

## **Chapter 2**

### **Animals**

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#### **Part 2**

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**Part 1****Animal Control****§2-101. Running at Large.**

From the date of the enactment of this Part, it shall not be lawful for any person or persons to permit:

A. Any cow, horse, swine, sheep, goat, or other similar animal to run at large in any of the streets, lanes, or alleys of the Borough of Nesquehoning.

B. Any cat or other animal, whether licensed or not, to run at large in any of the streets, lanes, or alleys of the Borough of Nesquehoning.

(*Ord. 70-2, 2/19/1970, §§1 and 2; as amended by Ord. 95-1, 2/8/1995, §48-1*)

**§2-102. Restraint; Confinement of Animals.**

From the date of the enactment of this Part, the owner or keeper of every cat or other animal shall at all times keep such animal either:

A. Confined within an enclosure from which it cannot escape;

B. Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it secured; or

C. Under the reasonable care of some person.

(*Ord. 70-2, 2/19/1970, §3; as amended by Ord. 95-1, 2/8/1995, §48-2*)

**§2-103. Dangerous Animals; Nuisances.**

From the date of the enactment of this Part, any animal which is proven to be dangerous or any animal which shall disturb the quiet of any person, persons, or family by barking or howling is hereby declared to be a public nuisance, abatable in the manner hereinafter provided.

(*Ord. 70-2, 2/19/1970, §4*)

**§2-104. Owner Designation.**

For the purpose of this Part, the person who has, keeps and maintains an animal shall be deemed the owner thereof.

(*Ord. 70-2, 2/19/1970, §5*)

**§2-105. Enforcement.**

The authority to enforce this Part shall be vested in the Chief of Police and any policeman or special policemen of the Borough of Nesquehoning.

(*Ord. 70-2, 2/19/1970, §6*)

**§2-106. Costs.**

For the purpose of this Part, costs of prosecution shall include the cost of housing, feeding, and otherwise reasonably maintaining said animals while they are in custody pending adjudication when, in the judgment of the enforcement officials, it is necessary

to restrain and maintain in custody said animals.

(*Ord. 70-2, 2/19/1970, §9*)

**§2-107. Animal Defecation on Public and Private Property; Disposal.**

1. It shall be unlawful for any person to allow excrement from the person's dog to remain on any public sidewalks, streets, alleys, or thoroughfares of the Borough of Nesquehoning.

2. It shall be unlawful for any person to fail to remove excrement from the person's dog from any public sidewalks, streets, alleys, or thoroughfares of the Borough of Nesquehoning.

(*Ord. 70-2, 2/19/1970; as added by Ord. 91-8, 9/19/1991, Art. 2*)

**§2-108. Violations and Penalties.**

Any person or persons, firm, or corporation that shall violate or fail to meet any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 70-2, 2/19/1970; as added by Ord. 91-8, 9/19/1991, Art. 2; as amended by Ord. 95-1, 2/8/1995, §48-8; and by Ord. 2013-1, 6/26/2013*)

**Part 2****Regulating the Keeping of Certain Animals,  
Including Wild or Exotic Animals****§2-201. Definitions.**

*Animal*—nonhuman vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

*Service animal*—an animal that is trained under the guidelines of a nonprofit organization to be a helper to assist a handicapped person perform simple everyday tasks.

*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. Amphibians: All venomous frogs, toads, turtles, etc.
- B. Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.
- C. Cat Family (Felidae): All except commonly accepted domestic cats—including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.
- D. Crocodilians: All alligators, caimans, crocodiles, gavials, etc.
- E. Dog Family (Canidae): All except domesticated dogs – including wolf, fox, coyote, dingo, or other offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, etc.
- F. Pig: All wild or domesticated swine, etc., excluding certified Vietnamese potbellied pigs, in accordance with §2-202.1.B hereof.
- G. Porcupine (Erethizontidae): All porcupines, skunks, etc.
- H. Primates (Hominidae): All subhuman primates, etc.
- I. Raccoons (Procyonidae): All raccoons and civets, etc.
- J. Reptiles: All venomous and constricting snakes, venomous lizards, etc.
- K. Venomous Invertebrates: All venomous spiders, scorpions, etc.
- L. Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc., excluding domesticated ferrets, in accordance with §2-202.1.A hereof.

(Ord. 2008-3, 6/25/2008, §1)

**§2-202. Keeping of Certain Animals Prohibited.**

1. *Wild or Exotic Animals Prohibited.* No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital (not boarded) or clinic, humane society, or 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, or causing a health hazard due to fecal matter, or otherwise.

A. Domesticated ferrets are permitted as house pets provided that the following requirements are met:

- (1) Ferrets must be de-scented.
- (2) Ferrets must be spayed or neutered.
- (3) Ferrets are to be vaccinated, except as otherwise provided herein. Vaccination documents or a statement from a licensed veterinarian advising against a vaccination shall be furnished upon request.
- (4) No breeding of ferrets is permitted.
- (5) Ferrets are not to be at large when outdoors.

B. Vietnamese potbellied pigs are permitted as house pets provided that the following requirements are met:

- (1) The pet owner is to obtain a document from a licensed veterinarian or a nationally recognized registry certifying that the pet is a Vietnamese potbellied pig.
- (2) Vietnamese potbellied pigs are to be spayed or neutered.
- (3) No breeding of Vietnamese potbellied pigs is permitted.
- (4) Vietnamese potbellied pigs are to be vaccinated, except as otherwise provided herein. Vaccination documents or a statement from a licensed veterinarian advising against vaccination shall be furnished upon request.

C. The fostering or keeping of a service animal is permitted in a household provided the following requirements are met:

- (1) No more than one service animal is permitted.
- (2) Upon request, the property owner is to furnish documentation certifying that the animal has been trained or is being fostered in accordance with a training program administered by a nonprofit organization.

2. *Sale, Exchange, Adoption, Exchange, or Transfer of Wild or Exotic Animals Prohibited.* No person shall sell, offer for sale, 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 Part; provided, that the person or 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 Nesquehoning.

3. *Disposition and Impoundment.* Any person who keeps a wild or exotic animal in contravention of this Part must 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. The owner shall either pay directly or reimburse the Borough for the cost of removal and/or placement at a park or other facility.

(Ord. 2008-3, 6/25/2008, §2)

## §2-203. Permitting Wild or Exotic Animals Owned at the Time of Passage of

**this Part.**

Any person owning or possessing a wild or exotic animal at the time of enactment of this Part may, pending the approval of the Zoning Officer, obtain a permit and nonconforming status for said wild or exotic animal provided that:

A. A permit application and nonconforming use application is filed with the Zoning Officer within 45 days of the effective date of this Part. Such application is to include:

(1) Species, age, and sex of said wild animal or exotic animal.

(2) A plan for the housing and containment for said wild or exotic animal must be reviewed, inspected, and approved by the Borough Building Official as adequate to prevent such animal from escaping or injury the public. (Any changes to containment plans or facilities already permitted must be submitted to and approved by the Building Official before changes may be implemented.)

(3) An animal permit fee, in an amount as established from time to time by resolution of the Borough Council, per wild or exotic animal shall be paid by the owner or possessor of such animal to the Treasurer of the Borough of Nesquehoning. Copy of permit to be filed with the Police Department. [*Ord. 2013-1*]

(4) Upon the death, sale, adoption, exchange, transfer, or disposal of said wild or exotic animal, the animal may not be replaced.

(5) If such wild or exotic animal is to be taken to any public place, it shall not be free to roam and must be controlled by a leash or cage. The permit for such animal must be carried by the owner/possessor.

(*Ord. 2008-3, 6/25/2008, §3; as amended by Ord. 2013-1, 6/26/2013*)

**§2-204. Borough Official Defined.**

For purpose of administering this Part, “Borough official” means that person or persons designated by the Borough Council to enforce the provisions of this Part. Included in this definition are police officers that shall have the same power to act as the Animal Control Officer, and representatives of the Borough.

(*Ord. 2008-3, 6/25/2008, §4*)

**§2-205. Owner Defined.**

For the purpose of administering this Part, “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 Nesquehoning for a period of 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 3 or more days.

(*Ord. 2008-3, 6/25/2008, §5*)

**§2-206. Penalties.**

1. Any person who violates any provision of this Part shall be subject to the

following penalties:

- A. First violation—a fine of \$50 or 30 days imprisonment or both.
  - B. Second violation—a fine of \$100 or 60 days imprisonment, or both.
  - C. Third violation—a fine of \$250 or 90 days imprisonment, or both.
  - D. Fourth and subsequent violations—a fine of \$1,000 or 90 days imprisonment, or both.
2. Each day's violation shall constitute a separate offense.

(*Ord. 2008-3, 6/25/2008, §6; as amended by Ord. 2013-1, 6/26/2013*)