

Chapter 80

ANIMALS

[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals in parks and recreation areas — See Ch. 166.

ARTICLE I

Dogs**[Adopted 11-11-1975 by Ord. No. 245-1975]****§ 80-1. Harboring barking dogs prohibited.**

- A. No person shall keep or harbor any dog within the Borough which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Borough of Port Carbon.
- B. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure which he occupies or owns shall be considered as harboring such dog.

§ 80-2. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person violating any of the provisions of this article shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II
Animal Defecation
[Adopted 11-11-1997 by Ord. No. 5-97]

§ 80-3. Animal defecation on public or private property restricted.

No person having possession, custody or control of any animals shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Port Carbon, 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 stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

§ 80-4. Disposal of animal feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation in any area other than the private property of the owner of such dog or other animal, as prohibited in § 80-3, shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

§ 80-5. Dogs accompanying blind or handicapped persons exempted.

The provisions of §§ 80-3 and 80-4 hereof shall not apply to a guide dog accompanying blind persons or to a dog used to assist any other physically handicapped person.

§ 80-6. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person violating any of the provisions of this article shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
Animal Control and Sanitation
[Adopted 7-9-2002 by Ord. No. 2-2002]

§ 80-7. Dogs running loose.

No dogs will be allowed to run loose in the Borough of Port Carbon, Schuylkill County, Pennsylvania.

§ 80-8. Dogs must have leash.

All dogs being walked will have a leash at least six feet long, and the person walking the dog will have it under control at all times.

§ 80-9. Animal defecation on public and private property.

No person having possession, custody or control of any dog shall knowingly or negligently permit any dog or other animal to commit any nuisance, defecation upon any gutter, street, driveway, alley, curb or sidewalk, public street or upon the grounds of any public park or public area or on private property other than the property of the owner of such dog. Any property owner or renter who owns a pet will be responsible to keep the yard area clean from the animal's defecation and not to let it build up to become a nuisance to the neighbors.

§ 80-10. Disposal of animal feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, defecation in any area other than the private property of the owner of such dog or other animal, as prohibited in § 80-9, shall be required to immediately remove any feces from the surface and carry same away for disposal in a nonleaking container for deposit in a trash or litter receptacle.

§ 80-10.1. Dogs accompanying blind or handicapped persons exempted. [Added 4-8-2008 by Ord. No. 1-2008]

The provisions of this article shall not apply to a guide dog accompanying a blind person or to a dog used to assist any other physically handicapped person.

§ 80-11. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person violating any of the provisions of this article shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE IV
Control of Cats
[Adopted 7-13-2004 by Ord. No. 3-2004]

§ 80-12. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

CAT — A felis libyca domestica, kept as a pet and/or for rodent control.

OWNER — Any person owning, keeping, feeding, harboring or having custody of a cat, or who allows a cat to reside or remain about his premises, shall be considered a "cat owner."

VACCINATION — The practice of inoculations with a vaccine to afford protection from rabies, as required by the Pennsylvania Department of Environmental Protection.

§ 80-13. Nuisances; responsibilities of owners keeping cats.

- A. It shall be unlawful for any owner to have any cat that becomes a nuisance in the Borough. Acts of nuisance shall include, but are expressly not restricted to, the following:
- (1) Noise disturbance as set forth in Borough ordinance.
 - (2) Viciousness.
 - (3) Digging into flower beds, lawns, children's sandboxes, gardens, or the damaging of shrubbery, trees, lawns, personal property not belonging to the owner of the cat, or the depositing of feces or urine upon the real or personal property of another.
- B. No owner shall permit a cat to enter upon any area designated as a tot-lot in any publicly owned park or playground or enter upon the real or personal property of another.
- C. Any owner of a cat shall comply with and be current with rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regard to cats.
- D. Any and all owners of cats shall confine the cat upon his or her real estate and residence and prevent such cat from running at large.

§ 80-14. Seizure; redemption; fees; disposal.

- A. The Borough Code Officer or the person or agency designated by the governing body of the Borough shall enforce the provisions of this article. Upon receipt of a written complaint that a cat is a public nuisance, the Code Officer will investigate said complaint and, if found to be legitimate, the Code Officer shall authorize the seizure of the cat by the issuance of humane-type cat trap to trap said cat alive. Traps will only be set during daylight hours. Trapping at night is prohibited.
- B. The person who is issued the trap must notify the Code Officer as soon as possible after a cat is apprehended. The Code Officer and/or the person or agency designated

by the governing body of the Borough will transport and deliver the cat to the Humane Society for holding. If the Humane Society refuses to take the animal, the cat will be delivered to a veterinarian contracted with the Borough and held for 72 hours prior to being disposed of in a humane manner. If the cat so apprehended bears any identification of ownership, the Code Officer shall, on the date of apprehension, notify the owner that the animal has been apprehended and that it may be claimed at a designated location subject to the provisions of this article.

- C. Any cat may be claimed by its owner at the veterinarian during the custodial period and shall pay all costs for the care, maintenance and disposal of said cat at the prevailing veterinarian rate.
- D. Any cat which has been seized pursuant to this article and which has not been reclaimed during the custodial period may be disposed of in a humane manner in accordance with standards generally followed by the Humane Society or as provided by the contracted veterinarian service in Subsection B.

§ 80-15. Authority to remedy noncompliance.

If the owner of an animal in violation of this article does not comply with a notice to abate the violation which constitutes a nuisance or health hazard within the time period described, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such correction plus 10% of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the rights and power to enter upon the offending premises to accomplish the foregoing. The enforcement authority of this provision shall contain the right to use all other enforcement provisions of this article.

§ 80-16. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

It shall be unlawful for any person to own, keep, feed or harbor any cat which has been found to violate the provisions of this article. Any person found to violate the provision of this article shall, upon conviction thereof, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.