

CONYNGHAM ANIMAL CONTROL LAW OF 2007

ORDINANCE NO. 263 OF 2007 2018

**AN ORDINANCE OF THE BOROUGH OF  
CONYNGHAM, LUZERNE COUNTY,  
PENNSYLVANIA, RELATING TO THE  
OWNERSHIP AND CONTROL OF ANIMALS**

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ARTICLE I, Control of Animals

§ 1. Short title.

This article shall be known and cited as the "Conyngham Animal Control Law of 2007"

§ 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. Parents and Guardians of any minor claiming ownership to any domesticated or non-domesticated animal will be considered an owner of the animal.

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.

ENFORCEMENT 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, including Police officers and Zoning Enforcement Officers.

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.

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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, 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.

### § 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.

### § 4. Animal noise.

It shall be unlawful to own, harbor or keep in custody any animal which disturbs the peace, quiet, rest or sleep of any person within the Borough by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Borough of Conyngham. 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 Borough of Conyngham.

A. Any Borough resident may request the Enforcement Officer or the Borough 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 Borough of Conyngham.

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 Enforcement Officer 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 Borough of Conyngham.

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 § 4.

§ 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.

§ 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 Borough of Conyngham.

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§ 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 Borough Zoning Enforcement Officer, obtain a permit for said wild or exotic animal, provided that:

A. A permit application is filed with the Enforcement 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 Enforcement Officer as adequate to prevent such animal from escaping or injuring the public.

C. An annual permit fee in the amount of \$25.00, for each wild or exotic animal shall be paid by the owner or possessor of such animal to the Borough of Conyngham.

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 Enforcement Officer and registration of the replacement animal(s).

§ 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.

§ 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 a sanitary method.

B. A person who allows an animal to defecate on his property shall immediately remove all feces deposited by such animal by a sanitary method.

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.

§ 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.

§ 11. Limitation on number of animals / Identification tags.

If more than four (4) animals, eight (8) 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 Borough Zoning Enforcement Office. Failure to so notify and register constitutes a violation of this article. The penalty for such violation shall be in accordance with Article I, Section 20, Violations and Penalties, of this Ordinance. Each day that any violation of this article continues shall constitute a separate offense, in accordance with Article I, Section 20 Violations and Penalties.

All animals must have a marking, tag or other system for identification of its owner (ex. tags, tattoo, band or microchip).

§ 12. Enforcement.

A. It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this article.

B. 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.

C. 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 enforcement officer.

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§ 13. 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 Enforcement Officer.

B. All such cats or dogs who have been vaccinated must wear rabies collars showing proof and date of vaccination.

§ 14. 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 Borough of Conyngham.

§ 15. Minimum standards for animal care.

A. It shall be unlawful for an owner or caretaker of an animal to deprive it of: sufficient, wholesome food and water, free from contamination; shelter or veterinary care.

B. 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.

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

D. The Enforcement 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.

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§ 16. 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.

§ 17. 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 Enforcement Officer, obtain a permit for said pigeons, provided that:

A. A permit application is filed with the Enforcement 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 Enforcement Officer as adequate to prevent such pigeons from causing a nuisance to neighbors.

C. An annual permit fee in the amount of \$25.00, shall be paid to the Borough by the owner or possessor of such pigeons.

§ 18. Enforcement officers.

Police, state dog wardens and the Borough's Zoning Officer(s) are charged with enforcement of this Ordinance.

§ 19. Violations and penalties.

A person or persons violating or failing to comply with the provisions of this article shall be subject to a fine of not less than \$50 and not to exceed \$500 for each violation. 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

§ 1. Legislative purpose.

It is the purpose of this article to promote the health, safety and general welfare of the residents of the Borough by reducing the number of stray dogs and cats. The Borough finds that each year dogs and cats are euthanized 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 encouraging animal owners and breeders to inoculate their animals, to prevent their animals from running at large, to spay or neuter their animals and to prevent abandonment of animals through legislation that is both reasonable and enforceable.

§ 2. Violations.

The owner(s) of any dog or cat which is not spayed or neutered, not properly licensed, or not currently inoculated with the rabies vaccination, and found abandoned and/or found running at large shall be in violation of this article and subject to the penalties provided in § 3.

§ 3. Penalties.

A. First offense. The owner(s) of any dog or cat found to be in violation of § 2 of this article shall be given a written warning by the Enforcement Officer and is required to meet all license and vaccination requirements as mandated by Borough ordinance and state law.

B. Second offense. A second offense is defined as a second violation of § 2 of this article which occurs within one year of the first offense. The

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owner(s) of any dog or cat found to be in violation of a second offense shall be fined an amount not to exceed \$300.00, 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 an amount not to exceed \$400.00. Proof of spaying or neutering from a veterinarian shall be provided to the Zoning Enforcement Officer.

C. Third offense. A third offense is defined as a third violation of § 2 of this article within one year of the first offense. The owner(s) of any dog or cat found to be in violation of § 2 of this article shall be subject to a fine in an amount not to exceed \$600.00 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 Zoning Enforcement Officer.

Article III, Repealer and Effective Date

§1. Repealer

All Ordinances (including Ordinance No. 229) or parts of Ordinances previously enacted which are inconsistent with any provision of this Ordinance or, to the extent that such are inconsistent, are hereby repealed.

§2. Effective Date

This Ordinance shall take effect immediately upon its passage and approval of Council and signature by the Mayor of Conyngham.

ENACTED AND ORDAINED by the Conyngham Borough Council on this

~~17~~ day of ~~June~~, 2007.  
18<sup>th</sup> day of September, 2018

By: [Signature]  
President, Conyngham Borough Council

By: [Signature]  
Mayor, Conyngham Borough

ATTEST:

[Signature]  
Secretary

[Signature]

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I do hereby certify that the foregoing ordinance was advertised in the Hazleton Standard-Speaker on September 11, 2018 a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth at the Regular Meeting of the Conyngham Borough Council held on July 17, 2007. September 18, 2018

[Signature]  
Secretary