

BOROUGH OF NORTHUMBERLAND

ORDINANCE 2013-3

AN ORDINANCE OF THE BOROUGH OF NORTHUMBERLAND ADDRESSING ANIMALS IN THE BOROUGH; AMENDING CHAPTER 24 “ANIMALS”; ESTABLISHING PROCEDURES FOR THE DISPOSITION OF LICENSED, UN-LICENSED AND THREATENING ANIMALS; AND PRESCRIBING PENALTIES FOR VIOLATION. PROHIBITING THE KEEPING OF ANIMALS MAKING DISTURBING NOISES, PRESCRIBING PENALTIES FOR VIOLATION AND MAKING CERTAIN EXCEPTIONS. CONTROLLING ANIMAL DEFECATION ON PUBLIC PROPERTY, PRESCRIBING PENALTIES FOR OWNERS WHO ALLOW ANIMALS TO LEAVE EXCREMENT ON PUBLIC, OR OTHER PERSON’S PROPERTY; AND ALLOWING FOR CERTAIN EXCEPTIONS. REGULATING THE KEEPING OF CERTAIN ANIMALS INCLUDING HOUSEHOLD PETS AND PRESCRIBING DEFINITIONS AND PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough of Northumberland (the “Borough”) currently regulates the keeping of dogs in the Borough through Chapter 24 “Dogs” of its Code of Ordinances; and

WHEREAS, the Borough Council of the Borough has determined that the current regulations on dogs and other animals in the Borough are not sufficient to deal with the dangers, hazards and nuisances faced by Borough residents related to animals in the Borough; and

WHEREAS, the Borough Council has determined that it is in the best interests of its residents’ health, safety and welfare to enact more comprehensive regulation on animals in the Borough; and

WHEREAS, the Borough Council desires to replace the current regulations in Chapter 24 “Dogs” of its Code of Ordinances with more comprehensive regulations covering animals in the Borough in a renamed Chapter 24 “Animals”; and

NOW, THEREFORE, the Borough Council hereby enacts the following:

Part 1.

24.1.01. INTENT AND PURPOSE.

Borough Council of the Borough of Northumberland (the “Borough”) expressly recognizes and finds that the Borough is a highly and densely populated Borough, being substantially developed primarily with

residential homes, that the unregulated keeping of animals within the Borough creates a hazard or potential hazard or threat or potential threat to the health, safety and welfare of the residents of the Borough, because such animals:

1. are or may be poisonous and/or dangerous to humans;
2. are or may be diseased which could adversely affect the health of a human or other animals;
3. are or may be affected with a contagious or infectious disease whereby the health of humans or other animals may be affected;
4. are or may be or may become vicious by the animal's nature and/or disease or sick and/or attack and/or threaten to attack humans or other animals;
5. are or may be or may become vicious to humans and/or other animals, and attack or threaten to attack humans or other animals;
6. are or may be a threat to the peace and quiet of the neighborhood in which the animals are maintained by emitting noises or causing noises that disturb persons in the neighborhood;
7. discharge droppings or feces or urine in open areas that carry or can spread or cause or carry disease and/or sickness to humans or other animals and create a nuisance.

24.1.02 DECLARATION OF POLICIES.

The Borough Council hereby declares the following policies regarding the regulation of animals in the Borough:

1. Clean, safe, sanitary and quiet neighborhoods are absolutely essential for persons in the Borough, so that the Borough may protect the health, safety and welfare of the people in the Borough and attract new residents.
2. Clean, safe, sanitary and quiet neighborhoods are absolutely essential if persons (inclusive of children of persons) in the Borough are to have adequate use of their property, both real and personal, without fear of, or threat of disease from, or attack by animals.
3. Clean, safe, sanitary and quiet neighborhoods are absolutely essential if persons (including children of persons) in the Borough are to have use of and access to public areas, such as sidewalks, public walkways,

streets, cartways, alleys, playgrounds, parks and recreational areas, now and in the future, without fear of, or threat of disease from, or attack by animals.

4. The objective of the regulations on animals is to prevent animals from contracting disease, to prevent the spread of disease of any kind which animals may contract, protect the public and persons (including children of persons) from animals that may be diseased, and protect the safety of residents, including children and non-residents from animals that may be diseased, and protect the safety of residents and non-residents within the Borough from attack, or the threat of attack, from animals, and protect public property and the property of persons and owners of property, both real and personal.

5. The prevention and elimination of disease and/or the spread of disease carried by animals or the potential for disease or sickness due to animal feces, urine or droppings, and/or the threat to the safety of residents and non-residents within the Borough by attack or threat of attack by animals and/or the threat of injuries and/or sickness and/or death or injury and/or sickness and/or death from animals or diseased animals or poisonous animals and/or the noises emitted by an animal, are directly related to the health, welfare and safety of the persons in the Borough and the peace and quiet of neighborhoods in the Borough.

6. The achievement of these policies and objectives herein set forth requires a comprehensive program of animal management and control in the Borough.

Part 2. Prohibiting Animals Running At Large and Restrictions on Outdoor Feeding.

24.2.01. Definitions.

As used in Chapter 24, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

ANIMAL -	any dog, cat, fowl, household pet or other domestic animal.
BOROUGH -	The Borough of Northumberland, Northumberland County, Pennsylvania.
COMMUNITY CAT -	A cat that is abandoned, stray, lost, or feral, and is not a household pet. A community cat is not to be classified as a public nuisance

animal merely for being repeatedly found at large. Some community cats can be distinguished from other cats by being sterilized and ear tipped; qualified community cats are exempt from licensing, stray and at-large provisions of this ordinance, and may be exempt from other provisions directed toward owned animals.

Community Cat Caregiver - a person who, in accordance with Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat. A community cat caregiver shall not be considered the owner, harbinger, controller, or keeper of a community cat.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in the area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

FOWL - any wild or domestic animal such as, but not by limitation, animals of the chicken, turkey, goose, ducks, pigeons, mallard, or quail species.

HOUSEHOLD PET - any dog, cat, small non-venomous reptiles kept in cages/tanks smaller than 100 gallons, turtles and frogs, common pet birds kept in cages (such as finches, parrots, caiques, canary, cockatiels, cockatoo, conures, macaws, parrotlet, parakeets, pionus and rosella), common pet rodents (such as mice, gerbils, hamsters, chinchilla, ferrets and sugar gliders), rabbits and fish normally and ordinarily kept in or permitted to be at large in the dwelling of its owner. Any animal owned, controlled or maintained by a person other than those raised as livestock or for work or breeding purposes not in accordance with Trap-Neuter-Return.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

- OWNER -** when applied to the proprietorship of an animal, includes every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his/her care, and every person who permits such animal to remain on or about such premises occupied by him/her, including providing food or water for such animal.
- PERSON -** any person, firm, partnership, association, or corporation.
- RUNNING AT LARGE -** being upon any public highway, street, alley, cartway, park or any other public land, or upon property of another person other than the owner, and not being accompanied by and under the control of the owner or any other person having custody of said animal. If the animal is on public ground, it must be on a leash not longer than six (6) feet in length or it shall be considered running at large.
- TNR REPRESENTATIVE(S) -** person(s) responsible for working with residents serving as community cat caregivers, overseeing the trapping, veterinarian care, recovery, and safe return of community cats to their outdoor home.
- WILD ANIMAL -** any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

24.2.02. Enforcement.

The Northumberland Borough Police Department, Code Enforcement Officer, Local Health Officer, State Health Officer, State/County Dog Warden and any other individual designated by the Borough through a Resolution of Borough Council shall have the power to enforce this Chapter of the Code of Ordinances Borough of Northumberland and of the Dog Laws, 3 P.S. 459-101 et seq.

24.2.03. Unlawful to Allow Animals to Run at Large.

It shall be unlawful for the owner of any animal or animals to allow or permit such animal or animals to run at large in the Borough of Northumberland.

24.2.04. Seizing of Animals.

Any police officer may seize any animal found running at large in the Borough. Such animals are to be impounded in a licensed kennel, or appropriate facility for keeping the particular type of animal. The location of where the animal is being held shall be available at the Borough building.

24.2.05. Licensed Animals.

The Chief of Police or the Officer in Charge or Code Enforcement Officer shall notify the owner of a licensed animal by registered or certified mail, with return receipt, that the animal is impounded and will be disposed of in five (5) days if not claimed. Five (5) days after the return receipt has been received, and the animal has not been claimed, the animal may be sold or destroyed, as in the instance of a dog in accordance with the Dog Law, 3 P.S. §§ 459-302, if applicable. If the certified mail is returned as unaccepted and the animal has not been claimed within Fifteen (15) days of being impounded, the animal may be sold or destroyed, as in the instance of a dog in accordance with the Dog Law, 3 P.S. § 459-302, if applicable.

24.2.06. Unlicensed Animals.

Unlicensed animals that are seized shall be held in such kennel, or appropriate facility for keeping that particular type of animal for forty-eight (48) hours and if not claimed may be destroyed and as in the instance of a dog, in accordance with the Dog Law, 3 P.S. §§ 459-303, if applicable. In order to claim an unlicensed animal, an individual must pay all boarding expenses incurred and either the fee to license the animal and/or all expenses to neuter/spay the animal. An unlicensed animal will not be released until the license is paid for and/or the animal is delivered to a licensed veterinarian to neuter or spay the animal.

24.2.07. Dangerous Dogs.

1. A dog determined to be dangerous under § 502-A of the Dog Law, 3 P.S. 459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. 459-501-A, et seq.

2. Dogs may be killed only in accordance with the requirements of § 501 of the Dog Law, 3 P.S. §§ 459-501, and otherwise, said dog(s) must be detained and delivered to the police or a State dog warden. While detained, said dog must be treated in a humane manner.

24.2.08. Outdoor Feeding of Animals.

1. No person shall leave food or anything intended to be food for cats or dogs unattended outside of their home. Food shall be considered to be left unattended if it is outside the home and person is not present.

2. Community cat caregivers are exempt from the outdoor feeding restriction upon the following conditions:

- a. If a person is providing food and/or water for community cats, he or she is required to provide that care on a regular/ongoing basis.
- b. Food must be provided in the proper quantity for the number of cats being managed;
- c. Food must be maintained in proper feeding containers;
- d. The feeding area must be kept clean and free of trash and food debris to discourage pests;
- e. Water, if supplied, must be clean, potable, and free from debris and algae;
- f. All food is removed at the end of the day and not left outdoors during night-time hours; and
- g. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).

3. The restrictions in this section shall not apply to a veterinarian, kennel or other approved entity that is boarding an unlicensed animal that has either been seized or is part of the Cat Trap-Neuter/Spay-Return Program, as long as the animal is being fed in an enclosure or cage.

24.2.09 Penalties.

- 1. As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.

Part 3. Animal Noise Control.

24.3.01. Intent and Purpose.

The Borough Council of the Borough of Northumberland, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough.

24.3.02. Noise Disturbance.

It shall be illegal within the Borough for any person or persons to allow any animal or community cat (as defined in Part 2) on their property outside of a residential or business dwelling which makes any noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated nor is there any other legitimate cause which justifiably provoked the animal.

24.3.03. Penalties.

1. As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.

Part 4. Control of Animal Defecation.

24.4.01. Animal Defecation on Public and Private Property Restricted.

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any animal to defecate or urinate, upon any gutter, street, driveway, alley, curb, cartway, or sidewalk in the Borough of Northumberland, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or sidewalks of any building abutting on a public street or park, or upon the playground areas, pavilion, picnic or gathering areas of any public parks or public area, or upon any private property other than the property of the owner of such animal. Allowing an animal to defecate or urinate on the area of ground between a sidewalk and curb or in areas within three (3) feet of the curb

where no sidewalk exists, shall not be a violation of this section as long as feces are disposed of in accordance with Section 24.4.02.

24.4.02. Disposal of Animal Feces.

Any person having possession, custody or control of any animal(s), which permits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such animal, as prohibited in section 1 or who allows animal feces to accumulate on their own property in a manner that creates a potential health hazard shall be required to immediately remove any feces from such surface and either:

1. Carry same away for disposal in a toilet; or
2. Place same in a non-leaking full enclosed container for disposal at the owner's residence.

Animal feces, and/or defecation, and/or waste that is not properly stored shall be deemed a threat to the public health in the Borough of Northumberland. In order to prevent a threat of disease and/or the spread of disease, it shall be unlawful to store and maintain animal feces and/or defecation, and/or waste except in a solid enclosed plastic bag that is stored in a rigid container (a hard plastic or metal garbage can) with a top that is secured at all times to prevent accidental spilling and/or access by animals and/or a person or persons, including children.

24.4.03. Animals Accompanying Blind or Disabled Persons Exempt.

The provisions of section 1 and 2 of this Part shall not apply to a guide dog or any other certified guide animal accompanying any blind persons, or to a dog or other certified animal used to assist individuals with disabilities.

24.4.04. Penalties.

1. As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.

Part 5. Regulating Keeping of Certain Animals and the Abandonment of Animals.

In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

24.5.01. Certain Animals Prohibited.

It shall be unlawful for any person to keep or maintain non-household pets, such as pigs, hogs or swine, horses, cattle, sheep, goats, chickens, turkeys, or other fowl, at any place within the Borough, or to maintain coops, pens, kennels, stables or other accommodations for any such animals.

24.5.03. Household Pets.

It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere that in such dwelling shall be created.
2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of section 3 of this Part, shall be applicable to the keeping of such household pets.

24.5.04. Abandonment of Animals

It shall be unlawful for any person to leave an animal in the Borough with the intention of abandoning it. A person shall be considered to have abandoned an animal if they have done any of the following:

1. Released an animal onto the streets or properties of the Borough or another person; or
2. Left an animal unattended in a public place or the property of another person for more than fifteen (15) minutes; or
3. Failed to pick up an animal from a veterinarian or kennel when notified animal was to be picked up.

24.5.05. Penalties

1. As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.

Part 7. Cat Trap, Neuter/Spay and Return (TNR Program) Program

24.7.01 Purpose.

The Borough has established a voluntary program for the neutering and spaying of community cats and euthanization of diseased cats located in the Borough for the purpose of reducing the number of community and/or diseased cats in the Borough.

24.7.02 Funding for the Program.

The Borough shall act as the custodian for the funding for the TNR Program. The Borough shall not be obligated to utilize any Borough funds for the program. The Borough established a TNR donation fund through the Pennsylvania Society for the Prevention of Cruelty to Animals (Pennsylvania SPCA). All funds in such account shall only be used for purposes related to the program.

24.7.03 Services of the Program.

1. The Program, to the extent funds are available, will pay the costs for the neutering/spaying of an eligible community cat at the Pennsylvania SPCA Danville location. The Pennsylvania SPCA shall set the applicable rates.

2. The Program, to the extent funds are available, will pay the costs for euthanization of a diseased community cat at the Pennsylvania SPCA Danville location. The Pennsylvania SPCA shall set the applicable rates.

24.7.04 Eligible Community Cats.

A cat shall be considered eligible for the Program if all of the following apply:

1. The request for funding for the community cat is made by a Borough resident;
2. No one has claimed the cat within forty-eight (48) hours of seizer-.

24.7.05 Request for Program Funding.

1. The Borough TNR representative(s) who is appointed by the Borough Manager may request funding for a neutering/spaying service covered by the TNR Program for an eligible community cat, as defined in 24.7.04. Borough residents may request neutering/spaying for a community cat but the TNR representative(s) is the only person permitted to arrange for the service. Funding will be provided based on availability. The neutering/spaying fee will be paid directly to the veterinarian performing the service from the Borough's Pennsylvania SPCA TNR donation fund. Requests will be considered in order of receipt.

2.

24.7.06 Provision of Services Under the Program – Participating Veterinarian.

Pennsylvania SPCA shall be permitted to provide services through the TNR Program as long as the Pennsylvania SPCA veterinarian agrees to accept TNR donation funds earmarked for the Borough's residents. A veterinarian shall have the discretion when treating community cats to determine if the community cat is diseased and for humane purposes should be euthanized instead of being neutered/spayed.

24.7.07 Responsibility for Community Cats Receiving Services Under the Program.

The individual requesting TNR Program funding for the eligible community cat shall be responsible for the cat during the time the cat is enrolled in the program and under the care of the participating veterinarian. The Borough shall not be responsible for the community cat, nor will the Borough take possession of the community cat. The resident shall be considered to have abandoned a cat under 24.5.04 if they fail to pick up the cat following the services provided by a veterinarian and shall be in violation of this Ordinance.

24.7.08 Procedure for submitting a community cat to TNR Program

The following procedure shall be utilized for submitting a cat(s) to the TNR Program:

1. Resident will contact the Borough office to report a community cat(s) eligible for the TNR Program.

2. A resident must provide a current valid driver's license/state identification card or utility bill that demonstrates a residence in the Borough to obtain a voucher.

3. The Borough Manager, upon proof of residency, shall make an inquiry with the SPCA office about available donation funds.

4. The Borough Manager will notify the TNR Representative of the request and provide the resident's name, telephone number, address, the number of community cats eligible for TNR, and whether or not there is TNR Program Funding available.

5. The TNR Manager(s) will make arrangements with the resident to trap the community cat, transport the cat(s) to Danville for surgery, provide post-surgery care, return the community cat to its outdoor home, and provide the necessary support needed for the cats to survive.

Part 8. Dangerous Animals.

24.8.01

1. A dangerous animal is any animal that is found to be dangerous in accordance with any applicable Pennsylvania Law and/or Federal Law and/or governmental regulation and/or Pennsylvania Court(s) and/or Federal Court(s) decision(s) and/or is found to be dangerous due to disease, viciousness, poisonous nature, and/or prior threat and/or injury including death to a person(s) and/or public, by the Council of the Borough of Northumberland, after a duly advertised public hearing in which the residents of the Borough of Northumberland and/or public and/or any knowledgeable person about the particular animal have provided information, and/or were allowed the opportunity to provide information as to propensities of the particular animal, or the animal(s) is obviously vicious and/or threatening to humans and/or sick and/or diseased creating an immediate and eminent threat to the health and welfare of the public, in the discretion of any Northumberland Borough Police Officer, or Chief of Police or Officer In Charge.

2. Any dangerous animal, as determined herein, shall be restrained, at all times, from the public by failsafe safeguards.

3. Any dangerous animal, as determined herein, running at large, may be killed or immobilized upon sight by any Northumberland Borough Police Officer or Chief Of Police or Officer In Charge, if the Police Officer or the Chief Of Police or Officer In Charge determines an immediate and/or imminent threat of injury and/or death to any person, including the

Police Officer or Chief Of Police or Officer In Charge or property of any person. Any dangerous animal so immobilized must be detained for no more than twenty-four (24) hours in an appropriate and secure facility during which time the Northumberland Borough Police Department shall seek appropriate veterinary help and an appropriate place to permanently deliver the dangerous animal. In the event no appropriate place to permanently deliver the dangerous animal is located, then the Northumberland Borough Police Department may cause the dangerous animal to be destroyed.

24.8.02. Violation of State Law.

Any violation of this Part 4 that would also violate any state law shall be prosecuted under that state law.

24.8.03. Penalties.

With respect to any person convicted of a violation of this.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof on an action brought before a magisterial district judge or other tribunal with jurisdiction, in the manner provided for the enforcement of summary offenses under the Pa. Rules of Criminal Procedure, shall be sentenced to pay a fine of no less than \$100 but not more than \$1000 plus court costs to the Borough and for the expenses, including but not limited to food and medical expenses, related to handling the animal, and in default of payment of said fine costs and expenses 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.
2. As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.

24.9.01. Designation of Use of Fines.

Borough Council may from time to time designate by Resolution a portion of the fines received for violations of Chapter 24 to be utilized for the TNR Program created under 24.7.01 et. seq, but is not obligated to. The initial percentage of the fines received for violations of Chapter 24 to be used for the TNR Program shall be zero percent (0%) of the total amount of fines received.

Repealer.

All prior ordinances, resolutions or other Borough regulations on animals which are inconsistent herewith are hereby repealed.

Severability.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would not have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof been included herein.

Interpretation.

The object of interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

Effective Date.

This ordinance shall become effective immediately.

DULY ORDAINED AND ENACTED this ____ day of _____, 2023, by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania.

ENACTED, ORDAINED, AND APPROVED this _____ day of _____, 2023.

Borough Council of
Northumberland Borough,
Northumberland County,
Pennsylvania

By: _____

Paul Ruane, Council
President

ATTEST:

, Borough Secretary

Mayor of Northumberland Borough