

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 14 - 2023

MARCH 1, 2023

AN ORDINANCE

Amending Part II General Legislation, Chapter 163 Animals, Article I Animal Control by updating the language in Sections 1, 3-7, 13-15, 18, and 21-23.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Sections 1, 3-7, 13-15, 18, and 21-23 be amended as follows:

ARTICLE I
Animal Control

§ 163-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

ANIMAL All nonhuman vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

ANIMAL HOUSING Any property, premises, or place where animals are located but not a place that is defined as a kennel.

AT LARGE An animal off the premises of the owner not secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands.

CITY The City of Allentown, Pennsylvania.

CITY OFFICIAL That person or persons designated by the Mayor to enforce the provisions of this article, including but not limited to the Animal Control Officer, police officers and other authorized inspectors.

COMMUNITY CAT – any free-roaming cat without visibly discernable or microchip identification that may be cared for by one or more people, known or unknown.

Community cats that are ear tipped indicate the animal is sterilized and vaccinated against rabies at least one time. A community cat that is not yet ear-tipped is eligible for sterilization, vaccination, ear tipping and return to the location where it was collected. Community cats are exempt from the licensing, registration, at-large, nuisance and/or abandonment provisions of this Article.

COMMUNITY CAT CAREGIVER – A person providing food, care, or shelter for a community cat; shall not be considered the owner, custodian, harbinger, or keeper of the cat for any purpose under this Article.

GUARD OR SENTRY DOG A dog which has been trained or conditioned to attack only to protect persons or property.

HOBBY BREEDER Any person who places together dogs or cats for the purposes of breeding and sells, trades or otherwise transfers the product of such breeding, provided that:

- A. Such breeding, selling, trading or transfer is conducted by the person at the person's residence and/or property;
- B. Such breeding does not take place more frequently than once per annum; and
- C. The person is not regularly engaged in the business or breeding, selling, or trading dogs or cats.

KENNEL A place, including a dwelling unit, in which more than six dogs or domesticated animals more than four months old are housed, bred, boarded, or sold. This term shall not include:

- A. The routine keeping of animals within a veterinary office while undergoing recuperation; or
- B. A permitted retail pet shop.

KENNEL OWNER Any person, firm, partnership, or corporation who owns or operates a kennel.

NOTICE OF VIOLATION A written document issued to a person in violation of a City ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

OWNER Includes every person, firm or corporation having a right of property in any animal which is kept harbored, or cared for within the City of Allentown for a period of three or more days as well as every person, firm or corporation occupying any premises within the City which permits any animal to remain on or about its premises for a period of three or more days. A Community Cat Caregiver shall not be considered the owner, custodian, harbinger, or keeper of the cat for any purpose under this Article.

§ 163-3. Vaccination of dogs and cats against rabies required.

It shall be unlawful for the owner or custodian of a dog or cat to keep, harbor or have in ~~his~~ their custody or control a dog or cat three months or older for longer than 14 days, unless such dog or cat has a current compendium of animal rabies vaccine as approved by the National Association of State Public Health Veterinarians. Proof of vaccination shall be furnished at the request of the City Animal Control Officer or public health officials.

Community cats and a person providing food, care, or shelter to a community cat is exempt from this provision.

§ 163-4. Permitting animals to trespass; at-large animals prohibited; leash law; and cleanup of animal fecal matter.

A. Permitting animals to trespass. The owner, possessor or ~~manager~~ custodian of any animal shall not permit the same to trespass upon the premises of another property owner without prior permission, or he shall be in violation of this article and shall have the burden of proving permission to trespass was granted.

B. Old Allentown Cemetery. The owner, possessor or ~~manager~~ custodian of any pet shall not permit the same to enter upon or trespass in the Old Allentown Cemetery located at 10th and Linden Streets, Allentown, PA.

C. At-large animals prohibited.

(1) No owner or custodian of an animal shall permit the animal to run at large in the City. For the purposes of this section, an animal is considered to run at large if it is not secured by a leash no longer than six feet controlled by a human when on public property, including but not limited to streets, sidewalks and parks or with or without a leash if on private property without the consent of the owner of such property. It shall be unlawful for any owner of an animal to place such animal or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such animal. This section shall not apply to any person who uses an animal while engaged in a supervised formal obedience training class or show, or during formally sanctioned field trials nor to Community Cat Caregiver providing food, care, or shelter to a community cat.

(2) No dogs shall be allowed in City parks except at places designated by the Director of Parks ~~of~~ or designee and provided that said dogs shall not be at large and no dogs shall be allowed on the Hamilton Mall except as authorized by the Director of Community and Economic Development or the Director's designee.

It shall be ~~the duty~~ within the discretion of the City Official to seize and detain any animal, 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 its owner or keeper. The City Official is hereby authorized and empowered to go on any public premises and to enter any public building to seize and detain any animal which has been running at large ~~unaccompanied by an owner or keeper when such City Official is in immediate pursuit of such animal~~ only if the official is in immediate pursuit of such animal and the animal is reported to have bitten or attacked, or have attempted to bite or attack, a person or other domestic animal while at large.

D. Cleanup of animal fecal matter.

(1) No owner of any animal or any person having the care, custody and control of any animal shall permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing such matter and

disposing of it in a sanitary manner. The term "property of another" shall be interpreted to include the property of the City of Allentown or of any other ~~political subdivision~~ public or private property.

- (2) No owner or possessor of real property shall permit animal fecal matter to accumulate on such property for more than 24 hours and it shall be the owner's or possessor's responsibility to daily remove such matter to prevent any such accumulation from becoming a danger to public health.

§ 163-5. Impoundment of ~~unrestricted animals~~ at-large dogs, and unvaccinated animals, vicious animals and large animals.

- A. It shall be ~~the duty~~ within the discretion of the City Official charged with the enforcement of this article to impound any dog found at large and not confined to the dog owner's premises. If the owner or custodian of the animal can be ascertained and located, a ~~summons~~ violation ticket may be issued and the animal may, in lieu of impoundment, be released to its owner or custodian. However, within 72 hours of the animal's release, the owner must present the City Official with a valid license and rabies certificate or surrender the animal to the City Official.

§ 163-6. Animal bites and rabid animals.

- A. Persons bitten by animals. It shall be the duty of any persons who has knowledge that an animal has bitten or injured any person in this municipality to immediately report the incident to the Bureau of Health, City of Allentown. The owner of every such animal shall immediately place said animal in confinement in such a manner as to prevent it from escaping, running at large or having physical contact with other animals or humans other than the animal owner or controller, and maintain such confinement for a ten-day period of observation.
 - (1) At the end of said ten-day observation period, the animal shall be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted by the owner or veterinarian within 24 hours to the Bureau of Health. If the report reveals no symptoms of rabies, the animal may then be released. If the owner fails or refuses to have the animal examined for rabies by a veterinarian within 24 hours of the end of the ten-day observation period, in violation of this article, the Bureau of Health shall be authorized to have the animal seized and taken to a veterinarian solely for the purpose of said rabies examination. The owner shall be responsible for all expenses incurred for said examination and will be cited for violations of the provisions of this article.
 - (2) If at any time during the said ten-day period of observation the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Bureau of Health and the animal shall immediately be removed to a veterinary hospital acceptable to the Bureau of Health.
 - (3) If the animal is diagnosed as rabid, it shall be humanely euthanized. Confirmatory tests for the presence of rabies shall be conducted on the animal's remains as necessary. After such testing, the remains of the animal shall be disposed of in such manner as the Bureau of Health directs.

- (4) If the animal is a stray ~~that~~ whose ownership that cannot be identified, it shall be the duty of the City Official charged with the enforcement of this article to impound such animal and place it in confinement for observation, examination or other necessary action normally required of a private animal owner as specified herein.

§ 163-7. Reclaiming seized animals; fees; disposition of unclaimed animal.

- A. Notification. The City Official who has seized an animal under the provisions of this article shall see that the same is properly kept and fed and if ownership of such animal can be ascertained, the City Official shall immediately give notice of such seizure by registered mail to the owner of said animal to claim such animal within 10 days from the receipt of the notice.
- B. Reclaiming. The owner of the animal so seized and detained may reclaim the same by:
- (1) Paying all expenses incurred in feeding and boarding the animal at a prevailing rate established by the Humane Society or other similar organization at which the animal is detained;
 - (2) Paying an impoundment fee of \$5 established by the Humane Society or other similar organization at which the animal is detained;
 - (3) Paying any fines levied due to the violation of this article; and
 - (4) Providing proof of compliance with § 163-2 and § 163-3 of this article.
- C. Disposition. Any animal seized and detained by the City Official which has not been claimed by its owner can be given to the humane society or another similar organization or destroyed by such City Official in a humane manner.

§ 163-13. Keeping of certain animals prohibited.

- A. Wild or exotic animals prohibited. No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital or clinic, humane 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.
- B. Sale, exchange, adoption, ~~exchange~~ or transfer of 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 article, 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 City of Allentown.

§ 163-14. Training and use of guard and sentry dogs.

- A. Training of guard or sentry dogs. Use of dogs which show evidence of brutalization, drugging or medication used to induce viciousness or have been tampered with physically, e.g., the filing of teeth or being fitted with collars or harnesses that cause

physical discomfort or undue fear is prohibited. The City reserves the right to have the animal certified, prior to use, as a properly trained animal by the City Official.

B. Housing of guard and sentry dogs.

(1) Minimum standards.

(a) Runs must have six-foot-high fences completely surrounding them to

which are to be added to the top anti-climbers or the top must be completely covered.

(b) All gates and entrances to the runs, kennel and training areas must be locked when not in use.

(c) A perimeter fence at least eight feet high must be installed to encircle the training and kennel area to which are to be added anti-climbers, and fences must be maintained escape proof.

(d) A dog in training as a guard or sentry dog must at all times be confined to its kennel or run, unless it is under control of its trainer.

C. Use of guard or sentry dogs; exemption. Owners, handlers, renters or anyone except sworn police officers who engage in the use of guard or sentry dogs shall comply with the following:

(1) Have each dog used for guard or sentry use tattooed with an identification number. The description and tattoo number of each dog shall be registered with the City Official prior to its being used within the City.

(2) Have a substantial collar of a bright reflective orange (international orange), at least one inch wide, to which is attached a metal tag imprinted with the name, address and telephone number of the owner or custodian. Such a collar shall be on the dog at all times.

(3) Notify the City Official of the name, address, and location of place, property, or premises where the dog is posted and the hours during which the dog will be there. A duplicate copy of this information shall be transmitted by the City Official to the City's Communication Center, where it will be available for use of the Communication Center operators.

(4) Clearly post the area within which the dog is confined with notices, located at all public entrances, that a guard or sentry dog is on the premises. Signs shall be constructed of weatherproof materials with lettering at least two inches in size and of contrasting colors that are distinctive and attract attention.

(5) ~~Insure~~ Ensure that the area within which the dog is confined affords shelter and water and that it is escape proof.

§ 163-15. Power to promulgate rules and regulations.

The City Official, ~~with the Mayor's approval,~~ may promulgate such written rules and regulations as may be reasonably necessary for the administration of the provisions of this article.

§ 163-18. Cruelty to animals.

- A. It shall be unlawful for any person:
- (1) To overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry in a vehicle in an inhumane manner or otherwise mistreat any animal.
 - (2) To fail to provide ~~any pet or animal with proper~~ adequate food, drink, protection from the weather and veterinary care to an animal one owns, or which is under one's care, control, or custody. A community care caregiver providing food, care, or shelter to a community cat is exempt from this provision.
 - (3) To abandon any pet or animal. A person or agency returning a community cat after sterilization and vaccination to the community colony is exempt from this provision. A Community Cat Caregiver ceasing to provide food, care, or shelter to a community cat is exempt from this provision.

§ 163-21. Enforcement.

- A. The provisions of this article shall be enforced by the Animal Control Officer, police officers, or any other authorized inspector.
- B. Any violation of the provisions of this article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.
- C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.
- D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.
- E. A public officer is authorized and empowered to cause a violation to be corrected.
- F. If the City has effected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the ~~Director of Community and Economic Development or designee~~ City in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

§ 163-22. Violation ticket appeals process.

- A. A person in receipt of a violation ticket may appeal to the City by filing a request within 10 days of receipt of the violation ticket.
- B. A Hearing Officer, ~~designated by the Director of Community and Economic Development~~, may uphold the appeal, deny the appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts.

SECTION TWO: That this Ordinance takes effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

Legislative Template

- What department or bureau is this bill originating from? Where did the initiative for the bill originate?

Public Works – Recycling & Solid Waste / Animal Control

- Summary and facts of the bill.

This bill is to amend Part II General Legislation, Chapter 163 Animals, Article 1, Animal Control by updating the language in Sections 1, 3-7, 13-15, 18, and 21-23. Some of the updates are simply house cleaning measures and the bulk of the update is to update the Community Cat information within the Ordinance. This has been done collaboratively with Lehigh Valley Humane Society to clearly define what a community cat is and how they are handled.

- Purpose – Please include the following in your explanation:
 - a. What does the bill do? What are the specific goals or tasks the bill seeks to accomplish?

This bill will clean up some language within the Ordinance that is outdated and define what a community cat is. The goal is to clearly outline what a community cat is and how they will be handled within the community.

- b. What are the benefits of doing this? What are the drawbacks?

The benefit is the City will be the first to define what a community cat is and through Lehigh Valley Humane Society, be able to assist Allentown residents if they choose to do so.

- c. How does this bill relate to the City's vision/mission/priorities?

- Financial Impact – Please include the following in your explanation:

- a. Cost (initial and ongoing)

There is no cost to the City. The City is currently under contract with the Lehigh Valley Humane Society to handle all animal control issues including Community cats. They receive grants to fund this program on an ongoing basis.

- b. Benefits (initial and ongoing)

The Lehigh Valley Humane Society will be able to administer the Community Cat program and help Allentown residents along the way with education and supplies.

- Funding Sources – Please include the following in your explanation:
 - a. If transferring funds, please make sure to give specific account names and numbers. If appropriating funds from a grant, please list the agency awarding the grant.

n/a

- Priority status – Are there any deadlines to be aware of?

n/a

- Why should Council unanimously support this bill?

Allentown will be the first community to outline community cats and through the Lehigh Valley Humane Society will be able to help residents with education and supplies.