

CHAPTER 2

ANIMALS

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Part 1

General Regulations

§101. Animals Kept for Commercial Purposes. No person, firm or corporation shall keep any livestock or poultry at any place within the limits of the Borough of Nazareth for any purpose of manufacture, art, trade or business in connection therewith, except under special permit to be issued by the Borough Council. (Ord. 501, 11/1/1982, §1)

§102. Conditions for Permit Issuance. Permits provided by §101 of this Part shall be issued only to such businesses utilizing livestock or poultry as an ancillary part of their primary commercial functions. No permits will be issued to any business whose principal function is the commercial production of livestock or poultry. (Ord. 501, 11/1/1982, §2)

§103. Non-Commercial Animals. All animals, livestock and poultry kept in the Borough of Nazareth for non-commercial purposes shall be considered to be pets. (Ord. 501, 11/1/1982, §3)

§104. Unlawful to Permit Pets to Run at Large. It shall be unlawful for pets to be permitted to run at large off the property of the pet and not under restraint within the Borough of Nazareth. (Ord. 501, 11/1/1982, §4)

§105. Pets to be Confined. Pets shall be confined on the premises of the owner, and shall be permitted off the premises of the owner only under the control of the owner or under restraint. (Ord. 501, 11/1/1982, §5)

§106. Seizure of Pets. It shall be the primary duty of the Health Officer and the ancillary duty of any police officer of the Borough who witnesses any pet being at large or not under restraint, or who receives information of any pet being at large or not under restraint, to seize such pet and convey it to the place designated as the pound. The Health officer and any police officer is authorized and empowered to go upon any premises and enter any building to seize and detain any pet, which has been running at large or without restraint when such officer is in immediate pursuit of any such pet. This Section shall not be construed to limit or change the duty of police officers to enforce the Dog Law of 1982 [see Part 2 hereof]. (Ord. 501, 11/1/1982, §6; as amended by Ord. 595, 10/7/1991)

§107. Notice of Seizure. Immediate notice, either personal or by registered mail, shall be given to the owner to claim such pet within (10) days. The owner of the pet detained shall pay a penalty of five dollars (\$5.00) to the Borough of Nazareth and all reasonable expenses incurred by reason of the pet's detention before the pet is returned. (Ord. 501, 11/1/1982, §7)

§108. Failure to Claim. After ten (10) days from the giving of notice required in §107 above, if such pet has not been claimed, the Health Officer shall dispose of the pet by sale or by destruction in some humane manner. All monies derived from the sale of such pet shall be paid to the Borough of Nazareth. (Ord. 501, 11/1/1982, §8)

§109. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 501, 11/1/1982; as amended by Ord. 565 8/1/1988; and by Ord. 595, 10/7/1991)

Part 2

Animal Defecation Control

§201. Animal Defecation on Public and Private Property Restricted. No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e.. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Nazareth, 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. (Ord. 603, 7/6/1992)

§202. Disposal of Animal Feces. Any person having possession, custody or control of any dog or other animal which commits a nuisance, defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §201 shall be required to immediately remove any feces from such surface and either:

1. Carry same away for disposal in a toilet.
2. Place same in a non-leaking container for deposit in a trash or litter receptacle.

§203. Dogs Accompanying Blind or Handicapped Persons Exempt. The provisions of §§201 and 202, hereof, shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any physically handicapped person.

§204. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars, or to imprisonment for a term not to exceed thirty (30) days. (Ord. 603, 7/6/1992; Ord. 646, 4/6/1998; and Ord. 770, 3/7/2011)

Part 3

MANAGEMENT OF FERAL AND STRAY CATS

§301. Intent and Purpose. The Borough Council of the Borough of Nazareth finds and declares that the population of feral and stray cats within the Borough poses a danger to the health, safety, and welfare of the public and constitutes a public nuisance. Accordingly, it is the intent of this Part to ensure the humane treatment of feral cats and reduce their population by providing standards to regulate the treatment, care and maintenance of feral and stray cats and by providing for penalties as set forth herein.

§302. Definitions. The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Part, except where the context or language clearly indicates or requires a different meaning:

CARETAKER: Any person or organization who provides food or shelter or similar type care to feral or stray cats and has no ownership or direct control of the movements of the cats they feed.

CAT: An animal that is a member of the species felis catus, includes both feral and stray cats as further defined herein.

EARTIP: A mark identifying a cat as having been sterilized, specifically the removal of a quarter inch off the tip of the cat's left ear in a straight-line cut.

FERAL CAT: Any cat that is unsocialized to humans, whether the cat was born outside and never socialized with humans or a domesticated cat which has strayed and over time has become unsocialized to humans; any homeless, wild or untamed cat.

OWNER: Includes: (1) every person having a right of property in any cat, including pet cats and (2) every person who keeps or harbors a cat or has such cat in his or her care.

PUBLIC NUISANCE: Conduct by a cat that disturbs the peace, including (1) habitually or continually howling or making loud noises, (2) habitually or significantly damaging property, including, but not limited to, accumulation of feces or excretions if such accumulations create unhealthy conditions or create obnoxious odors outside the property of the owner or caretaker, or (3) causes injury to a person by biting, scratching or similar act.

RUNNING AT LARGE: Being upon any public street, sidewalk, park or other public property or upon private property of a person other than the owner without being reasonably secured or under control.

STERILIZE: To spay or neuter a cat.

STRAY CAT: Any cat whose owner or keeper from time to time allows the cat to run free off the property of the owner or keeper.

TNR PROGRAM: A program pursuant to which one or more feral cats are trapped, sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they were captured.

TREAT/TREATMENT: The provision of temporary food, shelter and medical care, including, but not limited to, sterilization, vaccination for rabies and distemper, testing for feline diseases, and ear-tip.

UNSOCIALIZED: Exhibiting a temperament of extreme fear of and resistance to contact with humans.

§303. Prohibited Acts.

A. It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence or real property of its owner unless said cat is:

1. Sterilized to prevent it from procreating;
2. Immunized against rabies in compliance with Pennsylvania law; and
3. Wearing an identification tag, or microchipped, or appropriately ear-tipped on the left ear to signify that it has been sterilized and immunized.

B. It shall be unlawful for any person or caretaker to feed a feral or stray cat where such feeding causes a public nuisance or creates a condition contrary to the health, safety, and welfare of the community at the property of the person or caretaker, or at a nearby property.

C. It shall be unlawful for any person or caretaker to feed a feral or stray cat unless the cat is wearing an identification tag or is ear-tipped as provided for in this Part except if said person or caretaker is actively involved in the course of trapping and treating a feral cat in accordance with the Borough's TNR Program.

D. It shall be unlawful for the owner of any cat to permit it to become a public nuisance. The failure of any such owner to properly curb and restrain his or her cat shall be a violation of the provisions of this article.

E. It shall be unlawful for any person to release into the wild or otherwise abandon any cat upon that person's property or the property of another.

§304. Female cats in heat. An owner of a female cat in heat shall confine that cat in a building or secure enclosure in such a manner that such female cat cannot come into contact with another animal except for planned breeding.

§305. Odors; defecation.

A. Every owner of a cat shall prevent or remove any and all accumulations of cat waste, feces or excretions on such owner's private property if such accumulations create unhealthy conditions or create obnoxious odors.

B. Every owner of a cat shall take reasonable action to prevent their cat from defecating upon any street, driveway, sidewalk or other public property in the Borough or place frequented by the public or used in common by the tenants thereof or upon private property other than the property of the owner of the cat.

C. Every owner of a cat which defecates in any area other than the private property of the owner shall immediately remove the feces from such area by carrying the same away for deposit in an appropriate disposal facility.

§306. Enforcement.

A. The Borough code enforcement officer, police officer, animal control officer, or any other individual or entity designated by the Borough Council shall enforce and administer the provisions of this Part.

B. The Borough code enforcement officer, police officer, animal control officer, or any other individual or entity designated by the Borough Council shall have the authority to seize and detain any cat

which (1) is a public nuisance, (2) any cat which is running at large and is not wearing an identification tag, ear-tipped or micro-chipped, or (3) any cat which is injured and in need of medical treatment.

C. In the course of enforcing and administering the provisions of this Part, the Borough code enforcement officer, police officer, animal control officer, or any other individual or entity designated by the Borough Council shall not enter upon private property unless such individual has received permission from the property owner or occupant, obtained an administrative warrant, or where there is an immediate threat to public health or safety.

§307. Violations and penalties.

A. Any person who shall violate any provision of this Part shall receive a written warning detailing the violation(s), be allowed thirty (30) days to remedy said violation(s), and if applicable, provided written information on the Borough's TNR program. Any violation which causes a person to receive a written warning under this paragraph shall be considered a first offense.

B. Any person who shall violate any provision of this Part as a second offense, upon summary conviction before a Magisterial District Judge, shall be subject to a fine for each offense of not less than \$50.00 and not more than \$1,000 and the costs of prosecution, and in default of payment of fine and costs of prosecution shall be sentenced to imprisonment of not more than 30 days. Each day a violation shall remain shall constitute a separate violation and a violation of each section of this article shall be considered a separate offense.

§308. Repealer. Any Ordinance or part of an Ordinance conflicting with the provisions of this Part shall be and is hereby repealed to the extent of such conflict. Except only as amended, modified and changed by this ordinance, the Code of Ordinances of the Borough of Nazareth as codified and amended shall remain in all other respects in full force and effect.

(Ord. 858, 8/3/2020)