

ARTICLE 1159

Animals

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1159.01 PURPOSE.

A. This chapter is enacted to regulate the maintenance, keeping or possession of animals within the City of Bethlehem in order to promote the health, safety and general welfare of its inhabitants.

B. Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this chapter shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this chapter, the provisions of such other statute, ordinance, regulation or resolution shall be controlling.

- C. The City Council makes the following legislative findings, and finds that:
- (1) Public nuisances and conditions detrimental to the public health, safety and welfare have been created by the keeping of multiple animals on premises within the City;
 - (2) The public nuisances and conditions detrimental to the public health, safety and welfare include, but are not limited to, accumulations of animal wastes, spread of infectious or contagious diseases or the danger thereof, insect infestation, smell and noise;
 - (3) Limiting the number of animals on premises within the City will alleviate, or at a minimum, help alleviate these public nuisances and conditions;
 - (4) Limiting the number of animals to not more than six (6) and requiring the issuance of permits for additional animals exceeding six (6), will alleviate, or at a minimum help alleviate these conditions which are deemed to be public nuisances.
 - (5) The keeping of certain animals within the confines of the City in and of itself poses a special threat to the public health, safety and welfare of the City's residents.

1159.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- A. ANIMAL - Construed in a broad sense to include not only all mammals, including but not limited to dogs, but also birds, fish, reptiles and insects.
- B. ANIMAL SHELTER - The premises, any portion of which is utilized for the temporary harboring of lost, strayed, ill or injured animals, subject to the numerical limitations of Section 1159.03. Temporary is defined to mean a period of time not exceeding six (6) months.
- C. AT LARGE - Shall mean off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain or otherwise.
- D. DOG - Shall mean both male and female dogs.
- E. FOWL - Shall mean any bird typically used for food or eggs, this includes, but is not limited to chickens, roosters, pigeons, turkeys, geese, ducks, and peacocks.
- F. EXHIBITOR - As used in this Article, shall mean any person who by contract, agreement and/or ownership, takes responsibility for the operation of a petting zoo.

G. OFFICER - Shall mean any Police Officer and/or duly appointed Animal Control Officer or his/her designee.

H. OWNER - Shall mean and include every person, firm or corporation having a right of property in any animal which is kept or harbored within the City, as well as every person, firm or corporation occupying any premises within the City which permits an animal or animals to remain on or about its premises.

I. PERSON - Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

J. PETTING ZOO - As used in this Article, shall mean any enclosure, area, or other containment where an animal or animals are kept for the purpose of exhibition or education. This definition excludes those events where no physical contact will occur between the animals and the public, i.e. a procession or parade, or events such as a domesticated dog or cat exhibition.

1159.03 LIMITATION ON NUMBER OF ANIMALS.

Except for species of fish, it shall be unlawful and it shall be deemed a public nuisance to keep more than six (6) animals six (6) months of age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965 (3 P.S. § 460-208 et seq.), as the same may from time to time be supplemented or amended, nor shall this section apply if a permit has been issued and is in effect pursuant to Article 1159.04 of this ordinance.

1159.04 APPLICATION FOR PERMIT - MORE THAN SIX (6) ANIMALS.

A. An application for a permit for the keeping of more than six (6) animals shall have attached thereto a registered veterinarian's health certificate for all animals on the premises, including but not limited to those covered by the permit, shall be verified by affidavit and shall set forth the following:

- (1) The type and number of animals.
- (2) The purpose of keeping such animals.
- (3) The period for which the permit is requested.
- (4) A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate, and the facilities for sanitation and disposal of animal wastes.

- (5) The circumstances, if any, under which the animals will be removed from their quarters.
- (6) Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons in handling the animals in question and earlier charges and/or citations for violation of statutes and/or ordinances governing animals, and/or health and/or safety.
- (7) Such additional information as the Officer may require.

B. In addition to such verified information, the Animal Control Officer shall consider all other relevant conditions, and may independently investigate and/or require the applicant to submit additional information in writing, verified by affidavit, concerning but not limited to the following:

- (1) The odor emanating or likely to emanate from the premises to persons and places off the premises.
- (2) The noise emanating or likely to emanate from the premises to persons and places off the premises.
- (3) The attitudes of the applicant's neighbors to the proposed permit.
- (4) The security with which the pets or creatures will be restrained.

C. All such permits for the keeping of more than six (6) animals must be renewed annually upon resubmittal of an application of the type required in Article 1159.04-A.

1159.05 ANIMAL CONTROL OFFICER; POWERS AND DUTIES; ISSUANCE OF PERMIT.

A. The Mayor of the City of Bethlehem shall appoint an Animal Control Officer. In addition, the Mayor may from time to time designate a Temporary Animal Control Officer.

B. The Officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the Officer has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The Mayor or the Officer shall also have the power to revoke the permit for cause.

C. The Officer shall also have the power, with the consent of the City Council, to make such rules and regulations as he/she shall deem necessary to carry out the purposes of this chapter. The Animal Control Officer and/or Police Officers shall be responsible to determine whether any person is violating any provisions of this ordinance. In making such determinations as to whether to approve or reject an application for a permit or an application for renewal of a permit, the

Animal Control Officer and/or Police Officers shall consider whether any one or more of the following approved standards are not complied with. The failure of the applicant to comply with or satisfy any one or more of the requirements of Section 1159.04 or to satisfy any one or more of the following approved standards shall constitute grounds for denial of the application as a public nuisance:

- (1) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- (2) The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- (3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear, or to be abused, tormented or annoyed.
- (4) The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
- (5) The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
- (6) Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
- (7) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Bethlehem and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.
- (8) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the Animal Control Officer or any Police Officer question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.
- (9) The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to permittee's obligation to comply with this chapter.

- (10) Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.

D. If the conditions presented by the application for a permit or for renewal of a permit constitute an actual or potential public nuisance and/or a hazard and/or a danger to the public health, safety and welfare, the application for a permit or for renewal of a permit shall be denied.

E. The Animal Control Officer and police officers of the City of Bethlehem are authorized hereby to enter upon any premises within the City for the purpose of investigating a possible violation of this chapter. If access is denied by the property owner, the Animal Control Officer and/or Police Officers are authorized to submit an application for a search warrant to the appropriate judicial authority.

F. The holder of a permit issued pursuant to this ordinance shall have an ongoing duty to comply with the requirements of the approved standards set forth in Section 1159.05-C of this ordinance.

1159.06 NUISANCES.

A. When not confined to the owner's premises, all dogs must be under the physical control of their owner or custodian and physically restrained by a leash or other restraining device at all times.

B. No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow such animal to defecate on any sidewalk, play area, park or any place where people congregate or walk or on any public property whatsoever or on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curb lines in any common thoroughfare, passageway or bypath, which shall be used to curb such animal under the following conditions:

- (1) The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary and reasonable manner.
- (2) The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions hereof.

C. If any person is in possession or ownership of more than six (6) animals six (6) months of age or older on any premises, and either fails to obtain a permit for the same as required by this ordinance, or if an application for the permit is made, but the application for such permit is denied, then in either such event a public nuisance shall be deemed to exist on such premises and such person shall be deemed to be in violation of this ordinance. In such event, the City shall order the possessor or owner to remove that number of animals exceeding six (6) to a location outside of the City of Bethlehem, at the owner's sole expense, and the possessor or owner shall provide the City with written certification of compliance with said order.

1159.07 CATTLE, SHEEP, SWINE, GOATS, LLAMAS/ALPACAS, HORSES, AND FOWL IN CITY PROHIBITED.

No person shall keep or maintain any cattle, sheep, swine, goats, llamas/alpacas, horses or fowl within the City, except on properties approved for farming previous to the date of this ordinance amendment and that meet all requirements for farming as outlined in the City of Bethlehem Zoning Ordinance and at such other places where animals are kept for slaughtering or for laboratory purposes which have been approved by the Bureau of Health.

1159.08 RABBITS, GUINEA PIGS AT LARGE.

Rabbits, guinea pigs shall not be allowed to run at large, but shall be confined in a suitable building or coop with an enclosed and covered runway.

1159.09 ANIMAL COOPS TO BE KEPT CLEAN.

A building or coop in which animals are kept must be kept thoroughly clean at all times and shall be cleaned at least once every week and more often if the Bureau of Health so requires. All refuse or anything foul or obnoxious must be removed at least twice a week, and all coops, pens or stables must be thoroughly disinfected at least once every week and more often if the Bureau of Health so requires.

1159.10 DISTANCE OF ANIMAL COOPS FROM OCCUPIED DWELLINGS; DISTANCE OF ANIMALS FROM FOOD STANDS.

No part of a building, coop or runway in which animals are kept shall be less than thirty (30) feet from the doors or windows of any building occupied by human beings, whether for dwelling or business purposes. In addition, no animals shall be kept less than one hundred (100) yards from any outside temporary food stands.

1159.11 PETTING ZOOS

A. Any animal exhibitor who will be operating a petting zoo at any event within the City must notify, in writing, the Bureau of Health no less than five (5) days before the event. This written notification must consist of the date, time, and location of the petting zoo, the number and species of animals that will be present, proof of insurance and proof of a USDA license, where applicable.

B. In addition, the petting zoo must comply with the following requirements:

- (1) A minimum of two (2), hand washing stations must be visible, easily accessible and operating at all times the zoo is open to the public.

- (2) A fence barrier must be constructed so as to prevent the public's direct contact with the animals. This barrier must be sanitized three (3) times daily (prior to opening, midway through the event and upon closing). The operator may be required to sanitize the fence barrier more often when determined to be necessary by the Health Bureau.
- (3) The operator of the petting zoo must have appropriate informational and educational materials available to the public. Such materials shall inform the participants of the petting zoo of the dangers associated with lack of hand washing after contact with animals. This information should consist of, at a minimum, signs and brochures.
- (4) Animal containment areas must be covered with straw or an approved, equally absorbent material. The area must be completely raked and sanitized nightly. The operator may be required to rake and sanitize the containment area more often when determined to be necessary by the Health Bureau.

1159.12 DOG LICENSE REQUIRED.

No person shall own, keep or harbor within the City any dog six months or older, unless such dog is licensed by the Treasurer of the proper county in which the dog is kept, and unless such dog wears a collar and license tag. This provision is not intended to apply to dogs whose owners are nonresidents, temporarily within the City, or to dogs brought into the City for breeding, trial or show purposes, or to any "seeing-eye" dog properly trained to assist visually impaired persons, when such dog is actually used by a visually impaired person for the purpose of aiding him or her in going from place to place.

1159.13 FEES.

The applicant for any permit hereunder shall, at the time of his/her application, pay to the City of Bethlehem the following fees:

A. Animal shelters and all other permit applicants twenty-five dollars (\$25.00) for the first calendar year or part thereof, renewable thereafter for a like fee of twenty-five dollars (\$25.00) each calendar year or part thereof.

1159.14 ADDITIONAL ENFORCEMENT REMEDIES PERTAINING TO ALL ANIMALS.

In addition, the Officer may institute in the name of the City of Bethlehem any appropriate action or proceeding, whether by legal process or otherwise, to restrain, correct or abate a continuing violation of any provision of this chapter or any rules and regulations made pursuant hereto.

1159.15 ADDITIONAL ENFORCEMENT REMEDIES PERTAINING TO DOGS.

A. Running At Large Prohibited. No person owning or having in his custody any dog shall permit the dog to go at large to the injury or annoyance of others, nor shall any dog be permitted at large upon the streets or other public ways of the City. Such action is declared to be a public nuisance and dangerous to the public health and safety.

B. Impounding of Dogs Found Running At Large. It shall be the duty of the Officer, and every police officer of the City, to seize and detain any dog, licensed or unlicensed, found running at large, either upon the public streets or highways of the City or on the property of any other person, and unaccompanied by an owner or keeper when such Impounding Officer or police officer is in immediate pursuit of such dog.

C. Notice to Owner; Payment of Charges. The Officer and any police officer of the City who has seized any dog under the provisions of this article, which does not have a proper license affixed to its collar, shall see that the dog is properly kept and fed and shall give notice, either personal or by registered mail, to the owner thereof, if he can be ascertained, to claim such dog within ten days from the date of the notice. The owner of such dog so seized and detained reclaiming the dog shall pay all expenses incurred for feeding and harboring before the dog is returned to him, at the rate of Twenty-Five Dollars (\$25.00) per day, and the further sum of Fifty Dollars (\$50.00) to cover the cost of impounding and returning the animal to its owner.

D. Destroying of Dog. Any dog seized and detained by the Officer which has not been claimed by its owner or sold at public or private sale, as herein provided, shall be destroyed by the Officer in some humane manner.

E. Sale or Destroying of Unclaimed Dogs. All dogs seized and detained by the Officer or any police officer and not reclaimed by the owner within ten days after seizure may be sold by the Officer either at public or private sale. The proceeds shall be applied to discharge the costs of feeding and harboring the dog, and costs of such sale and the costs and penalties herein provided. However, no dog detained by the Officer shall be sold to anyone for the purpose of vivisection. No dog appearing to be suffering from rabies or affected by hydrophobia, mange or other infectious or dangerous disease shall be sold or released by the Officer, but shall forthwith be destroyed by a humane method.

F. Running At Large of Certain Dogs. No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. Whenever any such dog is found running at large in violation of this article, it shall be taken up and impounded and shall not be released except upon approval of the Police Commissioner after payment of the fines provided herein. Any dangerous, fierce or vicious dog found running at large which cannot be safely taken up and impounded may be slain by the Officer or any police officer.

1159.16 OBSERVATION FOR RABIES.

A. If any dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the premises of the owner and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Officer of the fact that his dog has been exposed to rabies. At his discretion, the Officer is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under the observation of a veterinarian for a period of two weeks at the expense of the owner.

B. No person, knowing or suspecting that his dog has rabies, shall allow such dog to be taken off his premises or beyond the limits of the City without the written permission of the Officer. Every person owning or harboring a dog, upon ascertaining a dog to have rabies, shall immediately notify the Officer or a police officer, who shall either remove the dog to the pound or summarily destroy it.

1159.17 PROCLAMATION OF HYDROPHOBIA (RABIES) BY MAYOR.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia (rabies), the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises, unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. Any dog so noticeably infected with rabies and displaying vicious propensities may be killed by any police officer or the Officer without notice to the owner. Any dog impounded during the period of such proclamation shall, if claimed within ten days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for herein. If unclaimed after that period, such dog may be summarily and humanely destroyed.

1159.18 INTERFERENCE WITH OFFICER.

A. Any person interfering with the Officer or any police officer in the enforcement of this ordinance shall be guilty of a violation of this ordinance.

B. Any person who shall take away, or attempt to take away, or who shall cut or attempt to cut the leash of any dog from the possession and custody of the Officer or any police officer shall be guilty of a violation of this ordinance.

1159.19 SEVERABILITY.

If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such

provisions not been included or such persons or circumstances been expressly excluded from their coverage.

1159.99 PENALTY.

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

- (a) First violation - A fine of not less than \$100.00 nor more than \$250.00;
- (b) Second violation - A fine of not less than \$250.00 nor more than \$500.00;
- (c) Third violation - A fine of not less than \$500.00 nor more than \$1,000.00;
- (d) Fourth and each subsequent violation - A fine of not less than \$1,000.00.
- (e) Each day's failure to comply with any provision of this Article shall constitute a separate violation.

(Ord. 3038. Passed 10/22/85; Ord. 3242. Passed 2/7/89; Ord. 4151. Passed 11/6/02; Ord. 4238. Passed 12/16/03; Ord. 4397. Passed 10/3/06.)