

BOROUGH OF KULPMONT,
NORTHUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE BOROUGH OF KULPMONT, NORTHUMBERLAND
COUNTY, PENNSYLVANIA, TO GOVERN ANIMAL OWNERSHIP WITHIN THE
BOROUGH OF KULPMONT

The Borough Council, of the Borough of Kulpmont, Northumberland County, Pennsylvania, (the “Borough”), hereby enacts and ordains as follows:

WHEREAS, Section 1201, of the Borough Code, 8 Pa. C.S. entitled “General Powers”, authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough and the maintenance of the health and welfare of the Borough and it’s citizens; and

WHEREAS, Section 1202, of the Borough Code, found at 8 Pa. C.S., entitled “Specific Powers”, authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough; and

WHEREAS, in order to promote the preservation of peace and good order and to protect the public health, safety, welfare and property of all persons, the Borough of Kulpmont intends to adopt this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of Kulpmont, Northumberland County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, as follows:

Section 101. Title

This ordinance shall be known as the “Kulpmont Borough Animal Ordinance”.

Section 102. Definitions

- A. All terminology used in this chapter not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL - shall construed in a broad sense to include not only animals but also birds, fish, reptiles, insects and any other species, which is not human.

PERSON - any natural person, partnership, association, firm or corporation. In this ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the gender neutral.

Section 103. Administration and Enforcement

The power and authority to enforce the provision of this chapter shall be vested in Code Enforcement Officer or the Borough Police.

Section 104. Keeping of Animals

No person shall maintain, keep or possess, within the Borough of Kulpmont, any of the following:

- A. Animals which classifications shall be broadly construed - all venomous animals, including rear fang snakes, chickens, cows, goats, ducks, hogs, pigs/swine, horses, minks, pigeons, rabbits, sheep, skunks or any other farm animal or animal typically found in nature, without direct approval of the Borough of Kulpmont Code Enforcement Officer and Kulpmont Borough Council. All animals within the confines of a single real property boundary shall not exceed two, in number, counting domesticated or other species of animals, approved by this ordinance.

Section 105. Proper Care of Animals

Any person shall be permitted to maintain, keep or possess any animal not mentioned under Section 104 of this ordinance, subject to the following regulations:

- A. All animals and animal quarters/housing shall be kept in a clean and sanitary conditions. Adequate ventilation shall be maintained at all times.’
- B. Animal area shall be maintained so as to eliminate offensive odors or excessive noises. All animal pens, cages, coops or any structure used to house animals within the boundary of any real property boundary, must be placed so that any of the aforementioned structures are placed, at least five feet of said real property boundary, that adjoins a neighbor’s real property boundary.
- C. Owners shall not permit any condition causing disturbance of the peace and quiet of neighbors.
- D. Animals must be maintained in quarters/housing so constructed as to prevent the animal’s escape. The owner shall assume full responsibility for recapturing any animal which escapes their premises.

- E. No person shall permit their animal to deposit bodily waste upon the streets, alleyways or property of the Borough of Kulpmont. Nor upon any sidewalk or other open field. It shall be the responsibility of the owner of said animal to ensure for the proper disposal of said waste in an expedient and reasonable fashion.

Owners shall make adequate provisions and safeguards to protect the public from their animals.

All waste by animals must be cleaned up, on a daily basis. No person shall cause or allow any animal to defecate upon any property within the Borough of Kulpmont, without immediately removing said feces and depositing it in approved containers.

Any individual temporarily exercising control of the animal, other than the owner, shall likewise be responsible for the proper curbing of any animal.

- F. Owning or possessing any animal that barks, bays, cries, squawks, gobbles, crows or makes any other noise continuously and/or incessantly, for a period of ten minutes or makes such noise intermittently for half of an hour or more, to the disturbance of any person any time of day or night, regardless of whether the animal is physically situated in or upon private property; provided, however, that at the time the animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated or for any other legitimate cause which teased or provoked the animal.
- G. No person shall feed or shelter feral cats, within the boundary of any real property. Once any person initiates care for said feral cat and continues to feed them, that person now establishes ownership of said feral cat or cats

and it will be their responsibility to neuter and care for the wellness of that cat or cats.

Section 106. Enforcement

The provisions of this ordinance shall be enforced by the Kulpmont Borough Code Enforcement Officer and Kulpmont Borough Police Department or any other public employee authorized to enforce ordinances.

Any violation of the provisions of this ordinance may be a cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

Section 107. Violations and penalties

- A. Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 for each violation or shall be imprisoned for a term not to exceed thirty days, or both. Every day that a violation of this chapter continues, shall constitute a separate offense.
- B. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough or any other person to such equitable or other remedies as may otherwise be available with or without process of law.

Section 108. Severability

The provisions of this ordinance shall be severable and if any of its provisions shall be held unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

Section 109. Repeal of Ordinances

Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this ordinance, are hereby repealed insofar as they are inconsistent with this ordinance's provisions.

Section 110. Effective Date

This ordinance shall become effective five (5) days after the adoption hereof.
DULY ENACTED AND ORDAINED BY Borough Council, of the Borough of Kulpmont, Northumberland County, Pennsylvania, this 14th day of October 2020, in lawful session duly assembled.

ATTEST:

BOROUGH OF KULPMONT:

Rhonda Wilk
Secretary

Nicholas Bozza
Mayor

Robert M. Slaby
President