

**ORDINANCE NO. 9005 OF 1990
ANIMAL AND FOWL ORDINANCE**

AN ORDINANCE OF THE BOROUGH OF DUPONT OF LUZERNE COUNTY, PENNSYLVANIA

WHEREFORE, the Borough of Dupont of Luzerne County is interested in maintaining the health, safety and welfare of its citizens;

And be it ordained and enacted by the Council of the Borough of Dupont, Luzerne County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section I. This Ordinance shall be known as the Animal and Fowl Ordinance.

Section II. Definitions: For the purpose of this Ordinance, the following terms shall have the meanings respectfully:

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

Unconfined as applied to the containment of an animal shall mean that such animal is not securely confined indoors or upon the premises of the owner or is found running at large, upon the public streets or thoroughfares of this Borough or upon the property of other than the owner of such animal, and unaccompanied by the owner or keeper of such an animal.

Section III. Duties of Police. It shall be the duty of every police officer of this Borough, or State, or duly recognized animal enforcement officer to seize and detain any animal found running at large, either upon the public streets or thoroughfares of this Borough or upon the property of other than the owner of such animal, and unaccompanied by the owner or keeper. An animal so seized and detained must be properly kept and fed at the Luzerne County shelter for the Society for Prevention of Cruelty to Animals and the police officer or dog enforcement officer shall cause immediate notice, by personal contact or registered mail to be given to the person in whose name the license for the dog was procured, to claim such animal within twenty-four (24) hours. The owner of said animal so detained shall pay all costs incident to housing the animal at the Luzerne County Shelter for the Society for the Prevention of Cruelty to Animals, a penalty of Twenty-Five (\$25.00) Dollars and all other reasonable expenses incurred incident to its detention.

Section IV. 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 and detention as provided in the prior section of this ordinance.

Section V. 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 any one (1) hour time period, or continuous barking for periods of less than one (1) hour but more than one-half (1/2) hour which periods occur on two (2) or more consecutive days or nights, shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the Borough. Any resident may request the police department or dog enforcement authorities warn any person who shall 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 persons in the Borough. Any requests shall be in writing and 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 officer or dog enforcement officer, or their designated agents shall personally notify the owner, keeper or custodian of the animal. A violation of this section shall be deemed to have occurred after the first warning and upon a second or subsequent violation of this section. Any owner, keeper or custodian of the animal in violation of this section shall be subject to a fine of One Hundred Dollars (\$100.00) per violation.

Section VI. 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 by-pass, 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 curb line 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 any sanitary method as approved by the Pennsylvania Department of Health.
- b. 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. Any owner, harborer, keeper or individual (s) in charge of any animal in violation of this specific section shall be subject to a fine of One Hundred Dollars (\$100.00) per violation.

Section VII. It shall be unlawful for a person to abandon or attempt to abandon any animal within the Borough. Any individual in violation of this section shall be subject of a fine of One Hundred Dollars (\$100.00) per violation.

Section VIII. Severability: The provisions of this Ordinance are severable and if any provisions shall be held illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Council of the Borough of Dupont that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

This Ordinance shall become effective immediately upon passage.

This Ordinance is enacted by the Council of the Borough of Dupont under the authority of the Borough Code and/or under police power for the protection of the health, safety, and welfare of its citizens, and any other applicable law arising under the laws of the State of Pennsylvania.

Section IX. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Signatures – Ann Marie O’Malley, President of Council.

Attest: Alexander J. Dubeck, Borough Secretary

Ordinance 9005 of 1990 retyped to computer 3-1-13 by Patricia McDonald, Borough Manager.