

PITTSTON TOWNSHIP
Luzerne County, Pennsylvania
ORDINANCE NO. 7-02 of 2024

**AN ORDINANCE OF THE TOWNSHIP OF PITTSTON, LUZERNE COUNTY,
PENNSYLVANIA PROVIDING FOR THE KEEPING OF CERTAIN ANIMALS IN
PITTSTON TOWNSHIP, THE CARE AND MAINTENANCE THEREOF, VIOLATIONS
AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF**

BE IT ENACTED AND ORDAINED by the Township of Pittston, Luzerne County, Pennsylvania (the "Township"), and it is hereby enacted and ordained by the authority of the same, as follows:

WHEREAS, the Township finds it to be in its best interests to regulate the keeping of domestic and other animals within the Township; and

WHEREAS, This article is adopted pursuant to the provisions of the Second Class Township Code, § 101 et seq., as amended (53 P.S. § 65101 et seq., as amended), the power to prohibit nuisances as per § 1529, Nuisances, as amended (53 P.S. § 66529, as amended), and the general powers of the Township to make or adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and of its citizens per Section 1506 of the Second Class Township Code, as amended, (53 P.S. § 66506, as amended) and otherwise per law.

Section 1. Short Title.

This Ordinance shall be known as the "Pittston Township Animal Control Ordinance".

Section 2. Purpose of Ordinance.

The regulations in this Ordinance have been promulgated with the purpose of promoting the public health, safety and general welfare by regulating the keeping of domestic and other animals within the Township.

Section 3. Definitions:

The following words and terms as used in this Ordinance, shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

ANIMAL - any domestic animal, wild animal or household pet.

DOG LAW the Pennsylvania Dog Law, 3 Pa.CS. §§ 459-501-A.

DOMESTIC ANIMAL - any animal as hereinafter defined as a household pet or any other animal not a wild animal.

HOUSEHOLD PET or PET- any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL- any domestic animal of the bovine, equine, sheep or hog family.

PERSON - any person, firm, partnership, association, or corporation.

SMALL ANIMAL - any domestic animal such as a rabbit, hare, guinea pig, rat mouse, or chinchilla; and any domestic fowl such as chicken, turkey, goose, duck, or pigeon.

SPCA - the Society for the Prevention of Cruelty to Animals, incorporated under the Pennsylvania Animal Cruelty Law, 18 Pa. C.S. §5511, or any successor organization having a similar purpose incorporated under a similar statute.

WILD ANIMAL - any animal, bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not normally or ordinarily kept as a household pet.

In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

Section 4. Certain Animals Prohibited.

It shall be unlawful for any person to keep any wild animal at any place within the Township except where the same shall be permitted under the Pittston Township Zoning Ordinance.

Section 5. Household Pets and Domestic Animals.

It shall be unlawful for any person to keep any household pets or domestic animals, except as provided in this section:

1. If any such household pet or domestic animal shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons in such dwelling or elsewhere shall be created.

2. If any such household pet or domestic animal shall be kept in an enclosure outside such dwelling, the provisions of Section 11 of this ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

3. The maximum number of household pets and domestic animals shall be not more than four (4) within any dwelling or on any residential property.

Section 6. Barking Dogs

Between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, dogs shall not be kept outside or confined in an open-air enclosure where the dog's barking may disturb the quiet of the neighborhood. Dog owners must confine his or her dog within a relatively soundproof building with closed windows and doors during these hours.

Section 7. Dangerous Dogs.

A dog that is determined to be dangerous under §502- A of the Dog Law, shall be restrained or otherwise kept in accordance with Article V-A of the Dog Law.

Section 8. Defecating on Public or Private Property.

1. It shall be unlawful for any person owning, keeping or walking any domestic animal, including dogs, to permit his or her domestic animal to defecate upon any public or private property within the Township, other than the property of the owner of the domestic animal, except if the person immediately removes and cleans up the domestic animal's feces from the public or private property.

2. It shall be unlawful for the owner of any domestic animal to permit the accumulation of feces from the domestic animal in a pen or enclosure, including a yard, or at any place within the Township where such accumulation creates a threat to the health of any person, or the odor therefrom pollutes the air inhaled by any neighbor or other person.

3. Every keeper of a domestic animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such type that, when closed, it shall be rat- proof and fly-tight, and after such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

Section 9. Tethering.

1. If a pet is tethered outside, the tether shall be attached to the pet by a non-choke type collar and attached to the stationary object by swivel anchors, latches, or similar devices in a manner which prevents the tether from becoming entangled around any object so as to limit the pet's freedom within the tethered area, or prevent the pet, or any of its appendages, from becoming entangled by the tether. The pet shall have easy access to clean drinking water and adequate shade and/or shelter within the tethered area. The pet shall be periodically monitored while tethered at reasonable intervals of time. No pet shall be tethered or left outdoors for a continuous period of time greater than one-half hour if the temperature during such period remains below 32 degrees Fahrenheit or above 90 degrees Fahrenheit during any period in which severe weather warning has been issued for Luzerne County by the National Weather Service.

2. Any Township Police Officer, Code Enforcement official(s), or agent of the SPCA are hereby designated as the enforcement officers to administer and enforce the provisions of this Ordinance. Each designated officer shall have all of the powers to enforce this Ordinance along with all powers vested under the Pennsylvania Animal Cruelty Law. Agents of the SPCA shall carry and display the proper credentials at all times.

3. Any enforcement officer as designated by this section is hereby authorized to notify any owner or occupant of any premises in violation of this section, either personally or by posting such notice upon the premises, that such owner must bring the outdoor pet tethering violation into compliance with this section within 24 hours of receipt of such notice. Upon the failure of such owner or occupant to bring the violation into compliance with this section within such period of time, the enforcement officer is authorized by the Township to announce himself or herself and to enter upon such premises, unless ordered not to do so by the owner or occupant, and to temporarily remove the pet from the property. If a pet is removed, then the enforcement officer shall leave a notice in a conspicuous place advising the owner or occupant that the enforcement officer has removed the pet, and what steps the owner or occupant needs to take to regain possession of the pet.

Section 10. Animals at Large.

It shall be unlawful for any person to keep any domestic animals, except as provided in this section.

1. An owner shall at all times keep his or her domestic animals from running at large in the Township.
2. Large animals shall be confined in quarters, no part of which shall be closer than one hundred (100) feet from the exterior limits of any dwelling or of any property line.
3. Small animals shall be kept confined in quarters no part of which shall be closer than five (5) feet from the exterior limits of any dwelling or of any property line.
4. The keeper of every such domestic animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size conducive to good sanitation practices and adequate and sanitary drainage facilities shall be provided.
5. The Animal Control Officer or any police officer, at such officer's discretion, may seize any domestic animal found at large in the Township. Such domestic animals are to be impounded in a licensed kennel.

Section 11. Storing of Feed.

Every keeper of a domestic animal shall cause all feed provided therefore to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

Section 12. Rabies Prevention and Control.

Every keeper of a dog or cat over 3 months of age shall abide by the vaccination requirements set forth in 7 Pa. Code Chapter 16. In addition, any domestic animal suspected of having or having been exposed to rabies shall be subject to the quarantine requirements set forth in 7 Pa. Code Chapter 16.

Section 13. Licensing.

In accordance with 3 P.S. §459-201(a), the owner of any dog over the age of three (3) months must obtain a dog license certificate from the county treasurer and renew the license certificate each year on or before January 1. Alternatively, if the owner of a dog qualifies for a lifetime license, one may be obtained in accordance with 3 P.S. §459-201(b).

Section 14. Penalties.

Any person found guilty of violating this Ordinance in a summary offense proceeding shall be subject to a fine of not less than \$100.00 and not greater than \$1,000.00 per violation, plus all costs of enforcement including reasonable attorney fees, or may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation continues or each section of this Ordinance that is found to be violated shall be considered a separate violation.

Section 15. Repealer

Any Ordinances, Resolutions or Laws in conflict with this Ordinance are hereby **REPEALED**.

Section 16. Severability

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, unenforceable or beyond the power of the Township of Pittston, said provision or provisions shall not be construed to affect the validity of any of the remaining portions of this Ordinance. It is hereby declared as the intent of the Supervisors of the Township of Pittston that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.

Section 17. Enactment

This Ordinance shall be effective immediately upon passage and shall remain in force until modified, amended or rescinded by the Supervisors of the Township of Pittston.

DULY ENACTED AND ORDAINED, by the Supervisors of the Township of Pittston, Luzerne County, Pennsylvania in lawful session duly assembled this 15th day of July, 2024.

Submitted by Mr./Ms. Taroli

Seconded by Mr./Ms. Hawk

**ROLL CALL
BOARD OF SUPERVISORS**

<i>Supervisors:</i>	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mr. David A. Slezak, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Joseph Hawk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Deborah Taroli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

By: David A. Slezak
DAVID A. SLEZAK
Chairman, Board of Supervisors

ATTEST:

[Signature]
SECRETARY
(SEAL)

