonable time 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.
- 5. Tethering of unattended dog.
 - a. Presumptions.--
 - i. Tethering an unattended dog out of doors for less than nine hours within a 24-hour period when all of the following conditions are present shall create a rebuttable presumption that a dog has not been the subject of neglect within the meaning of this section:
 - 1. The tether is of a type commonly used for the size and breed of dog and is at least three times the length of the dog as measured

- from the tip of its nose to the base of its tail or 10 feet, whichever is longer.
2. The tether is secured to a well-fitted collar or harness by means of a swivel anchor, swivel latch or other mechanism designed to prevent the dog from becoming entangled.
 3. The tethered dog has access to potable water and an area of shade that permits the dog to escape the direct rays of the sun.
 4. The dog has not been tethered for longer than 30 minutes in temperatures above 90 or below 32 degrees Fahrenheit.
- ii. The presence of any of the following conditions regarding tethering an unattended dog out of doors shall create a rebuttable presumption that a dog has been the subject of neglect within the meaning of this section:
 1. Excessive waste or excrement in the area where the dog is tethered.
 2. Open sores or wounds on the dog's body.
 3. The use of a tow or log chain, or a choke, pinch, prong or chain collar.
- b. Construction.--This section shall not be construed to prohibit any of the following:
 - i. Tethering a dog while actively engaged in lawful hunting, exhibition, performance events or field training.
 - ii. Tethering a hunting, sporting or sledding dog breed where tethering is integral to the training, conditioning or purpose of the dog.
 - iii. Tethering a dog in compliance with the requirements of a camping or recreational area.
 - iv. Tethering a dog for a period of time, not to exceed one hour, reasonably necessary for the dog or person to complete a temporary task.

SECTION 14. KEEPING OF CERTAIN ANIMALS PROHIBITED

- A. 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.
 1. If any of the locations set forth in Section 14(A) is going to house these, they must do so on a lot of no less than ½ acre. Further, the facility must have a fly away barrier which will consist of a wall, fence, dense vegetation or a combination thereof, such that these will not leave the property of be able to fly through the barrier. If the fly away barrier is dense vegetation, the initial planting must be six feet in height and reach at least eight feet in height.
- B. Sale, Adoptions, Exchange or Transfer of Wild or Exotic Animals Prohibited. No person shall sell, offer for sale, adopt, exchange or transfer, with or without charge any wild animal 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 of persons taking possession of such wild or exotic animal following said sale, adoption, exchange or transfer is/are not a resident of the Borough of Minersville.
- C. Keeping Farm Animals Prohibited. It shall be unlawful for any person to keep or maintain any cattle, swine, sheep, goats or fowl in the Borough except at such places as are provided for slaughtering or laboratory purposes.
- D. Disposition and Impoundment. Any person who keeps a wild or exotic animal or prohibited farm animal in contravention of this Article may dispose of the animal by removal of the animal from the Borough or by giving the animal to the Borough Official. The Borough Official is authorized to release the animal to the wild, to a zoological park, or to dispose of the animal in some humane manner.

SECTION 15. POWER TO PROMULGATE RULES AND REGULATIONS

The Borough Official with the Mayor's approval may promulgate such written rules and regulations as may be reasonably necessary for the administration of the provisions of this Article.

SECTION 16. INTERFERENCE WITH BOROUGH OFFICIAL

Any person interfering with the Animal Control Officer, any Police Officer, or any Health Officer in the enforcement of this Article shall be guilty of a violation of this Article.

SECTION 17. UNLAWFUL RELEASE OF SEIZED ANIMAL.

Any person who shall take away, or attempt to take away, or who shall cut the lease of any animal from the possession and custody of the Animal Control Officer, any Police Officer or any Health Officer of the Borough shall be guilty of a violation of this Article.

SECTION 18. CRUELTY TO ANIMALS.

It shall be unlawful for any persons:

- a. To overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry in a vehicle in an inhumane manner or otherwise mistreat any animal.
- b. To fail to provide any pet or animal with proper food, drink, protection from the weather and veterinary care.
- c. To abandon any pet or animal.
- d. To intentionally poison any pet or animal.
- e. To allow or promote any fight between animals or to allow or permit any such fight in or upon any premises in his possession of under his/her control.
- f. In the event the Borough Official of other authorized agency finds animals in neglected or suffering conditions, it shall have the right forthwith to remove or cause to be removed any such animals to a safe place for care at the owner's expense, providing that the owner is properly notified. Return to the owner shall not be permitted until the owner has made full payment for expenses incurred. Said payment shall not be considered in lieu of criminal charges which may be filed.

SECTION 19. PENALTY

That any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provision of this Article or of any regulation or requirement pursuant hereto and authorized hereby, shall upon conviction thereof be ordered to pay a fine of not less than Twenty-five (\$25.00) Dollars not more than Three Hundred (\$300.00) Dollars and, in default of payment of fines and costs, imprisoned not more than ninety (90) days. Each day's violation shall constitute a separate offense

SECTION 20. SEVERABILITY

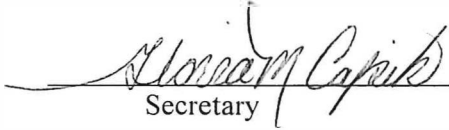
If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable without the invalid portion. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of the Ordinance, and the effective administration thereof.

SECTION 21. EFFECTIVE DATE.

This Ordinance shall be effective immediately and shall apply to any and all residents having any of the
aforementioned animals within the Borough of Minersville.


ENACTED AND ORDAINED this 13th day of February, 2019, by Council of the Borough of
Minersville in lawful session duly assembled.

ATTEST:


Secretary


Council President

APPROVED:


Mayor