

CHAPTER II: ANIMAL CONTROL AND REGULATION

Article

1. **GENERAL PROVISIONS**
2. **DOGS**
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ARTICLE 1: GENERAL PROVISIONS

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§ 2-101 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. Includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

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ANIMAL SHELTER. The facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

ANIMALS. All vertebrate and invertebrate animals, such as, but not limited to, bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees, or birds that have been tamed, domesticated, or captivated.

ATTACK. Any violent or aggressive physical action or contact.

AT-LARGE. To be outside of a fence or other enclosure that restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be **AT-LARGE**.

BITE. Any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

CAT. Any member of the species felis catus, regardless of sex.

DANGEROUS OR VICIOUS ANIMAL. Any animal deemed to be dangerous or vicious per § 2-116.

DOG. Any member of the species canis familiaris, regardless of sex, and includes both domestic and wild species.

FOWL. All animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.

HARBOR. Any person who shall allow any animal to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure, or place of business or any other premises where he or she resides or controls.

HUMANE LIVE ANIMAL TRAP. Any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

HUMANELY EUTHANIZE. The proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

IMMEDIATE CONTROL. The regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

LIVESTOCK. Includes, but is not limited to cattle, horses, goats, sheep, or other animals commonly regarded or used as farm or ranch animals.

NEUTERED. Any male or female cat or dog that has been permanently rendered sterile.

OWN. Includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

OWNER. The one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in the definition for *OWN* above.

VACCINATION. An injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

VETERINARIAN. A doctor of veterinary medicine licensed by the State of Kansas.
(2005 Code, § 2-101) (Ord. 507, passed - -)

§ 2-102 ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.

(a) There is hereby created the position of Animal Control Officer for the city and such officer shall be charged with the enforcement of this chapter. Any person employed by the city as an Animal Control Officer and commissioned by the City Council shall have such powers and authority as allowed by law in the enforcement of this chapter. All Animal Control Officers shall be subject to the supervision and direction of the Mayor of the city.

(b) Except as provided in divisions (c) below, it shall be the duty of the Animal Control Officer to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of division (b) above, any law enforcement officer or the Animal Control Officer may issue a citation to the owner, harborer, or keeper of an animal in violation of this chapter, and the person receiving the citation shall, within ten days, appear in the Municipal Court of the city to answer the charged violation of this chapter.
(2005 Code, § 2-102)

§ 2-103 SAME; CAPTURE/DESTRUCTION.

When deemed necessary by law enforcement officers or the Animal Control Officer for the health, safety, and welfare of the residents of the city, such officers and/or their agents may:

(a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

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(b) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public health and safety; or

(c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in § 2-116, or any animal creating a nuisance as defined in § 2-112, where such animal is impossible or impractical to catch, capture, or tranquilize.
(2005 Code, § 2-103)

§ 2-104 SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

(a) The Animal Control Officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter.

(b) It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.
(2005 Code, § 2-104) (Ord. 392-616, passed - -)

§ 2-105 MUNICIPAL POUND ESTABLISHED.

A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. When so contracted, the pound shall have the following services and facilities as a minimum:

(a) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter;

(b) Group holding facilities for stray, ownerless, and unvaccinated animals impounded for violation of the provisions of this chapter;

(c) Individual isolation facilities for sick, biting, rabid, and suspected rabid animals; and

(d) Facilities for the humane destruction of animals.

(2005 Code, § 2-105)

§ 2-106 BREAKING POUND.

(a) It shall be unlawful for any unauthorized person to open, unlock, break open, or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this city in catching, taking up, or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals.
(2005 Code, § 2-106) (Ord. 449, passed - -)

§ 2-107 RESERVED.

§ 2-108 RESERVED.

§ 2-109 KEEPING ANIMALS.

It shall be unlawful for the owner, lessee, occupant, or person in charge of any premises in the city to possess and maintain any animal within the city or permit to be maintained thereon any stable, shed, pen, or other place where horses, mules, cattle, sheep, or goats within 100 feet of any building other than that of the owner or keeper. This provision shall not apply to:

(a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention, and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(b) The maintaining of dogs which are regulated by Article 2 of this chapter;

(c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with § 2-114;

(d) The transporting of animals through the city by ordinary and customary means; and

(e) The maintaining by the owner of any horses, cattle, sheep, or goats on any unplatted tract of land within the city containing 20 acres or more which is used exclusively for agricultural purposes.
(2005 Code, § 2-109) (Ord. 294, passed - -; Ord. 369, passed - -; Ord. 392-607, passed - -; Ord. 473, passed - -; Ord. 608, passed - -)

§ 2-110 KEEPING FOWL; SWINE.

(a) It shall be unlawful for the owner, lessee, occupant, or person in charge of any premises in the city to possess and maintain any fowl within the city or permit to be maintained thereon any shed, pen, or other place where fowl are kept within 50 feet of any dwelling or business within the city other than that of the owner or keeper.

(b) It shall be unlawful for any person owning or having control or care of swine, to keep swine upon premises located within the city limits of the city.
(2005 Code, § 2-110) (Ord. 392-623, passed - -; Ord. 473, passed - -)

§ 2-111 ANIMAL TRAPS.

It shall be unlawful for any person to use, place, set out, or deploy any animal trap above ground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism, or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals.

(2005 Code, § 2-111)

§ 2-112 NUISANCE; ANIMAL ACTIVITIES PROHIBITED.

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance. For the purpose of this section, *NUISANCE* is defined as any animal which:

(1) Molests or interferes with persons in the public right-of-way;

(2) Attacks or injures persons, or other domestic animals;

(3) Damages public or private property other than that of its owner or harborer by its activities or with its excrement;

(4) Scatters refuse that is bagged or otherwise contained; or

(5) Causes any condition that threatens or endangers the health or well-being of persons or other animals.

(b) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

(2005 Code, § 2-112)

§ 2-113 NOISY ANIMALS.

The keeping or harboring of any animal which by loud, frequent, and habitual barking, howling, yelping, mewling, roaring, or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by taking up, impounding, and/or disposing of the animal at the expense of the owner.

(2005 Code, § 2-113) (Ord. 449, passed - -; Ord. 479, passed - -)

§ 2-114 ANIMAL CONFINES; SHELTERS.

(a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure, or area that is not clean, dry, and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any animal shelter, pen, or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens, and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties in which an agricultural classification permit is held or where the barbed wire fence or electrically charged fence is protected by an exterior fence.

(f) All premises in which animals are kept shall be subject to inspection by the Animal Control Officer, duly authorized law enforcement officer, or Public Health Official. If the Officer or Official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition that could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(2005 Code, § 2-114)

§ 2-114A SAME; STOCKYARDS; COMMERCIAL HOLDING PENS.

Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the Health Officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

(a) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes;

(b) Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins;

(c) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with §§ 8-601 through 8-608 of this code;

(d) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies;

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(e) Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings;

(f) Enclosures including fences where animals such as horses, cows, sheep, and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to persons or property;

(g) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week;

(h) Holding lots, pens, and floors of sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial, or agricultural classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials and that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into watercourses and such drainage system shall be subject to the approval of the Health Officer. The Health Officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses, or sheep; and

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial, or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Health Officer; provided that all solid waste shall be properly disposed of at least once each week or as may be approved by the Health Officer.
(2005 Code, § 2-114A)

§ 2-115 DEATH OF ANIMALS.

All dead animals shall be disposed of by the owner or keepers within 24 hours of the animal's death by burial, incineration in a facility approved by the Animal Control Officer, by rendering, or by other lawful means approved by the Animal Control Officer. No dead animal shall be dumped on any public or private property.

(2005 Code, § 2-115) (Ord. 392-619, passed - -)

§ 2-116 VICIOUS ANIMALS.

(a) *Prohibited.* It shall be unlawful for any person to keep, possess, or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the Animal Control Officer or any police officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the Animal Control Officer or any police officer to impound such animal.

(b) *Defined.* For purposes of this chapter a *VICIOUS ANIMAL* shall include:

(1) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(2) Any animal that attacks a human being or domestic animal without provocation;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

(4) Any animal that is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(c) *Complaint.*

(1) Whenever a sworn complaint is filed in the Municipal Court against the owner of an animal alleging that such animal is vicious and in violation of this section, the Municipal Judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week before the hearing. In making a determination, the Municipal Judge shall consider the following:

(A) The seriousness of the attack or bite;

(B) Past history of attacks or bites;

(C) Likelihood of attacks or bites in the future;

(D) The condition and circumstances in which the animal is kept or confined; and

(E) Other factors that may reasonably relate to the determination of whether or not the animal is vicious.

(2) The Municipal Judge shall order the impoundment, the muzzling in accordance with division (d) below, and/or the confinement of the animal accused of being in violation of this section in a manner and location that will ensure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling, or otherwise safe confinement is not possible or if prior court orders to restrain such animal have gone unheeded, the Municipal Judge may order the animal immediately destroyed.

(d) *Vicious dogs to be muzzled.* It shall be the duty of every owner, keeper, or harborer of any dog in the city, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or

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person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping, or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.

(e) *Immediate destruction.* Nothing in this chapter shall be construed to prevent the Animal Control Officer or any police officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(f) *Release of.* If a complaint has been filed in the Municipal Court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the Municipal Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The Municipal Judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the Animal Control Officer or any police officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this section.

(g) *Violation and penalties.* Any owner or harbinger of any animal found to be vicious under this Code shall be subject to prosecution and penalties in Municipal Court. Any finding of a violation can be at the same time as a determination under division (c) above, or at a later hearing as the Municipal Judge may direct. Upon a first violation of this section, the Court shall impose a minimum fine of at least \$100 and may order the impoundment or destruction of the animal. Upon any repeated violation of this section, the Court shall impose a minimum fine of \$250 and may order incarceration up to a maximum of five days in county jail. In addition, upon any subsequent violation of this section involving the same animal as any prior conviction, the owner or harbinger shall be required to show cause before the Municipal Court as to why the animal should not be humanely destroyed, with it being presumed that the animal should be destroyed absent good cause being shown to the Court. Further, any injury caused any person or animal that results in medical or veterinary costs to persons or animals shall be assessed against any person convicted under this section as restitution.
(2005 Code, § 2-116) (Ord. 507, passed - -; Ord. 647, passed 10-21-2014)

§ 2-117 RUNNING AT LARGE.

(a) *Prohibited.* It shall be unlawful for the owner, keeper, or harbinger of any dog to permit such dog to run at large. The fact of a dog being found at large shall be prima facie evidence of a violation of this section.

(b) *Fine.*

(1) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the city at any time.

(2) Any dog running at large within the city shall be impounded as set out in § 2-118.

(c) *Redemption cost.* A person wishing to redeem an impounded dog shall pay the pound fees to the impounding agency and fines and cost due to the city in accordance with this section.

(1) First running at large fine: \$30 minimum.

(2) Second running at large fine: \$70 minimum.

(3) Third running at large fine: \$110 minimum.

(4) Fourth running at large fine: \$125 minimum and owner or harbinger may have the privilege to own or harbor a dog in the city revoked by the City Court.
(2005 Code, § 2-117) (Ord. 449, passed - -; Ord. 479, passed - -)

§ 2-118 IMPOUNDMENT; FEE; NOTICE; RECORD.

(a) The Animal Control Officer or law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) The city shall be entitled to receive from such owner an impoundment fee of \$30 plus \$10 per day for feeding and maintaining the animal while impounded.

(c) In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the Animal Control Officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

(d) The Animal Control Officer shall each month submit a report to the governing body showing the number of animals impounded and disposed of, and the fees collected pursuant to this article and shall pay those fees to the City Clerk for credit to the General Operating Fund.

(e) When an animal is retrieved from the animal shelter of the city by a person other than the proven owner of the animal, if the animal is not spayed or neutered, as the sex of the animal shall determine, a deposit of \$75 shall be required, and the amount shall be held, without interest, until the receiving party shall certify by receipt, that the animal has been spayed or neutered. Upon showing proof of the same, the deposit shall be returned to the party retrieving the animal within ten days from the date of presentation of the receipt. The receipt shall be presented to the City Clerk.
(2005 Code, § 2-118) (Ord. 507, passed - -; Ord. 514, passed - -)

§ 2-119 REDEMPTION OF IMPOUNDED ANIMALS.

At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under §§ 2-116 (vicious) and 2-120 (rabid), the owner thereof may redeem the animal by paying the Animal Control Officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment.

(2005 Code, § 2-119)

§ 2-120 IMPOUNDMENT OF RABIES SUSPECTS.

(a) Any law enforcement officer or local Health Officer may take up, upon private or public property, any animal that has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local Health Officer shall determine whether or not such animal is suffering from a disease and, if not, the local Health Officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The Health Officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local Health Officer symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the State Board of Health.

(b) In lieu of the provisions of division (a) above, the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local Health Officer. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the Animal Control Officer or any law enforcement officer to be killed and examination made by the State Board of Health.

(c) Any animal desired for observation by the local Health Officer under this section shall be delivered to the Animal Control Officer or any law enforcement officer upon demand and shall not be withheld, hidden, or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the Municipal Judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

(2005 Code, § 2-120) (Ord. 449, passed - -)

§ 2-121 ANIMALS BITTEN BY RABID ANIMALS.

Whenever a dog, cat, or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local Health Officer and/or the Police Department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(a) The animal that was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination;

(b) If the bitten animal has a current vaccination, it shall be confined for 90 days;

(c) The bitten animal shall be released from confinement only upon written order from the local Health Officer, who declares the animal to be free of rabies; and

(d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.
(2005 Code, § 2-121)

§ 2-122 VEHICULAR ACCIDENTS INVOLVING ANIMALS.

Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the Animal Control Officer or any law enforcement officer.
(2005 Code, § 2-122)

§ 2-123 EMERGENCY; PROCLAMATION.

The Mayor is hereby authorized whenever in his or her opinion the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer or the Animal Control Officer of the city. The owner of such animal shall be prosecuted for such violation thereof.
(2005 Code, § 2-123) (Ord. 449, passed - -)

§ 2-124 KENNEL LICENSES.

(a) No person or household shall own or harbor more than [REDACTED] dogs of six months of age or older or more than one litter of pups, or more than [REDACTED] cats of more than six months of age or more than one litter of kittens, or more than a total of [REDACTED] dogs and cats more than six months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having obtained a kennel license from the City Clerk.

(b) Kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the Animal Control Officer certifying approval of the kennel and compliance with the applicable laws of the city and the state, and a certificate by the Zoning Code Enforcement Officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the City Clerk has not received any protest against the kennel, the City Clerk

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may issue a renewal of an existing kennel license at the same location without any report from the Animal Control Officer and Zoning Code Enforcement Officer. If the Animal Control Officer or the Zoning Code Enforcement Officer finds that the holder of any kennel license is violating any zoning law, or any other law of the state, or of the city, or is maintaining the facility in a manner detrimental to the health, safety, or peace of mind of any person residing in the immediate vicinity, he or she shall report such fact to the City Clerk, and the license shall not be renewed except after a public hearing before the governing body.

(c) The Animal Control Officer, the Zoning Enforcement Officer, or any law enforcement officer shall have the right to inspect any premises licensed under this section at any reasonable time and nothing shall prevent the entry onto private property for the purpose of inspection. The application for a kennel shall constitute consent to such entry and inspection.

(d) The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

(1) The kennel is maintained in violation of any applicable law of the state, or of the city;

(2) The kennel is maintained so as to be a public nuisance; or

(3) The kennel is maintained so as to be detrimental to the health, safety, or peace of mind of persons residing in the immediate vicinity.

(e) The annual kennel license fee shall be as set by the governing body. Payment of such license fee is in addition to, and not in lieu of, the dog license fees otherwise required under this chapter.

(f) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.

(2005 Code, § 2-124)

ARTICLE 2: DOGS

Section

- 2-201 Registration and vaccination required; fee
- 2-202 Exception; non-residents
- 2-203 Same, seeing-eye dogs, military, and police dogs and the like
- 2-204 Application
- 2-205 Vaccination certificate prerequisite to issuance
- 2-206 Fees
- 2-207 Term; year
- 2-208 When required for underage dogs or dogs acquired after permit deadline
- 2-209 Tag
- 2-210 Unlawful use
- 2-211 Notification of lack of permit or vaccination
- 2-212 Obtaining permits after deadline; enforcement procedure
- 2-213 Stray cats
- 2-214 Redeeming of cats

§ 2-201 REGISTRATION AND VACCINATION REQUIRED; FEE.

No person shall own, keep, or harbor within the corporate limits of this city any dog over six months of age without first obtaining a permit thereof from the City Clerk or agent authorized by the City Clerk, who may issue the same when proper application is made in writing.
(2005 Code, § 2-201) (Ord. 507, passed - -)

§ 2-202 EXCEPTION; NON-RESIDENTS.

The permit and vaccination requirements of this division shall not apply to a non-resident dog owner who keeps the dog within the city for not longer than 30 days, provided that at all times, such dog is under restraint.
(2005 Code, § 2-202) (Ord. 507, passed - -)

§ 2-203 SAME, SEEING-EYE DOGS, MILITARY, AND POLICE DOGS AND THE LIKE.

A person owning, keeping, or harboring a dog that has been retired from the United States Armed Forces, a registered seeing-eye dog used by visually or hearing-impaired persons, or police or sheriff

department dogs shall not be required to pay the permit fee but subject to all other regulations including, but not limited to, the requirement of having the rabies vaccination.

(2005 Code, § 2-203) (Ord. 507, passed - -)

§ 2-204 APPLICATION.

Applications for dog permits shall be made to the City Clerk or authorized agent upon forms provided by the City Clerk, setting forth such information as necessary to properly implement the terms and provisions of this division. Such forms shall be completed by the applicant and submitted to the City Clerk or authorized agent for validation, and after validation and payment of the permit fee, such forms shall serve as the dog permit.

(2005 Code, § 2-204) (Ord. 507, passed - -)

§ 2-205 VACCINATION CERTIFICATE PREREQUISITE TO ISSUANCE.

No permit shall be issued under this article except upon the presentation of a valid rabies vaccination certificate plainly showing the dog's last vaccination is currently effective and payment of the applicable fee hereunder.

(2005 Code, § 2-205) (Ord. 507, passed - -)

§ 2-206 FEES.

(a) The permit fees for the year are as follows:

- (1) For each unspayed or non-neutered dog: \$8;
- (2) For each spayed or neutered dog: \$5; and
- (3) For any kennel or pet shop covering all dogs kept during the year: \$40.

(b) No fees shall be required of any humane society or veterinary hospital.

(2005 Code, § 2-206) (Ord. 507, passed - -)

§ 2-207 TERM; YEAR.

The permit term shall be for a period of 12 months commencing on the date of application for the permit.

(2005 Code, § 2-207) (Ord. 507, passed - -)

§ 2-208 WHEN REQUIRED FOR UNDERAGE DOGS OR DOGS ACQUIRED AFTER PERMIT DEADLINE.

The owner of a dog shall be required to have a permit for the dog upon the date it is brought into the city or attains the age of six months, whichever is later.

(2005 Code, § 2-208) (Ord. 507, passed - -)

§ 2-209 TAG.

(a) Upon full compliance with the terms of this section, the City Clerk or authorized agent shall issue a written permit to the applicant together with a durable permit tag stamped with an identifying number and so designed that it may be securely fastened to a collar or harness.

(b) Such tag shall be securely attached to the collar or harness of the dog for which such permit and tag is issued and shall be worn at all times the dog is off the premises of the owner.

(c) If a tag issued for a dog is lost, a new tag may be obtained from the City Clerk upon payment of \$1.

(d) No person shall attach a tag to any dog other than the one for which the tag was issued.
(2005 Code, § 2-209) (Ord. 507, passed - -)

§ 2-210 UNLAWFUL USE.

(a) A permit shall be valid only in the permit year for which issued. A new permit shall be obtained for each permit year and a permit fee paid.

(b) No person shall use any dog or kennel permit issued for another dog or kennel.
(2005 Code, § 2-210) (Ord. 507, passed - -)

§ 2-211 NOTIFICATION OF LACK OF PERMIT OR VACCINATION.

(a) The veterinarians of the city are hereby required to notify the City Clerk within 15 days after the end of the month of any dogs which, during that month, received rabies vaccinations and/or were treated without indication of a current rabies vaccination. Such notification shall include, but is not limited to, if known, the following:

- (1) Name and address of the owner of the dog; and
- (2) Description of the dog sufficient for identification by the animal officer.

(b) Any business, individual, organization, or entity engaged in the practice of breeding and/or selling (with or without monetary compensation) dogs shall provide the City Clerk the following information within ten days after the ownership of the dog is transferred:

- (1) The date of the sale or transfer of ownership;
- (2) Name and address of new owner;
- (3) Description of the dog sufficient for identification by an animal control officer; and

(4) Approximate age of the dog.
(2005 Code, § 2-211) (Ord. 507, passed - -)

§ 2-212 OBTAINING PERMITS AFTER DEADLINE; ENFORCEMENT PROCEDURE.

(a) *Late charge.*

(1) If a person obtains a permit within 30 days after:

(A) The expiration of an existing permit term; or

(B) The date on which a permit is required, no late penalty will be charged.

(2) If however, the applicant fails to make application within the 30-day period, a late charge of \$2 shall be assessed for each month the application is delinquent in making application, not to exceed a total of \$24. The late charge shall be added to and collected with the regular permit. Any portion of a month for the purposes of late charge computation. The late charge shall not be assessed for any permit purchased within 90 days of the effective date of this article.

(b) *Application and renewal forms.* The City Clerk shall be authorized to mail application forms for permits and reminder notices to any animal owner of which the Clerk has record of.

(c) *Delinquency notice.* A complaint alleging violation of the renewal provisions and a notice to appear shall be issued against the owner of a dog subject to but not in compliance with the renewal provisions of this section, provided that the City Clerk has issued at least ten days in advance thereof a delinquency notice by United States mail, first class, postage prepaid to the owner at the last known address of the owner. A delinquency notice shall include at least the following:

(1) A title that the notice is a delinquency notice;

(2) A statement of late payment charges the owner must pay; and

(3) A warning that failure to purchase the applicable permit will result in the issuance of a complaint and notice to appear and subject the owner to potential court costs.

(d) *Complaint and notice to appear.* The complaint and notice to appear shall charge the owner with violations of the particular applicable ordinance and order the owner to appear in Municipal Court at a particular date and time.

(e) *Fines.* Any person charged with a violation of § 2-209 shall, upon a plea or finding of guilt, shall be sentenced a fine of not less than \$50. The sentence shall not be subject to reduction or parole unless the person who is convicted or pleads guilty provides evidence that a permit was purchased prior to plea or finding of guilt. However, in no event shall the sentence be reduced or paroled to a fine of less than \$25.

(2005 Code, § 2-212) (Ord. 507, passed - -)

§ 2-213 STRAY CATS.

It shall be unlawful to allow cats to run at large. Any cat running at large and causing any hardship on any person shall be deemed a stray cat and shall be subject to impoundment.
(2005 Code, § 2-213) (Ord. 484, passed - -)

§ 2-214 REDEEMING OF CATS.

Any person wishing to redeem a stray cat shall pay the same pound fees as stated in § 2-206. Cat owners shall not have to purchase tags for their cats.
(2005 Code, § 2-214) (Ord. 484, passed - -)



ARTICLE 3: OTHER ANIMALS

Section

2-301 Exotic animals

§ 2-301 EXOTIC ANIMALS.

(a) It shall be unlawful for any person, firm, or corporation to keep, maintain, or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal, or any other animal or reptile of wild, vicious, or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain, or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes;
- (2) Apes, chimpanzees, gibbons, gorillas, orangutans, and siamangs;
- (3) Baboons;
- (4) Badgers;
- (5) Bears;
- (6) Bison;
- (7) Bobcats;
- (8) Cheetahs;
- (9) Crocodilians, 30 inches in length or more;
- (10) Constrictor snakes, six feet in length or more;
- (11) Coyotes;

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(12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose;

(13) Elephants;

(14) Game cocks and other fighting birds;

(15) Hippopotami;

(16) Hyenas;

(17) Jaguars;

(18) Leopards;

(19) Lions;

(20) Lynxes;

(21) Monkeys;

(22) Ostriches;

(23) Pumas; also known as cougars, mountain lions, and panthers;

(24) Raccoons;

(25) Rhinoceroses;

(26) Skunks;

(27) Tigers; and

(28) Wolves.

(c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

(1) Their location conforms to the provisions of the zoning ordinance of the city;

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(d) The Municipal Judge shall have the authority to order any animal deemed vicious confined, destroyed, or removed from the city.
(2005 Code, § 2-301)



ARTICLE 4: PENALTY PROVISIONS

Section

2-401 Penalties for violation

§ 2-401 PENALTIES FOR VIOLATION.

The penalty for the violation of any portion of this chapter, except for those sections which have specific penalties attached thereto shall be a fine for a first offense of a given section of \$35, for a second offense a fine of \$100, and a fine for a third offense of \$500. In addition to any fines, the court may issue a jail sentence of between 30 days and six months, or both a fine and jail term.
(2005 Code, § 2-401) (Ord. 518, passed - -)

