

**ORDINANCE NO. 2008-3**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING,  
CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES  
OF THE BOROUGH OF NESQUEHONING, AND REGULATING THE KEEPING OF  
CERTAIN ANIMALS, INCLUDING HOUSEHOLD PETS WITHIN THE BOROUGH  
OF NESQUEHONING AND PROVIDING PENALTIES FOR ANY VIOLATIONS**

**BE IT ORDAINED and ENACTED** by the Council of the Borough of Nesquehoning, Carbon County, Pennsylvania and is hereby Ordained and Enacted by authority of the same as follows:

**Section 1: Definitions.**

1. **Animal** means all non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.
2. **Service Animal** shall mean an animal that is trained under the guidelines of a non-profit organization to be a helper to assist a handicapped person perform simple every day tasks.
3. **Wild or Exotic Animal** shall mean any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal, which is wild, fierce, dangerous, noxious, or naturally inclined to do harm. Wild animals, however domesticated, shall also include but not be limited to:

Amphibians: All Venomous frogs, toads, turtles, etc.;

Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.;

Cat Family (Felidae): All except commonly accepted domestic cats – including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.;

Crocodylians: All alligators, caimans, crocodiles, gavials, etc.;

Dog Family (Canidae): All except domesticated dogs – including wolf, fox, coyote, dingo or other offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, etc.,

Pig: All wild or domesticated swine, etc. excluding certified Vietnamese potbellied pigs, in accordance with Section 2(1)(B) hereof;

Porcupine (Erethizontidae): All porcupines, skunks, etc.;

Primates (Hominidae): All sub-human primates, etc.;

Raccoons (Procyonidae): All raccoons and civets, etc.;

Reptiles: All venomous and constricting snakes, venomous lizards, etc.;

Venomous Invertebrates: All venomous spiders, scorpions, etc.;

Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc., excluding domesticated ferrets, in accordance with Section 2(1)(A) hereof.

## **Section 2: Keeping of Certain Animals Prohibited**

- (1) **Wild or Exotic Animals Prohibited.** No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital (not boarded) or clinic, humans society, or circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise.

(A) Domesticated ferrets are permitted as house pets provided that the following requirements are met:

- (i) Ferrets must be de-scented.
- (ii) Ferrets must be spayed or neutered.
- (iii) Ferrets are to be vaccinated, except as otherwise provided herein. Vaccination documents or a statement from a licensed veterinarian advising against a vaccination shall be furnished upon request.
- (iv) No breeding of ferrets is permitted.
- (v) Ferrets are not to be at large when outdoors.

(B) Vietnamese Potbellied Pigs are permitted as house pets provided that the following requirements are met:

- (i) The pet owner is to obtain a document from a licensed veterinarian or a nationally recognized registry certifying that the pet is a Vietnamese Potbellied Pig.
- (ii) Vietnamese Potbellied Pigs are to be spayed or neutered.
- (iii) No breeding of Vietnamese Potbellied Pigs is permitted.

- (iv) Vietnamese Potbellied Pigs are to be vaccinated, except as otherwise provided herein. Vaccination documents or a statement from a licensed veterinarian advising against vaccination shall be furnished upon request.

(C) The fostering or keeping of a service animal is permitted in a household provided the following requirements are met:

- (i) No more than one service animal is permitted.
- (ii) Upon request, the property owner is to furnish documentation certifying that the animal has been trained or is being fostered in accordance with a training program administered by a non-profit organization.

**(2) Sale, Exchange, Adoption, Exchange or Transfer or 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. This section is not intended to apply to persons owning or possessing wild or exotic animals prior to the passage of this Ordinance, provided that the person or persons taking possession of such wild or exotic animal following said sale, adoption, exchange or transfer is/are not a resident of the Borough of Nesquehoning.

**(3) Disposition and Impoundment.** Any person who keeps a wild or exotic animal in contravention of this Ordinance must dispose of the animal by removal of the animal from the Borough or by giving the animal to the Borough Official. The Borough Official is authorized to release the animal to the wild, to a zoological park, or to dispose of the animal in some humane manner. The owner shall either pay directly or reimburse the Borough for the cost of removal and/or placement at a par or other facility.

### **Section 3. Permitting Wild or Exotic Animals Owned at the Time of Passage of the Ordinance.**

Any person owning or possessing a wild or exotic animal at the time of enactment of this Ordinance may, pending the approval of the Zoning Officer, obtain a permit and non-conforming status for said wild or exotic animal provided that:

A. A permit application and non-conforming use application is filed with the Zoning Officer within forty-five (45) days of the effective date of this Ordinance. Such application is to include:

- (1) Species, age and sex of said wild animal or exotic animal.
- (2) A plan for the housing and containment for said wild or exotic animal must be reviewed, inspected and approved by the Borough Building Official as adequate to prevent such animal from escaping or injury the public. (Any changes to containment plans or facilities already permitted must be submitted to and approved by the Building Official before changes may be implemented.)

(3) An animal permit fee of Ten Dollars (\$10.00) per wild or exotic animal shall be paid by the owner or possessor of such animal to the Treasurer of the Borough of Nesquehoning. Copy of permit to be filed with the Police Department.

(4) Upon the death, sale, adoption, exchange, transfer or disposal of said wild or exotic animal, the animal may not be replaced.

(5) If such wild or exotic animal is to be taken to any public place, it shall not be free to roam and must be controlled by a leash or cage. The permit for such animal must be carried by the owner/possessor.

#### **Section 4.**

For purpose of administering this Section, Borough Official means that person or persons designated by the Borough Council to enforce the provisions of this Ordinance. Included in this definition are Police Officers that shall have the same power to act as the Animal Control Officer, and representatives of the Borough.

#### **Section 5.**

For the purpose of administering this Section, Owner means and included every person, firm or corporation having a right of property in any animal which is kept harbored, or cared for within the Borough of Nesquehoning for a period of three (3) or more days as well as every person, firm or corporation occupying any premises within the Borough which permits any animal to remain on or about its premises for a period of three (3) or more days.

#### **Section 6. Penalties.**

Any person who violates any provision of this Ordinance shall be subject to the following penalties:

A. First Violation – a fine of \$50.00 or thirty (30) days imprisonment or both;

B. Second Violation – a fine of \$100.00 or sixty (60) days imprisonment, or both;

C. Third Violation – a fine of \$250.00 or ninety (90) days imprisonment, or both;

D. Fourth and subsequent violations – a fine of \$500.00 or ninety (90) days imprisonment, or both.

Each day's violation shall constitute a separate offense.

**ORDAINTED and ENACTED** by the Council of the Nesquehoning Borough this 25<sup>th</sup> day of June, 2008.

BOROUGH OF NESQUEHONING

By: Don DeMarco.  
President of Council

ATTEST:

RoniSue Ahner.  
Secretary/Treasurer

Examined and Approved this 25th day of June, 2008.

K. Tony Walck.  
Mayor