

CITY OF PARKER
ORDINANCE NO. 2021 -01

**AN ORDINANCE PROHIBITING THE KEEPING OF CERTAIN
ANIMALS WITHIN THE CITY BORDERS, REGULATING THE
KEEPING OF PERMISSIBLE ANIMALS WITHIN CITY BORDERS AND
PROVIDING OTHER RULES REGULATIONS REGARDING THE
PROHIBITION, KEEPING AND SHOWING OF CERTAIN ANIMALS
WITHIN CITY BORDERS**

Section I.

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

Section II.

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

Section III.

A. City Council, in adopting this Ordinance, makes the following legislative findings:

- (1) Public nuisances and conditions detrimental to the public health, safety and welfare have or may be 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; and
- (4) 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, and should be entirely prohibited.

Section IV.

Of those animals not prohibited, limiting the number of animals to not more than 4 and requiring the issuance of permits for additional animals exceeding 4 will alleviate or, at a minimum, help alleviate conditions which are deemed to be public nuisances. Multiple fish kept in one contained area shall be considered to be one animal.



Section V. Definitions.

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

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.

AT LARGE

Off the premises of the owner and not under the control of the owner, a member of his immediate family, or another person authorized to be in control of, either by leash, cord, chain or otherwise.

DOG

Both male and female dogs.

FOWL

Any bird typically used for food or eggs, this includes, but is not limited to, chickens, pigeons, turkeys, geese, ducks and peacocks. Chickens must be hens. Roosters are prohibited under this Ordinance.

HEALTH VIOLATION TICKET

A form issued by an officer to a person who violates a provision of this chapter. The health violation ticket is an offer by the City of Parker extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

OFFICER

Any police officer, duly appointed Animal Control Officer and/or his designee.

OWNER

Includes 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.

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.

PETTING ZOO

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.

WILD OR EXOTIC ANIMAL

Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm.

A.

Wild animals, however domesticated, shall also include but not be limited to:

- (1) **Dog family** (Canidae): All except domesticated dogs; including wolf, fox, coyote, dingo, etc.;
- (2) **Cat Family** (Felidae): All except commonly accepted domestic cats; including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.;
- (3) **Bear** (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.;
- (4) **Weasels** (Mustelidae): All including weasels, martens, mink, wolverines, ferrets, badgers, otters, ermine, mongoose, etc.;
- (5) **Racoons** (Procyonidae): All raccoons and civets;
- (6) **Primates** (Hominidae): All sub-human primates;
- (7) **Porcupine** (Erethizontidae): All porcupines, skunks;
- (8) **Snakes**: All venomous and constricting snakes; venomous lizards;
- (9) **Crocodylians**: All alligators, caimans, crocodiles, gavials, etc.;

(10) Venomous fish and piranha;

(11) Venomous invertebrates.

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Section VI. - Limitation on number of animals not otherwise prohibited.

With respect to animals not otherwise prohibited and except for species of fish, it shall be unlawful and it shall be deemed a public nuisance to keep more than 4 animals six months of age or older on any premises, regardless of the number of owners; provided, however, this section as the same may from time to time be supplemented or amended.

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Section VII. - Application for permit for more than 4 animals.

A.

An application for a permit for the keeping of more than 4 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 of 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 City may require.

B.

In addition to such verified information, the City 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.



Section VIII. - Parker City; powers and duties; issuance of permit.

A.

The City, or its designee, 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 City, or its designee, has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable. The City, or its designee shall also have the power to revoke the permit for cause at any time.

B.

The City, or its designee, shall be responsible to determine whether any person is violating any provisions of this article. 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 City, or its designee shall consider whether any one or more of the following approved standards are not complied with. The failure of the applicant 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 articles of the City of Parker and the rules and regulations that may accompany this article 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 City, or its designee, 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 the permittee's obligation to comply with this article.
- (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.

C.

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 shall be denied.

D.

The designated state or local Animal Control Officer, City, and/or its designee, and/or police officers of the City of Parker are authorized hereby to enter upon any premises within the City for the purpose of investigating a possible violation of this article. If access is denied by the property owner, the designated state or local Animal Control Officer, City, or its designee and/or police officers are authorized to submit an application for a search warrant to the appropriate judicial authority.

E.

The holder of a permit issued pursuant to this article shall have an ongoing duty to comply with the requirements of the approved standards set forth in this Ordinance.

Section IX. - 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 curblines 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 4 animals six months of age or older on any premises, and either fails to obtain a permit for the same as required by the article, 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 to a location outside of the City of Parker, at the owner's sole expense, and the possessor or owner shall provide the City with written certification of compliance with said order.

Section X. – Cattle, sheep, swine, goats, llamas/alpacas, horses, fowl, roosters of any kind, pot belly pigs, mules, asses and any wild or exotic animals are prohibited within the City limits.

No person shall keep or maintain any cattle, sheep, swine, goats, llamas/alpacas, horses, fowl, roosters of any kind, pot belly pigs, mules, asses, or exotic animals within the City.

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Section XI - Rabbits and guinea pigs at large.

Rabbits and 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.

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Section XII. - 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.

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 City or its designee 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 City or its designee so requires.

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Section XIII. - 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 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 100 yards from any outside temporary food stands.

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Section XIV. - Petting zoos.

A.

Any animal exhibitor who will be operating a petting zoo at any event within the City must notify, in writing, the City no less than five 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 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 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 City.

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Section XV. - Dog license required.

No person shall own, keep or harbor within the City any dog three months or older, unless such dog is licensed by Armstrong County, 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, 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/her in going from place to place, working assist dogs or police canines.

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Section XVI. - Fees.

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

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Section XVII. - Additional enforcement remedies pertaining to all animals.

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

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Section XVIII. - 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 State or local Animal Control Agent 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 Animal Control Agent or Police Officer is in immediate pursuit of such dog. Upon apprehension of the animal, it shall be taken to an appropriate shelter.

C.

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.



Section XIX. - Interference enforcement.

A.

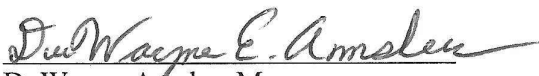
Any person interfering with the Officer in the enforcement of the Ordinance shall be guilty of a violation of this Ordinance and may face a penalty not to exceed \$300.00 per violation.

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 shall be guilty of a violation of this Ordinance.

This Ordinance shall become effective upon the adoption by the Council of the City of Parker.

Adopted this 9th day of August, 2021.


DuWayne Arnsler, Mayor
City of Parker

Attest:


Secretary/Treasurer, City of Parker

SEAL