

## **CHAPTER 2**

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## CHAPTER 2

### ANIMALS

#### Part 1

#### Regulating of Animals

**§101. Definitions.** As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

(a) Animal - means all members of the equine, bovine, ovine and porcine species, confined domesticated hares, rabbits, minks, dogs, cats, confined birds, poultry or domestic fowl, snakes, rodents and hamsters.

(b) Domestic Animal - means any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

(c) Household Pet - means any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

(d) Large Animal - means any wild or domestic animal of the bovine, equine or sheep family.

(d) Owner - means any person having a right of property in any animal or having custody of any animal, or any person who harbors or permits an animal to remain on or around his or her property.

(e) Run or Running at Large - means an animal that is not: (1) confined within the premises of the owner; (2) firmly secured by means of a collar and chain or other device so that the animal cannot stray beyond the premises on which it is secured; (3) under the reasonable control of some person, or when engaged in lawful hunting or field training accompanied by an owner or handler; or (4) within the premises of the owner, but upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of the animal.

(f) Small Animal - means any wild or domestic animal such as a rabbit, hare, guinea, pig, rat, mouse, or chinchilla, and any wild or domestic fowl such as a chicken, turkey, goose, duck or pigeon.

(g) Wild Animal - means any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; nor 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.

**§102. Unlawful to Allow Animals to Run at Large.** It shall be unlawful for any person who owns or keeps an animal to permit that animal to run at large in any area within the boundaries of the Borough. Any animal running at large in violation of this Part shall be subject to seizure, detention and disposal as provided herein.

**§103. Animal Noise Disturbance.** It shall be unlawful for any person to own, possess, harbor, control or keep in custody any animal which makes any noise continuously or incessantly for a period in excess of thirty (30) minutes or makes such noise intermittently for a period of one (1) hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal is physically situated in or upon private property.

**§104. Injury to Humans.** It shall be unlawful for the owner of any animal to permit that animal to injure any human being by biting, jumping on, knocking down or attacking that human being, or otherwise mauling or causing unwanted physical contact or physical injury to that human being.

**§105. Animal Defecation.**

(a) Animal Defecation on Public or Private Property Restricted. No person having possession, custody or control of any animal shall knowingly or negligently permit any animal to commit any nuisance such as soiling, defiling, defecating or urinating upon any street, driveway, alley, curb, common thoroughfare, sidewalk, passageway, by-pass, public park, public play area, or any place where people congregate or walk, or any public property whatsoever, or on any private property without permission of the owner of that property, or where such condition on private property causes a nuisance to the owner of another property, or to the public.

(b) Disposal of Animal Feces. Any person having possession, custody or control of any animal shall immediately remove and properly dispose all feces deposited by such animal in a sanitary method.

**§106. Restriction of Certain Animals on Premises.**

(a) Certain Animals Prohibited. It shall be unlawful for any person to keep:

(1) Any pig, hog, swine, chicken, rooster, or wild animal within the Borough.

(2) Any animal at such a number or amount or in such a condition as to cause a health or safety hazard to the occupant(s) of the premises where the animals are kept, or to an adjoining property owner, or to the public health, safety or welfare.

(3) Any animal which is infected with a transmissible disease.

(4) Any animal which is otherwise detrimental to the public health, safety or welfare.

(b) Keeping of Animals Regulated. It shall be unlawful to keep any domesticated animals, except household pets and as hereinafter provided:

(1) Large animals shall be confined within an enclosed structure no part of which shall be closer than one hundred (100') feet from the exterior limits of any dwelling or of any property line.

(2) Small animals shall be confined within an enclosed structure no part of which shall be closer than fifty (50') feet from the exterior limits of any dwelling or of any property line.

(3) This Section 106(b) may not be construed or interpreted as permitting any of the animals prohibited in Section 106(a) above.

#### **§107. Duties of Police or Code Enforcement.**

(a) A Police Officer or Code Enforcement Officer may seize and detain any animal which is found to be in violation of this Part.

(b) A Police Officer or Code Enforcement Officer may dispose of any animal which poses an immediate threat to the public health, safety or welfare.

(c) The Police or Code Enforcement are hereby authorized to care for or release any animal to a person or agency that may properly care for any animal seized and detained under this Part until the owner of the animal could be provided notice to claim the animal. The cost of the detention, care and maintenance shall be paid by the owner of the animal at the time of claiming the animal.

(d) In the event an animal running at large is seized and detained in accordance with this Part and the animal does not bear a valid and proper license tag, the Police or the Code Enforcement Officer shall make a reasonable effort to ascertain the identity of the person owning or keeping the animal. When such owner or keeper is notified by the Police or the Code Enforcement Officer to claim the animal, the owner or keeper shall do so within 24 hours of receipt of such notice. If such owner or keeper is not found within 24 hours, then the detained animal may be placed for adoption, sold, or given to the applicable agency to care for the animal.

(e) In the event the detention of the animal shall be the first time said animal was so detained, upon claiming said animal, the owner may be given a warning by the Officer who detained said animal and the owner shall pay all reasonable expenses incurred by reason of the animal's detention.

**§108. Unlawful or Prohibited Activities.**

(a) It shall be unlawful for any person to interfere with an Officer attempting to carryout his or her duties under this Part.

(b) It shall be unlawful for any person to forcibly cut the leash, chain or other restraining device to take the animal away from an Officer having in their possession an animal found running at large unaccompanied by the owner or keeper.

(c) If an animal, under the laws of the Commonwealth, must be licensed or is required to wear a license, 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 animal upon demand of an Officer identified under this Part.

(d) No animal so caught and detained shall be sold for the purpose of vivisection, or research, or be conveyed in any manner for those purposes.

**§109. Injury to Animals.**

(a) Except when an animal is in the act of attacking a human being, it shall be unlawful for any person, except an Officer under this Part, to kill, injure or attempt to kill or injure any animal found in the Borough.

(b) It shall be unlawful for any person to abandon or attempt to abandon any animal within the municipal boundaries of the Borough.

**§110. Non-liability of Police and Code Enforcement Officer.** No Police officer or Code Enforcement Officer shall be liable to any person, in damages or otherwise, for any action taken in good faith by said officer in attempting to enforce the terms and provisions of this Part.

**§111. Violations and Penalties.** Any person who shall be convicted before any District Justice of violating or failing to comply with any of the terms and provisions of this part shall be sentenced to pay a fine of not more than Six Hundred (\$600) Dollars, together with costs of prosecution, and in default of payment of such fine and costs, may be sentenced to imprisonment for a term not to exceed thirty (30) days. The continuation of any violation of this Part shall constitute a separate offense for each successive day of violation. The District Justice may also award reimbursement costs to the Borough for any temporary detention, care and maintenance of an animal in this or a separate action.

**Part 2**  
**Regulating and Prohibiting of Certain Exotic and Wild Animals**

**§201. Definitions.**

**A. Animal** means all non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

**B. Service Animal** means an animal that is trained under the guidelines of a non-Profit organization to be a helper to assist a handicapped person perform simple everyday tasks.

**C. Wild or Exotic Animal** means any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. The terms include any animal, which is wild, fierce, dangerous, noxious, or naturally inclined to do harm. Wild animals, although domesticated, shall also include but not be limited to:

Amphibians: All Venomous frogs, toads, turtles, etc.;

Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.;

Cat Family (Felidae): All except commonly accepted domestic cats – including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.;

Crocodylians: All alligators, caimans, crocodiles, gavials, etc.;

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, and any dog which bites, inflicts injury, assaults or otherwise attacks a human being without provocation, or any dog deemed a dangerous dog under Pennsylvania Law, etc.;

Pig: All wild or domesticated swine, etc. excluding certified Vietnamese potbellied pigs, in accordance with Section 202(A)(2) below;

Porcupine (Erethizontidae): All porcupines, skunks, etc.;

Primates (Hominidae): All sub-human primates, etc.;

Raccoons (Procyonidae): All raccoons and civets, etc.;

Reptiles: All venomous and constricting snakes (boa constrictors, pythons etc.),

venomous lizards, etc.;

Venomous Invertebrates: All venomous spiders, scorpions etc.;

Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc., excluding domesticated ferrets, in accordance with Section 202(A)(1) below.

## **§202. Keeping of Certain Animals Prohibited**

**A. Wild or Exotic Animals Prohibited.** No person shall keep a wild or exotic animal in any place except 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 animals from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise.

(1) Domesticated ferrets are permitted as house pets provided that the following requirements are met:

- (i) Ferrets must be de-scented.
- (ii) Ferrets must be spayed or neutered.
- (iii) 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.
- (iv) No breeding of ferrets is permitted.
- (v) Ferrets are not to be at large when outdoors.

(2) Vietnamese Potbellied Pigs are permitted as house pets provided that the following requirements are met:

- (i) 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.
- (ii) Vietnamese Potbellied Pigs are to be spayed or neutered.
- (iii) No breeding of Vietnamese Potbellied Pigs is permitted.
- (iv) 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.

(3) The fostering or keeping of a service animal is permitted in a household provided the following requirements are met:

- (i) No more than one service animal is permitted.
- (ii) 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 non-profit organization.

**B. Sale, Exchange, Adoption, 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 or exotic animal. This subsection 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 the sale, adoption, exchange or transfer is/are not a resident of the Borough of White Haven.

**C. Disposition and Impoundment.** Any person who keeps a wild or exotic animal in violation of this Part must dispose of the animal by removal of the animal from the Borough or by giving the animal to the Borough Police Department. The Officer within the Borough Police Department who is given the animal is authorized to release the animal to the wild, to a zoological park, or to dispose of the animal in some humane manner depending on the type of animal. The owner shall either pay directly or reimburse the Borough for the cost of removal and/or placement at a park or other facility.

**§203. Permitting Wild or Exotic Animals Owned at the Time of Passage of the 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 non-conforming status for the wild or exotic animal provided that:

A. The wild or exotic animal must be within the possession and control of the owner and residing within the Borough at the time this Part was publically announced for advertisement for adoption.

B. There have been no prior problems or complaints against the owner or possessor resulting in health or safety concerns relating to the wild or exotic animal proposed to be permitted.



C. A permit application and non-conforming use application is filed with the Zoning Officer within thirty (30) days of the effective date of this Part. Such application is to include:

- (1) Species, age and sex of the wild animal or exotic animal.
- (2) A plan for the housing and containment for the wild or exotic animal must be reviewed, inspected and approved by the Borough Building Official as adequate to prevent such animal from escaping or injuring the public. (Any changes to the containment plans or facilities already permitted must be submitted to and approved by the Building Official before changes may be implemented).
- (3) A permit fee of Three Hundred Dollars (\$300.00) per wild or exotic animal shall be paid by the owner or possessor of such animal to the Zoning Officer. A copy of the permit shall also be filed with the Police Department and the Code Enforcement Department.
- (4) Upon the death, sale, adoption, exchange, transfer or disposal of a 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 or possessor.

#### **§204. Enforcement.**

This Part may be enforced by the White Haven Borough Zoning Officer, any Police Officer, or any Code Enforcement Official. The Borough Solicitor may assist in any prosecution for a violation of this Part.

#### **§205. Administration.**

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 White Haven for any length of time no matter how short 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 any length of time.

#### **§206. Penalties.**

Any person who violates any provision of this Part shall be subject to a fine of not more than Six Hundred (\$600.00) Dollars, plus costs, or thirty (30) days imprisonment or both. Each day that a violation continues shall constitute a separate violation or offense.