

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 980**

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON
COUNTY, PENNSYLVANIA, PROHIBITING ANIMALS FROM
RUNNING AT LARGE WITHIN THE BOROUGH OF BANGOR,
AUTHORIZING THE IMPOUNDING OF SUCH ANIMALS UNDER
CERTAIN CONDITIONS, ESTABLISH REQUIREMENTS FOR THE
PROPER DISPOSAL OF PET SOLID WASTE, ESTABLISH
REQUIREMENTS FOR CURBING OF PETS, ESTABLISH
REQUIREMENTS FOR HARBORING OF AN ANIMAL NUISANCE,
ESTABLISH MINIMUM REQUIREMENTS FOR SHELTER AND CARE,
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF,
REPEALING ALL INCONSISTENT ORDINANCES AND
ESTABLISHING AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1. Definitions

For the purpose of enforcing this Ordinance, the terms and phrases listed below shall be defined as follows unless otherwise indicated:

- A. "Animal" means all quadrupeds, both male and female, including but not limited to at large cats and dogs not generally maintained as pets.
- B. "Animal Control Officer" is that person or persons designated by Borough Council to enforce the provisions of this Ordinance. Included in this definition are all Police Officers who shall have the same power to act as the Animal Control Officer.
- C. "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner, or a member of their immediate family, either by leash, cord, chain or otherwise.
- D. "Curbing" means restrained by a leash, fence, or other appropriate device of control.
- E. "Immediate" shall mean that the pet solid waste is removed at once, without delay.
- F. "Owner" is intended to and shall mean and include every person, firm or corporation having a right of property in which any animal which is kept or harbored within the corporate limits of the Borough of Bangor as well as every person, firm or

corporation occupying any premises within the corporate limits of the Borough of Bangor which permits any animal to remain on or about its premises.

- G. "Person" Includes any natural person, partnership, association, firm or corporation. In this article, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.
- H. "Pets" means a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- I. "Pet Solid Waste" waste matter expelled from the bowels of the pets; excrement.
- J. "Proper Disposal" placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. Disposal into a storm drain or storm-water system is strictly prohibited.

Section 2. Prohibited Animals

- A. Wild or exotic animals are prohibited within the Borough of Bangor, which shall include, but not be limited to, animals of any species prohibited by Title 50, Code of Federal Regulations, animals controlled by the Commonwealth of Pennsylvania, or any animal which is wild, dangerous, fierce, noxious or naturally inclined to do harm.
- B. Sale, adoption, exchange or transfer of wild or exotic animals prohibited. No person shall sell, offer for sale, adoption, exchange or transfer, with or without charge, any wild or exotic animal.
- C. Animals generally considered farm animals are prohibited. Such animals shall include, but not be limited to, pigs, roosters, turkeys, sheep, goats, cows, horses, donkeys, pot-belled pigs, rats, geese, ostriches and llamas.
- D. Disposition and impoundment. Any person who keeps a wild, exotic or farm animals in contravention of this section must dispose of the animal by removal of the animal from the Borough or by giving the animal to the animal control officer, as designated by the Borough. The designated Borough official is authorized to release the animal to the wild, to a zoological park, shelter, or to dispose of the animal in some humane manner. Cost of removal and/or placement at a park or other facility shall be charged to and accepted by the owner.

Section 3. Permit Required for Animals, Birds and Fowl Under Certain Conditions

- A. For animals, birds and fowl not otherwise prohibited by Section 2 of this Ordinance, a permit shall be required, in which a fee shall be paid as set forth from time to time by Resolution of Borough Council, for any person to keep any animal, bird or fowl at any place within the Borough of Bangor, with permit being issued by the Code Enforcement Officer, Borough Manager or his/her designee, in strict conformance with the conditions set forth in such permit and in this Section.
- B. In issuing a permit under this Section, the Code Enforcement Officer, Borough Manager or his/her designee, may stipulate as a condition of such permit, the maximum number of animals, birds, or fowl, which may be kept upon any premises thereunder, and it shall be a violation of this article to keep more than such stipulated maximum number of animals, birds or fowl upon such premises; in determining such maximum, the decision shall be guided by the type and nature of such animals, birds or fowl, the location, size and character of the premises on which such animals, birds or fowl are to be kept, and the conditions set forth the Paragraph C below.
- C. All animals, birds and fowl kept within the Borough, whether kept solely as household pets or whether kept under a permit issued by authority of this article, shall be kept in good, clean condition and free from disease. For animals, birds or fowl kept under permit and for such household pets as normally are not at all times kept uncaged indoors, an adequate coop or pen shall be provided, which shall be substantially constructed, and so constructed as to prevent entry therein by rats, mice and other vermin, and so as to be easily cleaned and kept in a sanitary condition. No such coop or pen shall be kept in any cellar or within 75 feet of any neighboring house or dwelling or within 10 feet of any roadway or alley. All such coops and pens shall be dry, airy, well-lighted and not overcrowded. All refuse food and excrement shall be removed as often as necessary to prevent odors from developing therefrom and to prevent flies from being attracted thereto. The ground floor of each such coop or pen shall be elevated at least six inches above the ground in order to permit the control of rats, mice and other vermin underneath said coop or pen.
- D. The Code Enforcement Officer, Borough Manager or his/her designee may revoke any permit issued under this Section when any of the conditions of this Section or of such permit shall not be complied with.

Section 3. Regulation of Animals, General

- A. Excessive Noise, Offensive Odors, Property Damage
 - 1. Any person who owns, harbors, keeps, or is in charge of a pet or animal which by frequent and habitual barking, howling, screeching, yelping or baying, or

in other manners vocally disruptive, disturbs the quiet, comfort, or health of another person shall be declared to be a public nuisance.

2. Any person who owns a pet or animal in such a manner as to create offensive odors, noise, or unsanitary conditions, shall be declared to be a public nuisance.
3. Any person who owns, harbors, keeps, or is in charge of a pet or animal which scratches, digs, or causes damage to any lawn, shrub, tree, plant, building or other structure on public or private property, other than the property of the owner/keeper, shall be declared to be a public nuisance.

B. Animals at Large: Impounding Authorized

1. No person owning or having in their custody any animal shall permit the animal to go at large to the injury or annoyance of others, nor shall any animal be permitted at large upon the streets or other public ways of the Borough. Such action is declared to be a nuisance and dangerous to the public health and safety.
2. It shall be the duty of the Animal Control Officer, and every Police Officer of the Borough of Bangor to seize and detain any animal, licensed or unlicensed, found running at large, either upon the public streets or highways of the Borough or on the property of any other person and unaccompanied by its owner or a keeper.
3. Any person who owns, harbors, keeps, or is in charge of any pet within or frequenting the Borough shall not permit such pet to be unattended within the Borough. All pets shall be restrained by a leash or other appropriate device of control. No pet shall be permitted to stray beyond the premises in which it is secured, unless under reasonable control by the person in possession, custody or control of such pet. Curbing shall be permitted only on public streets, public grounds, public alleys, and on private property with the express permission of the owner of such property.

C. Impounding Regulations

The Animal Control Officer and any Police Officer of the Borough who has seized an animal under the provisions of this Ordinance, shall see that the same is properly kept and fed and shall give notice, either personal or by certified or registered mail to the owner thereof, if he or she can be ascertained, to claim such animal within five (5) days from the date of the notice. The owner of an animal so seized and detained, may reclaim the same by paying all expenses incurred for feeding and boarding it at a rate in accordance with a schedule of fees which may be from time to time be adopted by Resolution of the Council of the Borough of Bangor in addition to a flat fee of Twenty-Five (\$25.00) Dollars, upon payment of which the animal shall be returned.

D. Claiming, Fees and Costs

All animals seized and detained by the Animal Control Officer or any Police Officer and not reclaimed by the owner within five (5) days after seizure, may be sold or adopted out by the Animal Control Officer, either at public or private sale and the proceeds shall be applied to the discharge of costs of feeding and harboring the animal, the costs of such sale and the costs and penalties herein provided; provided, however, that no animal detained by the Animal Control Officer shall be sold or adopted out to anyone for the purpose of vivisection; and further provided that no animal appearing to be suffering from rabies or affected by hydrophobia, mange, or other infectious or dangerous disease shall be sold or released by the Animal Control Officer.

E. Impounding, Transporting and Disposition of Large Animals

Should it be necessary for the Animal Control Officer or Police Officer to seize or pick up a large animal such as a horse, cow, or mule, or any other animal not acceptable by an animal shelter or animal hospital, is hereby empowered to have such animal removed by a trucking firm to a farm or stable where such animal can be housed. If no such place exists within the corporate limits of the Borough of Bangor, it may be taken outside the Borough limits. Cost of removal and/or placement at a park or other facility shall be charged to and accepted by the owner.

F. Interference in Enforcement Prohibited

Any person who shall take away, or attempt to take away, or who shall cut or attempt to cut the leash of any animal from the possession and custody of the Animal Control Officer of the Borough or otherwise interferes with the Animal Control Officer or any Police Officer in the enforcement of this Ordinance shall be guilty of violation of this Ordinance.

G. Clean-up of Fecal Matter

1. Any person having possession, custody or control of any dog or other animal which commits a nuisance by defecation or urination, in any area other than the private property of the owner of such dog or other animal, shall be required to immediately remove all pet solid waste from such surface and discard in a manner consistent with Proper Disposal, as defined under Section 1.
2. Any person having possession, custody or control of any dog or other animal which commits a nuisance by defecation or urination on the property of the owner, or upon someone else's property with express permission of such owner, shall be responsible to remove all pet solid waste within twenty-four (24) hours and discard in a manner consistent with Proper Disposal, as defined under Section 1.

H. Shelter and Care

1. Shelter must be sanitary, of sound construction, and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water. It must have at least three sides and a weatherproof roof; have a solid sanitary floor, be adequately ventilated; provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter.
2. Shelter must be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter.
3. When outdoor temperatures reach freezing levels, all cats, dogs, and small domestic animals must be moved indoors or to an area that provides heat and shelter from the weather.
4. All areas where animals are kept shall be cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odor.
5. An Animal Control Officer, Police Officer, or designated official of Bangor Borough may remove an animal that is living in conditions that do not meet standards outlined in this Section. If modifications to the shelter or living area do not meet the standards within five business days of the owner receiving notice, that animal shall be permanently removed from the premises.
6. If multiple animals are present in one location, each animal must have a separate and clean food bowl. Each animal must have access to shelter and the owner must meet all standards as detailed in this section.
7. Tethering. No animal shall be tethered as a primary means of stationary confinement; stationary confinement by tethering shall be considered cruel treatment.
8. Electronic means of confinement shall not be defined as tethering and is allowable as a control device. Electronic fences shall be installed in accordance with manufacturer's specifications.

Section 4. Dogs

- A. On and after enactment of this Ordinance, it shall be unlawful for any person to own, keep or harbor within the corporate limits of the Borough of Bangor, any dog six (6) months or older unless such animal is licensed by Northampton County.

- B. It shall be unlawful for the owner, custodian or keeper of any dog to allow such dog to run at large at any time, either upon any of the streets, alleys or public grounds in the Borough of Bangor or upon the property of anyone other than the owner, custodian or keeper of such dog, unless leashed and under the immediate control of such owner, custodian or keeper.
- C. It shall be the immediate responsibility of the owner, custodian or keeper of the dog to clean up the feces discharged by the dog on any public recreation grounds, sidewalks, streets and from the owner's private property.
- D. It shall be the duty of any police officer or his designee or any animal control officer of the Borough of Bangor who witnesses any dog running at large in conflict with Paragraph B of this Section or who receives information of any dog so running at large to seize such dog and to convey it to the place designated by the Borough as a kennel. Notice of such seizure shall be sent to the owner of such dog, if known, in the manner prescribed by law, and such dog may be redeemed by the owner thereof within the time specified by law, upon payment of the charges incurred by reason of such detention. Rates for such charges shall be determined from time to time by the Borough Council. Until changed by resolution of Borough Council, the rates beginning the effective date of this article shall be \$25 to cover the initial cost and seizure plus \$25 per day after the first day.
- E. In the event that a dog is not claimed within five days, the dog shall be transferred to a public animal protection agency or shelter.
- F. In the event it shall be deemed necessary by any police officer or his designee of the Borough of Bangor or the Animal Control Officer of the Borough of Bangor to seek veterinary services for any domestic animal as may be seized by him in the performance of his duties under this article, said police officer or his designee or Animal Control Officer shall do so as soon as possible. The costs of these veterinary services shall be borne by the owner, custodian or keeper of the animal so receiving these services and paid directly to the service provider or as reimbursement to the Borough upon presentation of the statement of veterinary services as may be received by the Borough. These veterinary service costs shall be in addition to any charges that may be imposed by the Borough for custodial costs as provided for elsewhere in this article. Failure of any owner, custodian or keeper to reimburse the Borough for veterinary service costs within 10 days of receipt of a service statement from the Borough shall be treated as a violation under this article and addressed in accordance with the violation provisions of this article.
- G. The provisions of this article shall be in addition to the provisions of existing laws of the Commonwealth of Pennsylvania, and particularly the Dog Law of Pennsylvania, approved April 1921, P.L. 522, as amended, and the provisions thereof may be enforced notwithstanding any proceedings which may be instituted under any Act of Assembly of the Commonwealth of Pennsylvania.

Section 5. Cats

- A. It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper.
- B. Any person feeding stray or feral cats can only do so if said person is cooperating with any humane program sponsored by the Borough or operating under the Borough's auspices that traps feral cats for the purpose of spaying/neutering the cats, immunizing the cats from rabies, "tipping" the cat's left ear and then returning to the environment in the general vicinity in which it was trapped. Any feeding of feral cat pursuant to a humane program sponsored by the Borough must be done on the person's property and not on public property. It shall be unlawful for any person to destroy said traps or to release any cats which have been captured pursuant to the Borough's program.

Section 5. Violations and Penalties

Any person violating any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than \$100.00 and no more than \$1,000.00 and costs of prosecution and, in default of payment of such fine and costs, to incarceration in the County prison for not more than 30 days.

Section 6. Repealer

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict; specifically repealing Ordinances:

- #441, enacted May 7, 1956
- #578, enacted November 8, 1971
- #769, enacted January 1991
- #906, enacted January 8, 2007

Section 7. Severability

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 8. Effective Date

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 9 day of July, 2018.

Borough Council of the Borough of Bangor

BY: James W. Kresge
James Kresge, President

ATTEST: Janelle Hauff
Janelle Hauff, Secretary

APPROVED by the Mayor this 9 day of July, 2018.

BY: Brooke Kerzner
Brooke Kerzner, Mayor