

**BOARD OF SUPERVISORS
LEHMAN TOWNSHIP
LUZERNE COUNTY, PENNSYLVANIA
ANIMAL ORDINANCE
ORDINANCE NO. 031813A**

**AN ORDINANCE OF THE TOWNSHIP OF LEHMAN, LUZERNE COUNTY, PENNSYLVANIA
SETTING FORTH THE DEFINITIONS AND REGULATIONS FOR THE KEEPING OF ANIMALS
WITHIN LEHMAN TOWNSHIP, AND PROVIDING PENALTIES FOR VIOLATION; ENFORCEMENT;
REPEALER CLAUSE; VALIDITY CLAUSE AND EFFECTIVE DATE.**

WHEREAS, Lehman Township ("Township") is a Second Class Township, governed by the Second Class Township Code, 53 P.S. 65101 *et seq.*, which authorizes the Township to adopt ordinances for the protection of the public health, safety and welfare; and

WHEREAS, the purpose of this Ordinance is to provide for the reasonable regulation for the keeping of animals within Lehman Township so as protect the public's health, safety and welfare; and

WHEREAS, the Board of Supervisors of Lehman Township desires to enact an ordinance regulating the keeping of animals within Lehman Township to protect the public health, safety and welfare of the general public.

NOW, THEREFORE, be it **ORDAINED and ENACTED**, and it is hereby ordained and enacted as follows:

1.1 ANIMALS IN LEHMAN TOWNSHIP

Household pets shall be limited to four (4) combined pets per dwelling unit and shall not include ponies or horses or any other animals, mammals, or reptiles, which may constitute a danger to the public in general as determined by the Police Officer. Farm animals, other than customary household pets shall not be kept in Residential Districts.

1.2 FOR THE PURPOSE OF ORDINANCE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

- A. The term "Animal" shall include dogs, cats, domestic fowl, poultry, pigeons, domesticated hares, rabbits, mink, and members of the equine, bovine, ovine, and porcupine species.
- B. The term "Domestic Animal" shall include every animal domesticated by man, so as to live and/or breed in a tame condition.
- C. The term "Domesticated" shall mean to adapt an animal to a life of intimate association with and to the advantage or pleasure of man.
- D. The term "Dwelling Unit" means a suite of one or more living or sleeping rooms with exclusive cooking and sanitary facilities for one person or one family.
- E. The term "Farm Animal" shall mean any domestic species of cattle, sheep, goats, llamas, or horses.
- F. The term "Household Pet" shall include an animal, not exceeding 150 pounds, residing within a dwelling and not raised for the production of products for sale.

- G. The term "Owner" when applied to the proprietorship of an animal, shall include every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his or her care, and every person who permits such animal to remain on or about any premises occupied by him or her.
- H. The word "Person" shall include state and local officers, or employees, individuals, corporations, co-partnership, and associations, Singular words shall include plural. Masculine words shall include the feminine and neuter.
- I. The term "Police Officer" shall mean any person employed or elected by the Commonwealth of Pennsylvania, or any municipality, county or township, and whose duty it is to preserve peace, make arrests, or to enforce state and local health laws.
- J. The term "License or Tag" shall mean a current license or tag issued by Luzerne County, Pennsylvania. All dogs must be licensed.
- K. The term to "To Run at Large or Running at Large" shall mean an animal that is off or outside of the premises of its owner; not contained by fence or pen or restrained by a rope, leash, chain, or other similar means. Any animal not contained or restrained of some kind is considered to be "at large."

1.3 ANIMALS RUNNING AT LARGE AND DISTURBANCE OF PEACE

It shall be unlawful for any person who owns or keeps any animal to permit such animal to run at large in any District of the Township. Any animal running at large in violation of this ordinance shall be subject to seizure, detention, and disposal as provided herein.

- A. Farm animals shall be enclosed in a pen or corral. Fences for pens, corals, pastures or similar enclosures must be of sufficient height and strength to retain such animals. All other animals, when outside of the dwelling unit of its owner shall be contained by fence or pen or restrained by a rope, leash, chain, or other similar means.
- B. It shall be unlawful to own, harbor, or keep in custody any animal which disturbs the peace by barking, howling, or making other loud noises to the annoyance and discomfort of any resident of the Township. Continuous barking, howling or making of other loud noises by such animal for less than one (one) hour, but more than one half (1/2) hour, which periods occur on two (2) or more consecutive days or nights, shall be deemed to disturb the peace and cause the annoyance and discomfort of persons in the Township.
 - 1. Any resident may request the Lehman Township Police Department to warn any person who shall own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making loud noise to the annoyance and discomfort of persons in any District.
 - 2. Any such request shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Lehman Township Police Chief of his designated agent shall mail, by certified mail, a copy of this ordinance to the person identified as the owner, keeper or custodian of the animal.
 - 3. A violation of this ordinance shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of subparagraph B.

1.4 INJURY TO HUMANS

- A. It shall be unlawful for the owner of any animal to permit said animal to injure any human being by biting, jumping on, knocking down or attacking said human being. An exception to this section will be when the animal is reasonably protecting the owner or the property from an unlawful invasion of the person or property respectively.

1.5 NUISANCES

- A. No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passage, bypass, play area, park, or any place where people congregate or walk or any public property whatsoever, or on any private property without permission of the owner of said property.

1.6 NUMBER OF ANIMALS ON PREMISES

- A. It shall be unlawful to keep five (5) or more 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 which has secured zoning approval to operate an Animal Kennel as so defined in the Lehman Township Zoning and has secure a proper State license to operate said kennel

1.7 DUTIES OF POLICE

A. It shall be the option of every Police Officer to Seize and detain any animal which is found running at large, either upon public streets or highways of this Municipality, or upon the property of other than the owner of such animal, and unaccompanied by the owner of keeper. It shall be the privilege of every Police Officer to kill any animal which is found running at large, and is deemed after due consideration by the Police Officer to constitute a threat to the public health and welfare.

1. The Police Chief or his agent shall cause any animal bearing proper license tag and so seized and detained to be property kept and fed, and shall cause immediate notice, whether personal or by registered mail, to be given to the person in whose name the license was procured, or his agent to claim such animal within twenty four (24) hours. The owner of any animal so detained shall pay a penalty of one hundred (\$100.00) dollars and all reasonable expenses incurred by reason of its detention before said animal will be returned. If, after three (3) days from the giving of such notice, such animal has not been claimed, or all fines and penalties paid, such animal by sale or by destruction in a humane manner. No animal so caught and detained shall be sold for the purpose of vivisection.

B. It shall be unlawful for any Police Officer to fail or refuse to perform his duties under the provision of this Ordinance, and to refuse to assist in the enforcement of this law.

1.8 REPEALER

All other ordinances or parts thereof, which are in conflict with this Ordinance, are hereby repealed.

1.9 VALIDITY

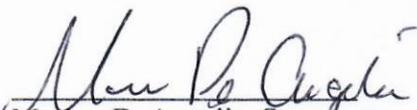
The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

1.10 EFFECTIVE DATE

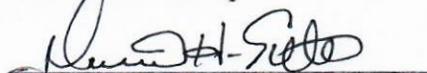
This Ordinance shall become effective five days after the adoption hereof.

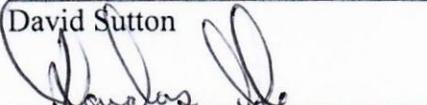
Adopted 18th Day of March, 2013

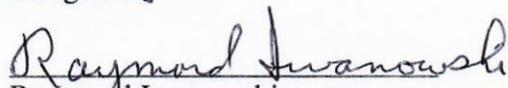
ATTEST:


Marion DeAngelis, Secretary

Board of Supervisors of
Lehman Township


David Sutton


Douglas Ide


Raymond Iwanowski