

WEST WYOMING ORDINANCE REGULATING ANIMALS AND KEEPING OF PETS
NO. 1 OF 2011

ARTICLE I. Purpose.

This ordinance is enacted to regulate the maintenance, keeping or possession of animals within the Borough of West Wyoming in order to promote the health, safety and general welfare of its inhabitants.

WHERE the provisions of this ordinance impose greater restrictions than those of other statutes, ordinances, regulations or resolutions, the provisions of this ordinance shall be controlling. Where the provisions of any other statute, ordinance, regulations or resolution impose greater restrictions than this ordinance, the provisions of such other statute, ordinance, regulations or resolution shall be controlling.

Whereas the West Wyoming Borough Council makes the following findings:

- (1) Public nuisance and conditions detrimental to the public health, safety and welfare have been created by the keeping of multiple animals on premises within the borough;
- (2) The public nuisances and conditions detrimental to the public, health, safety and welfare include, but are not limited to accumulations of animal waste, spread of infections or contagious disease or the danger thereof, insect infestation, smell and noise;
- (3) Limiting the number of animals on premises within the borough will alleviate or at a minimum, help alleviate these public nuisances and conditions;
- (4) Limiting the number of animals to not more than four (4) will alleviate, or at a minimum help alleviate these conditions which are deemed to be a public nuisances.
- (5) The keeping of certain animals within the confines of the borough in and of itself possess specific threats to the public health, safety and welfare of the borough's residents.

ARTICLE II. Definitions.

For the purpose of this ordinance, the following terms shall have the meanings respectively ascribed to them:

Animal shall include dogs, cats, domestic fowl, poultry, domesticated hares, rabbits, mink and members of the equine, bovine, ovine and porcupine species.

Domestic animal shall include every animal domesticated by man so as to live and breed in a tame condition.

Domesticated shall mean 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.

Police officer shall mean any person employed or elected by the state, or by any municipality, county or township, and whose duty is to preserve peace, make arrests, or to enforce state and local health laws.

Code Enforcement Officer shall mean the person in addition to police officers to whom is vested with the power, authority and responsibility to enforce this ordinance

Unconfined as applied to the containment of a vicious dog, shall mean that such dog is not securely confined indoors or upon the premises of the owner.

Vicious dog shall include any or all of the following, excepting police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler:

- (1) Any dog which is bred or trained to attack or to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (2) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation; or
- (3) Any dog that, without provocation, approaches, in a threatening or terrorizing manner, any person upon the streets, sidewalks or any public grounds or places.

Notwithstanding the criteria enumerated in subsections (1) through (3) above, no dog may be declared vicious for inflicting injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner of the dog, or teasing, tormenting, abusing or assaulting the dog, or committing or attempting to commit a crime.

No dog may be declared vicious for inflicting injury or damage on a domestic animal that was teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious for taking any action to defend or protect a human being within the immediate vicinity of the dog from an attack or assault.

ARTICLE III. Limitation on number of Animals and other rules and regulations

Except for species of fish, it shall be unlawful and it shall be deemed a public nuisance to keep more than four (4) animals six months of age or older on any premises, regardless of the number of owners; provided, however that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of the Commonwealth of Pennsylvania at 3 Pa.C. S. A. Section 459 et seq.

All violators of the limitations on animals in excess of four shall reduce the number of pets to four within the following time frame:

Full bred animals	thirty (30) days
Mixed bred animals	twenty (20) days
All other animals	twenty (20) days.

- (1) All animals and animals' quarters shall be kept in a clean and sanitary condition. Adequate ventilation and water shall be maintained.
- (2) Animal owners shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- (3) The animal owner shall maintain the premises so as to eliminate offensive odors or excessive noise.
- (4) The animal owner or property owner shall not permit any conditions causing disturbance of the peace and quiet of his/her neighbors.

(5) Animals must be maintained in quarters so constructed to prevent their escape. The owner assumes full responsibility and all costs for recapturing any animal that escapes from his/her premises. The owner shall make adequate provisions and safeguards to protect the public from the animals.

(6) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the Borough of West Wyoming and the rules and regulations that may accompany this ordinance in any way connected with animals, specifically anticruelty laws.

(7) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the Police officer or his designee question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.

(8) Every owner of a structure or property shall be responsible for the extermination of insects, rodent, vermin or other pests in all areas of the premises.

(9) The Police or their designees are authorized hereby to enter upon any premises within the borough of West Wyoming for the purpose of investigating a possible violation of this ordinance and any other ordinance. If access is denied by the property owner, the police officer or designee is authorized to submit an application for a search warrant to the appropriate judicial authority.

ARTICLE IV Enforcement Duties.

(a) It shall be the duty of every police officer or code enforcement officer or other duly appointed borough official or to contact to seize and detain any animal which is found running at large, either upon the public streets or highways of this municipality or upon the property of other than the owner of such animal, and unaccompanied by the owner or keeper. In the case of a vicious dog, which is unconfined on the property of the owner or person harboring the animal, or if the dog is improperly restrained, the dog shall be seized and detained according to the provisions of this ordinance. Police officer or code enforcement officer or other borough designee may contact state dog warden for assistance to capture animal.

(b) The police chief or his designee shall cause any dog or any other animal so seized and detained to be properly kept and fed at the Luzerne County shelter of the Society for Prevention of Cruelty to Animals, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license for the dog was procured, or his agent, to claim such animal within twenty-four (24) hours. The owner of an animal so detained shall pay all costs incident to housing the animal at the S. P. C. A., plus a penalty to the municipality of fifty dollars (\$50.00), and all other expenses incurred incident to its detention before said animal will be returned including but not limited to all costs to the SPCA and kennel fees. If after five (5) days from the giving of such notice such animal has not been claimed or all fines and costs paid, such chief of police or his designee may dispose of such animal in a humane and appropriate manner. No animal so caught and detained shall be sold for the purpose of vivisection. This also constitutes a violation of this ordinance see additional fines and penalties in this ordinance.

ARTICLE V. 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 borough. Any animal running at large in violation of this section shall be subject to seizure, detention, and disposal.

ARTICLE VI Disturbing the peace.

(a) It shall be unlawful to own, harbor or keep in custody any animal which disturbs the peace by barking, howling, or making other loud noises to the annoyance and discomfort of any person in the borough. Continuous barking, howling or the making of other loud noises by such animal for more than fifteen (15) minutes in such a manner that is audible and annoying to persons in neighboring properties, or shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the borough.

(b) Any borough resident may request the police department by completing the borough authorized complaint form 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.

(c) Any such request 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 police chief or his designated agent shall investigate in person and shall mail, by certified mail, a copy of this section to the person identified as the owner, keeper or custodian of the animal.

(d) A violation of this section shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of this section.

ARTICLE VII 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 such human being.

ARTICLE VIII Licenses.

All dogs must be registered and licensed under the regulations of Luzerne County. Failure to do so shall result in a violation of this ordinance.

ARTICLE IX Nuisances.

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, a 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 such property. The restriction in this section shall not apply to that portion of the street lying between the curblin and sidewalk which shall be used to curb such animals under the following conditions:

(1) The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary and reasonable manner.

(2) 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 section in a sanitary manner.

ARTICLE X Kennels

All dog kennels must be kept in compliance for which a kennel license has been obtained pursuant to the Dog Law 3 P.S. § 459-206 et seq.

ARTICLE XI Injury to animals.

It shall be unlawful for any person, except a police officer or agent, to cause any harm, injure or attempt to cause harm 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 state. There shall be no liability on such persons in damages or otherwise for such killing.

ARTICLE XII Abandonment.

It shall be unlawful for any person to abandon or attempt to abandon any animal within the borough.

ARTICLE XIII Interference with enforcement.

(a) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this chapter.

(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 animal upon demand of any police officer or agent of the department.

ARTICLE XIV Regulation of vicious dogs.

(a) No person owning or harboring or having the care of a vicious dog shall permit such dog to go beyond the confined area of such person's premises unless such dog is securely leashed and muzzled. The leash shall not be greater than three (3) feet in length.

(b) If the animal is confined outdoors, the pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two (2) feet. The pen shall be no less than six (6) feet high and shall contain no less than fifty (50) square feet of ground space.

(c) Any person owning a vicious dog must register the dog with the borough clerk and pay a fee of twenty dollars (\$20.00) for such registration. Upon licensing a vicious dog the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. This sign shall be visible and legible from the sidewalk and street.

ARTICLE XV Location of outdoor animal facilities.

The outdoor facilities where animals are quartered must be located at least twenty-five (25) feet from neighboring residential structure or one-half the distance from the outdoor facility and the residential structure whichever is greater so as not to be offensive to the neighboring residents.

ARTICLE XVI

A. Dogs in public.

- (a) The leash on any animal within the boundaries of this municipality shall be no longer than six (6) feet in length.
- (b) No dog shall be left unattended, even if leashed, at any public park within the confines of the borough of West Wyoming.
- (c) No dog shall be allowed in or on any public park or property within the confines of the borough that is being used as a location for a borough-sanctioned event, unless they are part of a borough-sanctioned activity at that event.
- (d) No dog shall come within twenty-five (25) yards of any playground equipment or recreational areas while being occupied.
- (e) Any dog that has attacked or bitten an individual shall be prohibited from entering any public park within the confines of the borough.
- (f) An owner of a dog that receives two (2) or more citations regarding their dog will be prohibited from bringing any dog to any public park within the confines of the borough for a period of one year from the date of the second citation.
- (g) Any person who shall be convicted of violating or failing to comply with the provisions of this section before any district justice shall be subject to a fine of not more than one thousand dollars (\$1,000.00), together with costs of prosecution, and in default of payment of such fine and costs, the violator shall be subject to imprisonment for a term not to exceed ninety (90) days. 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 herein for each separate offense

B. Cats in public. All provisions are hereby repeated for cats from section A above as if same were set forth herein.

ARTICLE XVII. WILD, UNTAME AND PROHIBITED ANIMALS AND ACTIVITIES

Wild and / or exotic animal: Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, raccoons, skunks, squirrels, snakes, alligators, crocodiles and any other exotic animal not naturally form this area of the country.

It is prohibited to own any type of wild and /or exotic animal in the borough of West Wyoming.

For owners that possess such said animals at the time of the passing of this ordinance are able to keep said animal until its death or disposition otherwise in the borough. Following death or disposition of said animal, no new wild or exotic animal can be owned in the borough of West Wyoming.

ARTICLE XVIII Diseased animals, injured or sick animals.

Every person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal from other animals and shall obtain or provide appropriate

treatment for such animal within two (2) business days or may have the animal humanely euthanized; or

ARTICLE XIX Livestock prohibition.

It shall be unlawful for any resident of the borough to harbor any animals which are common to farms, including, but not limited to chickens, goats, etc. within the borough limits. This prohibition only does not include or apply to domestic dogs, cats or birds.

ARTICLE XX Handling of stray and wild animals.

(a) It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the local SPCA within seventy-two (72) hours to arrange for impoundment or provide notification of the stray animal's description and location and it shall be unlawful for any person, other than the owner or keeper of an animal, to remove the collar, license tag or rabies tag from around the neck of the animal.

(b) It shall be unlawful for any person to lure or attract with food or other means or device any wild animals within the borough, including, but not limited to, pigeons, birds, deer, raccoons, skunks, and squirrels.

ARTICLE XXI No grandfather clause for existing conditions

This ordinance becomes effective immediately. There are no provisions in this ordinance for any "grandfathering" in of any existing conditions.

ARTICLE XXII Penalties.

Any person who violates any provision of this Ordinance shall be subject to the following penalties:

(a) First Violation – A fine of not less than three hundred dollars (\$300.00)

(b) Second Violation and each subsequent violation – A fine of not less than one thousand dollars (\$1,000.00).

Each day's failure to comply with any provision of this Ordinance shall constitute a separate violation.

ARTICLE XXIII Interference with Officer

Any person interfering with the police officer or designee in the enforcement of this ordinance shall be guilty of a violation of this ordinance.

Any person who shall take away or attempt to take away or who shall cut or attempt to cut the leash of any dog from the possession and custody of the officer or his designee shall be guilty of a violation of this ordinance.

ARTICLE XXIV Animal Bites

Each person is responsible to report a bite of any animal to ensure that the person and the animal are tested for rabies. Failure to report the bite to the police or the code enforcement officer is a violation of this ordinance and the person shall be subject to the penalties of Article XXI..

ARTICLE XXV Severability

If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered.

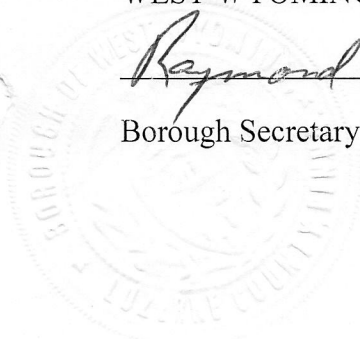
ARTICLE XXVI Repealer.

Any Ordinance or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

This Animal Ordinance be hereby resolved and enacted by West Wyoming Borough Council on 10 day of JAN 2010.

ATTEST:

WEST WYOMING BOROUGH COUNCIL


Raymond P. Gustafson

Borough Secretary

Eileen Cipriani

Chairman of West Wyoming Borough Council

Joseph M. Hubert
Mayor of West Wyoming Borough