

BILL NO. : 9 OF 2021  
INTRODUCED: JULY 13, 2021  
BY: PRESIDENT MATTHEW T SHORRAW  
ENACTED: AUGUST 16, 2021  
ORDINANCE NO: 1239

CITY OF MONESSEN

REGULATIONS ON THE KEEPING OF ANIMALS

ORDINANCE 1239

AN ORDINANCE OF THE CITY OF MONESSEN, WESTMORELAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING CERTAIN RULES AND REGULATIONS REGARDING DOGS, CATS, AND OTHER DOMESTIC AND NON-DOMESTIC ANIMALS IN THE CITY OF MONESSEN; RULES AND REGULATIONS REGARDING THE KEEPING OF DOGS AND CATS IN THE CITY; RULES AND REGULATIONS OF CERTAIN EXOTIC ANIMALS; ESTBLISHING PENALTIES AND ENFORCEMENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Monessen has a desire to ensure the safety, quality of life, and health of all residents, and to ensure the humane treatment of all animals within the City, and;

**WHEREAS**, the City Council of the City of Monessen has a desire to update the City's animal regulations to reflect the standards and best practices set forth at this time, and;

**WHEREAS**, the City Council of the City of Monessen has a desire to ensure the most humane actions be taken towards all animals, and where said humane actions are absent, penalties and regulations be placed on those violating such lawful and humane actions.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of Monessen and it is hereby ordained and enacted as follows:

## **Article I. General Regulations**

### **Section 1. Short Title**

This Ordinance may be cited as the “*2021 Monessen Animal Regulation Ordinance*”.

### **Section 2. Purpose and Intent.**

The purpose of this Ordinance is to ensure the safety of all residents, the welfare and quality of life of the general public, and the health and safety of animals and wildlife, domesticated and non-domesticated, and to update rules regulations and penalties to modern standards.

### **Section 3. Definitions.**

Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application consistent with its intent. Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include words in the plural and words wither in the feminine, masculine or neuter shall include words of the other two genders.

**ANIMAL CARE FACILITY** - An animal control center or animal shelter maintained by or under contract with any state, county or municipality, whole mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes or rescue organizations.

**ANIMAL CONTROL OFFICER** - The person, firm, corporation, association, or partnership duly appointed by City Council to perform animal control activities pursuant to the laws of the Commonwealth and the ordinances of the City.

**APPROVED ENTITY OR PERSON** - A person, firm, corporation, association, or partnership who has been trained in safe and humane bird handling; holders of wildlife rehabilitator permits; wildlife capture and transportation permittees; and the PA Game Commission Regulations for Wildlife Rehabilitation.

**BOARD OF HEALTH** - The Board of Health of the City.

**BREEDER** - A business or person who displays, offers for sale, delivers, barter, auctions, gives away, transfers, or sells dogs, cats or rabbits from the premises on which they were bred or reared.

**CAT** - The genus and species known as *Felis Catus*, whether male or female.

**CAUSE A PERFORMANCE** - To be responsible for the management of a performance, to financially benefit as an owner or operator from a performance, or to sponsor a performance.

**CERTIFICATE OF SOURCE** - A document from an animal care facility or rescue organization, declaring itself to be the source of the dog, cat or rabbit on the premises of a pet shop, retail business, or other commercial establishment. The certificate of source shall include the name and address of the source organization, the name and address of the pet shop, retail business or other commercial establishment, and a written description, photograph, and license number (if applicable) of each dog, cat or rabbit identified.

**CITY** - The City of Monessen.

**COMMERICAL ESTABLISHMENT** - any for-profit business enterprise, including a sole proprietorship, other than a breeder. This term includes, but is not limited to, businesses engaged in the retail or wholesale commerce related to dogs, cats, and rabbits; grooming parlors, canine day care, and boarding facilities.

**COMMONWEALTH** - The Commonwealth of Pennsylvania.

**COMPANION ANIMAL** - Any type of animal that is commonly kept by persons as a pet or for companionship and includes but is not limited to domesticated dogs, domesticated cats, ferrets, gerbils, guinea pigs, hamsters, horses, mice, rabbits and rats.

**DOG** - The genus and species known as *Canis familiaris*, whether male or female.

**DOMESTIC ANIMAL** - Any animal that is livestock, a companion animal, or both.

**INOCULATION, VACCINATION or VACCINATION FOR RABIES** - The inoculation of a cat with a vaccine approved by the Commonwealth for use in the prevention of rabies.

**FOSTER DOG** - A dog that is brought into a home on a temporary basis, for the purpose of caring and nurturing said dog, until it is permanently adopted by an owner.

**KEEP or HARBOR** - Permitting to remain or to be lodged or to be fed within the house, store, yard, enclosure, or other place, on a habitual basis.

**KENNEL** - The house, store, yard, enclosure or place where two or more weaned, unspayed or unneutered dogs or cats are harbored or kept; provided, however, this definition shall not apply to spayed female cats nor to an animal shelter or animal hospital operated by veterinarians duly licensed under the laws of the Commonwealth, which treats or boards dogs or cats for others.

**LIVESTOCK** - Poultry, cattle, swine, sheep, goats, horses, donkeys and mules.

**OWN** - To have or claim a property interest in, keep, harbor, or have charge, custody, or control of an animal.

**OWNER** - Any person owning, keeping, or harboring a dog or cat.

**PERFORMANCE** - Any public showing, presentation, display, exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, photographic opportunity, exhibition or similar undertaking in which animals are required to perform tricks, fight or participate as accompaniments for the entertainment, amusement or benefit of an audience.

**PERSON** - Any individual, establishment, firm, association, organization, partnership, trust, corporation or company.

**PET SHOP** - any business or person that acquired dogs, cats, rabbits or any other animal for the purpose of resale, whether as owner, agent or co-signee.

**PIGEON** - The term "pigeon" is defined as any bird of the family Columbidae, order Columbiformes, including, but not limited to, the rock dove and rock pigeon.

**RESCUE ORGANIZATION** - any non-profit organization that is exempt from taxation under Internal Revenue Code section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits in permanent homes.

**RUNNING AT LARGE** - The presence of a dog or cat on the premises of the owner and not under the control of the owner or a member of his or her immediate family.

**WILD OR NON-DOMESTICATED BIRD** - The term "wild or non-domesticated bird" means any bird, including a pigeon that lives in the wild or in an undomesticated state.

**WILD OR EXOTIC ANIMAL** - Includes but is not limited to the following orders or families, or similar orders or families, whether bred in the wild or in captivity, and any hybrid thereof, including with domestic animals. The examples identified in parentheses are not intended to be an exhaustive list and do not limit the generality of each group of animals, unless otherwise specified:

1. Non-human primates (chimpanzees, lemurs and monkeys).
2. Felidae (except domesticated cats).
3. Canidae (except domesticated dogs).
4. Ursidae (bears).
5. Proboscidea (elephants).
6. Cetacea (whales, dolphins, porpoises).
7. Crocodylia (alligators, crocodiles).
8. Marsupialia (kangaroos, opossums).
9. Perissodactyla (rhinoceroses, tapirs, zebras, but not horses, donkeys or mules).
10. Artiodactyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep or goats).
11. Hyaenidae (Hyena)
12. Mustelidae (skunks, weasels, otters, badgers).
13. Procyonidae (raccoons, coatis).

14. Edentata (anteaters, sloths, armadillos).
15. Viverridae (mongooses, civets, genets).
16. Pinnipedia (seals, sea lions, walruses).
17. Struthioniformes (ostriches).
18. Casuariiformes (emus).

**VICIOUS DOG** - Any or all of the following, excepting police dogs, squad dogs or guard dogs acting under supervision of a police officer or prison guard: A dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals.

1. Any dog, which bites, inflicts injury on, assaults (which assaults shall include dogs at large approaching any person upon the streets, sidewalks or other public grounds or places in a threatening or terrorizing manner without provocation) or otherwise attacks a human being without provocation.
2. Any dog which is deemed a dangerous dog under and pursuant to 3 P.S. § 459-101 et seq. (the "Dog Law").
3. Notwithstanding the provisions detailed above, no dog may be declared a vicious dog for inflicting injury or damage on any person committing a willful trespass or other tort upon premises occupied by the owner of the dog or teasing, tormenting or abusing or assaulting the dog or committing or attempting to commit a crime. No dog may be declared vicious for taking any action to defend or protect a human being within the immediate vicinity of the dog from an attack or assault.

**Section 4. Applicability.**

This Ordinance applies at all properties, entities, and persons within the City of Monessen and its jurisdiction.

**Section 5. Generally Regulating the Sale of Dogs, Cats, and Rabbits.**

- 1) It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog, cat, or rabbit in any pet shop or other commercial establishment located in the City of Monessen, unless the animal was obtained from an animal care facility or a rescue organization. All pet shops or other commercial establishments selling dogs, cats, or rabbits shall maintain a certificate of source for each of the animals and make it available upon request to animal control officers, law enforcement, code enforcement officials, or any other City of Monessen employee charged with enforcing the provisions of this section.
- 2) In the event an animal care facility or rescue organization is determined by the City of Monessen and/or the City of Monessen Code Enforcement Department to be substantially out of compliance with animal welfare standards, laws or regulations, a certificate of source provided by any such organization shall be void until such noncompliance is remediated to the satisfaction of the City of Monessen or any other entity with appropriate jurisdiction.

- 3) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.
- 4) Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other commercial establishment located in the City of Monessen from providing space and appropriate care for animals owned by an animal care facility or rescue organization and maintaining those animals at the pet shop, retail business, or other commercial establishment for the purpose of public action.

**Section 6. Prohibiting the Capture and Harm of Any Wild or Non-Domesticated Birds.**

1. No person shall harm any wild bird.
2. No person or entity, other than licensed veterinarians, licensed wildlife rehabilitators, wildlife capture and transportation permittees, and the Pennsylvania Game Commission shall capture or trap any wild or non-domesticated bird.
3. Licensed veterinarians, licensed wildlife rehabilitators, wildlife capture and transportation permittees, and Pennsylvania Game Commission shall only capture or trap a wild or non-domesticated bird if the Bureau believes, in its sole discretion, that removal of the wild or non-domesticated bird is necessary and if one or more of the following circumstances apply:
  - a. The wild or non-domesticated bird is injured; or
  - b. The wild or non-domesticated bird is located within the interior portion of a building
    - i. Exempt persons: To any person attempting to rescue a wild or non-domesticated bird that appears to be injured or endangered for the sole purpose of rescuing the bird and immediately transporting it to an approved entity as defined under this Ordinance.
4. No person or entity shall, for any reason, sell a wild or non-domesticated bird that is native or indigenous to Pennsylvania.

**Section 7. Prohibiting the Use of Wild and Exotic Animals for Public Entertainment and Performance.**

- a) The purpose of this Section is to protect wild and exotic animals from cruel and inhumane treatment and to protect the public from the danger posed by the use of wild and exotic animals for entertainment.
- b) It shall be unlawful for any person to cause a performance of any wild or exotic animal on any public or private property within the City of Monessen.
- c) Exemptions. The following are exempt from the provisions in this section:
  - a. The involvement of animals in activities or enterprises endorsed or accredited by any of the following: the Association of Zoos and

Aquariums, the Global Federation of Animal Sanctuaries, and the American Alliance of Museums.b. Licensed veterinary hospitals or state-licensed veterinarians for the purpose of providing treatment to a wild or exotic animal.

c. The rehabilitation of wild animals by a person holding a wildlife rehabilitator's license(s) and/or permit(s) as required by federal, state and local laws and regulations.

d. In its discretion, the Council of the City of Monessen may on a case-by-case basis grant an exemption following a written application for an exemption, where the proposed activity or enterprise is substantially similar in nature or purpose to an exemption otherwise provided in this section.

### **Section 9. Keeping of Exotic Animals as Pets Prohibited.**

1. It shall be unlawful for any person, company, firm, or organization to keep any wild or exotic animal as a domesticated pet, in any residence, business or property within the City of Monessen.

### **Section 10. Number of Animals Allowed.**

- 1) Owners of single-family homes on lots of 20,000 square feet in size or less are allowed a maximum of five (5) animals total, per household, as defined herein, no more than four (4) of which can be dogs, plus a pet's offspring under six (6) months of age. One additional dog or cat may be kept on lots in excess of 20,000 square feet for each additional 5,000 square feet on such lot.
- 2) Persons who live in apartments, condominiums, or duplexes are allowed a maximum of two adult dogs or cats, or one of each, plus their offspring under six (6) months of age for every one 1,000 square feet of such apartment, condominium, or duplex. However, this does not supersede a management or homeowners' association agreement or other conflicting regulations regarding the keeping of animals, if such regulations are stricter.
- 3) This section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965, 3 P.S. § 460-201. Exceptions include those laid out in Part II, Section 5(2), and Part III, Section 12 of this Ordinance.
- 4) Unless defined here, the maximum number of adult dogs or adult allowed in any property shall be no more than six (6).
- 5) Except for species of fish, it shall be unlawful to keep more than six animals six months of age or older on any premises, regardless of the number of owners, unless said premises is a zoo, petting zoo, menagerie, kennel, aviary, cattery, pet shop or veterinary clinic which has received zoning approval to operate as such, as well as the appropriate licenses and/or certifications required for said operation.

### **Section 11. Application for Permit to Exceed the Number of Permitted Animals.**

1. An application shall be available through the Code Enforcement Department, who those who are requesting to exceed the number of permitted animals. The

application for a permit for the keeping of more than six animals from the permitted list shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- a. The type and number of animals to be covered by the permit.
  - b. The purpose of keeping such animals.
  - c. The period of time for which the permit is requested.
  - d. A description of the quarters in which the animals will be kept and the facilities for sanitation and disposal of animal wastes.
  - e. The circumstances, if any, under which the animals will be removed from their quarters.
  - f. Biographical information about the applicant and any other person to be placed in charge of the animals.
  - g. Such additional information as the officer may require.
2. In addition to such verified information, the officer shall consider all other relevant conditions, including but not limited to:
- a. The odor emanating or likely to emanate from the premises to persons off the premises.
  - b. The noise emanating or likely to emanate from the premises to persons off the premises.
  - c. The attitudes of the applicant's neighbors to the proposed permit.
  - d. The security with which the animals will be restrained.
  - e. Prior complaints regarding animals at the premises.

#### **Section 12. Issuance of Permit; Revocation; Permit Standards.**

1. The Code Enforcement Officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the officer has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The officer shall also have the power to revoke the permit for cause.
2. The officer shall also have the power to make such rules and regulations, as he/she shall deem necessary to carry out the purposes of this article. He/she shall be responsible to determine whether any person is violating any provisions of this article or the rules and regulations adopted hereunder. In making such determination the officer shall consider the following standards:
  - a. All animals and animal quarters shall be kept in a clean and sanitary condition with adequate ventilation.
  - b. 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.
  - c. 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.
  - d. The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.



- e. The permittee shall not permit any condition, causing disturbance of the peace and quiet of his/her neighbors.
  - f. Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibilities 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.
  - g. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Monessen and the rules and regulations that may accompany this article in any way connected with animals, specifically including anticruelty laws.
  - h. Any and all animals must be kept healthy and free from sickness and disease at all times. Should the officer question the health of any animals, he/she shall have the authority to require an examination of a doctor of veterinary medicine with such examination to be at the owner's expense.
  - i. 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.
  - j. 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.
3. The applicant for any permit to exceed the limitation of permitted animals contained herein shall, at the time of his/her application, pay to the City of Monessen a nonrefundable fee of twenty dollars (\$20.00) to cover the costs of processing the permit application and the issuance of the permit. Upon issuance, the permit shall be for the calendar year or part thereof and thereafter renewable for a like fee of twenty dollars (\$20.00) each calendar year or part thereof.
- 4.

## Article II. Dogs

### **Section 1. Enforcement.**

Pursuant to police powers, the Chief of Police, together with the Animal Control Officer, the various Lieutenants and patrolmen and their delegates by designation through a contract of employment shall be the enforcement officers under this Article, all under the direct supervision of the Chief of Police. The City may also utilize any appropriate departments within the Westmoreland County government to enforce these Articles.

### **Section 2. Running at large prohibited; License Required**

- 1. It shall be the duty of the owner, custodian or keeper of any dog while traveling on the streets, alleys or public grounds in the City to have the dog on a leash not greater than six feet in length at all times and to prevent the dog from entering upon the property of any person or persons in the City without the property owner's consent.
- 2. All dogs must be licensed through Westmoreland County and must be

wearing a collar with license tag.

**Section 3. Registration required; fees; duties of owner; notification of seizure; violations and penalties.**

1. Any person owning a vicious dog must register the dog with the Monessen Police Department and pay a fee per year or for the life of the dog for such registration, each fee as set forth from time to time by resolution of the City Council. Upon licensing a vicious dog, the owner shall display, in a conspicuous manner, a sign on his premises warning that there is a vicious dog on premises. The sign shall be visible and legible from the sidewalk and street.
2. The owner of a vicious dog shall not permit such dog to go beyond confined bounds of the owner's premises unless the dog is securely leashed and muzzled. Vicious dogs confined outdoors must have a pen or structure with sides and a secure top. Pens must have bottoms secured to the sides or be embedded in the ground no less than two feet. Such confinement shall also follow the provisions of Section 5 of this article, providing for the *Tethering of Dogs; Prohibition of Keeping Dogs Outdoors in Extreme Weather*.
3. Any dog, which is a vicious dog pursuant to the applicable definition, as stated in this ordinance, and not registered with the Monessen Police Department as a vicious dog, shall be immediately seized and detained. Upon such seizure, the Code Enforcement Officer, shall, by written notice sent by both certified and first class mail and posted upon the owner's premises, notify the owner of such seizure and detention and the requirements to register the dog within 10 days of the date of the seizure. Should the owner fail to register the dog with the Monessen Police Department as a vicious dog within such ten-day period, the Code Enforcement Officer shall bring suit with the Local District Justice to have said dog be deemed a dangerous dog in accordance with the Dog Law. The dog shall continue to be detained by the Code Enforcement Officer until such time as the dog is registered in accordance with this article. Owners of dogs detained under this section shall be fined \$10 per day for each day, which said dog is detained. Should the Code Enforcement Officer deem any dog to be a vicious dog in accordance with § 130-13 of this article, the Code Enforcement Officer shall, by written notice sent by United States Mail, postage prepaid and certified to the owner, notify the owner of the requirements to register that dog as a vicious dog with the Monessen Police Department within 10 days of the date of such notice; the dog may be detained by the Code Enforcement Officer who must follow the same procedure set forth for detaining a dog if the dog is a vicious dog in accordance with applicable definition, as stated in this ordinance.
4. The owner of a dog known to be a vicious dog by prior registration with the Monessen Police Department or a dog deemed dangerous under state law found not to be complying with this article shall be fined not less than \$500 and not more than \$1,000, together with the cost of prosecution for the first offense, nor more than \$1,500 and cost of prosecution for the second offenses.
5. The Police Department or its delegates may, upon probable cause, after warrant duly executed, search and seize any unregistered dog housed or under the care, custody and control of any individual, firm or corporation situate within the City

in violation of any provision hereunder, and, further, they are empowered to reasonably request the county registration papers of said dogs.

6. Any person, firm or corporation housing or caring for a dog in violation of any provision of this chapter or by failing to prior register with the County of Westmoreland, shall be fined not less than \$1,000, together with the costs of prosecution for the first offense, nor more than \$1,500 and costs of prosecution for the second offense and further, after hearing, subject to forfeiture of the offending animal.

#### **Section 4. Removing of excrement.**

1. No owner, custodian or keeper of any dog shall allow or permit any such dog to deposit excrement upon the streets, alleys or public grounds in the City unless such owner, custodian or keeper immediately removes the excrement and disposes of it in a sanitary manner. Failure to do so will result in a \$100 fine for every instance.

#### **Section 5. Keeping of Dogs**

1. The Keeping of Dogs shall be regulated by Article I, Section 10 of this Ordinance.
2. The provisions of this article, regarding the maximum number of dogs allowed, shall not apply to the case of the following:
  - a. A female dog having a litter of pups provided that the pups shall not remain with their mother for a longer period than six (6) months.
  - b. Foster dogs, in which case the limit shall be no more than six (6) dogs, total. Owner must provide proof that the dogs being kept are foster dogs.
3. It shall be illegal to abandon or attempt to abandon any dog.
4. No dog under eight weeks of age may be sold, traded, bartered or transferred.

#### **Section 6. Tethering of Dogs; Prohibition of Keeping Dogs Outdoors in Extreme Weather.**

1. It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause an unattended dog to be fastened, chained, tied or restrained to houses, trees, fences, garages, stakes or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are satisfied:
  - a. The tethering is not for a longer period of time than reasonably necessary for the dog, owner or custodian to complete a temporary task that requires the dog to be physically restrained; and
  - b. The tether is attached to the dog by a non-choke-type collar and attached to the stationary object by swivel anchors, latches, or similar devices in a manner which prevents the tether from becoming entangled around any object so as to limit the dog's freedom within the tethered area or to prevent the dog, or any of its appendages, from becoming entangled by the tether; and

- c. The tether must be of a type commonly used for the size of the dog involved and if the tether is a chain, it may not be thicker than one-eighth (1/8 ) of an inch; and
  - d. The tether shall be at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail, but no less than ten (10) feet in length and shall allow the dog convenient access to the dog house; and
  - e. The dog has easy access to:
    - i. Potable drinking water; and
    - ii. Edible food; and
    - iii. Adequate shade and/or shelter within the tethered area.
  - f. The dog is periodically monitored while tethered for the aforementioned reasonable period of time; and
  - g. The dog is not tethered outdoors during any period in which a severe weather warning has been issued for Westmoreland County by the National Weather Service; and
  - h. The dog is not tethered outdoors for a continuous period of time greater than one-half (½) hour if the temperature during such period remains entirely either:
    - i. Below thirty-two (32) degrees Fahrenheit; or
    - ii. Above ninety (90) degrees Fahrenheit.
2. It shall be unlawful for any person to leave any dog-tethered or untethered-outside and unattended during any period in which a severe weather warning has been issued for Westmoreland County by the National Weather Service for a continuous period of time greater than one-half (½) hour if, OR, if the temperature during such period reaches: remains entirely either:
- a. Below thirty-two (32) degrees Fahrenheit; or
  - b. Above ninety (90) degrees Fahrenheit.
3. Outside, for purposes of this section, shall mean any unattended dog that is outside subject to the weather and elements, which expressly includes, but not limited to, a dog in a securely fenced-in yard, a dog in a kennel, or a dog tethered or tied out. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure.
4. The duly authorized enforcement agents of the Monessen Police Department and Monessen Code Enforcement Office are the duly primary agents to enforce this Section. Additionally, all of those vested with the authority as an enforcement officer or agent under the Pennsylvania Animal Cruelty Law are also permitted to enforce this Section. The City expressly reserves the right to appoint by resolution any additional agents of the City to enforce the provisions of this Section.

5. In addition to the City's police authority and Code Enforcement Office having jurisdiction, the Humane Society agent(s), or any officer, employee, or agent of the City, is hereby authorized to notify any owner or occupant of any premises in violation of this Section, either personally or by posting such notice upon the premises, that such owner must bring the outdoor dog tethering violation into compliance with this Section within one (1) day of receipt of such notice. Upon the failure of such owner or occupant to bring his or her tethering situation into compliance with this Section within such period of time, any of the foregoing individuals authorized by the City to enforce this Section are hereby authorized to enter upon such premises and to temporarily remove such dog from the property.
6. Any removed dog will be held at any regional animal rescue organization and/or other designated or authorized facility. Prior to any hearing regarding the violation, such dog owner may regain possession of any confiscated dog upon an adequate showing that his or her tethering situation has been brought into compliance with this Section. No confiscated dog shall be considered surrendered to the confiscating party unless expressly surrendered by the dog owner or adjudicated as forfeited as provided in the Pennsylvania Animal Cruelty Law after a hearing on the matter as provided in this subsection.
7. Any In addition to any applicable penalties provided by the Pennsylvania Animal Cruelty Law, 18 Pa. C.S. §§5531 et seq., any person who violates any provision(s) of this Chapter shall commit a summary offense, and shall, upon being found guilty by a Magisterial District Judge, after hearing, pay a fine not to exceed five hundred dollars (\$500.00), together with all enforcement and shelter costs in the event a dog must be confiscated, and all court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such. Enforcement and prosecution of any violation of this Section may be conducted by the City as provided by law or by its agent and counsel as provided in the Pennsylvania Animal Cruelty Law.
8. Upon providing a City dog license to a City resident, the License Officer shall provide a summary of all applicable ordinances and/or statutes pertaining to keeping dogs in the City of Monessen. The same information shall also be provided for the benefit of the public on the appropriate City Internet web pages.

#### **Section 7. Vicious Dogs.**

1. Any dog shall be declared vicious when it falls under the criteria of this section.
  - a. Any dog, which bites, inflicts injury on, assaults (which assaults shall include dogs at large approaching any person upon the streets, sidewalks or other public grounds or places in a threatening or terrorizing manner

without provocation) or otherwise attacks a human being without provocation.

- b. Any dog which is deemed a dangerous dog under and pursuant to 3 P.S. § 459-101 et seq. (the "Dog Law").
2. Notwithstanding the provisions detailed above, no dog may be declared a vicious dog for inflicting injury or damage on any person committing a willful trespass or other tort upon premises occupied by the owner of the dog or teasing, tormenting or abusing or assaulting the dog or committing or attempting to commit a crime. No dog may be declared vicious for taking any action to defend or protect a human being within the immediate vicinity of the dog from an attack or assault.
3. No dog may be declared vicious for taking any action to defend or protect a human being within the immediate vicinity of the dog from an attack or assault.

**Section 8. Poisoning or injuring dogs.**

1. It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any dog, or to neglect, or in any manner to mistreat, injure, maim, or destroy except as specifically authorized in this article, or in any manner to attempt to mistreat, injure, maim, or destroy a dog, or to place any poison, poisoned food or poisoned bait where the same is accessible to any dog. This section shall not be interpreted to prohibit an act of a licensed veterinarian in causing a dog's death in a humane manner with the approval of the owner of the dog.

**Section 9. State Dog Law.**

1. Any conflicts or omissions herein shall be superseded by Act 119 of 2008 of the Commonwealth of Pennsylvania; otherwise known as the Pennsylvania "Dog Law" and as amended from time to time.

**Section 10. Breeding of Dogs and Cats.**

1. It shall be unlawful for the owner of any kennel to fail to comply with any of the minimum standards set forth in this chapter.
2. No person shall breed any dog, fowl or other animal for the purpose of fighting, either for amusement, sport or wager.
3. The City official shall have the authority to inspect the premises of any kennel at a reasonable time and in a reasonable manner to assure compliance with the provisions of this chapter. When permission is refused or cannot be obtained, inspections shall be conducted upon obtaining a lawfully authorized warrant.
4. Any premises that houses a number of dogs that exceeds the allowable number and that has not acquired a permit through the City of Monessen for exceeding the number of allowable animals shall be deemed a kennel and shall be subject to regulations regarding the operation of kennels in the City of Monessen.

**Section 11. Dogs injuring or destroying property of others.**

5. The owner, keeper or harbinger of any dog that in any manner injures or destroys any real or personal property of any description belonging to another shall be in

violation of this article. If upon the trial of any offense under in this section it shall appear to the Magisterial District Judge that the person be guilty as charged in said complaint or citation, said judge may, in addition to the usual judgment of conviction, order the person so o ending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

### **Article III Cats**

#### **Section 1. Vaccination against rabies required; vaccination tag.**

1. Any person within the City owning a cat three months of age or older shall have such cat vaccinated by, or under the supervision of, a licensed veterinarian, against rabies. Each unvaccinated cat three months of age acquired or moved into the City must be vaccinated within 30 days after purchase or arrival. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat. The three-year rabies vaccine shall be the recognized vaccine to be used, and booster vaccines shall be obtained, as provided in 3 P.S. § 455.8, as amended, of the laws of the commonwealth.

#### **Section 2. Cats running at-large.**

1. It is hereby declared unlawful for any owner, keeper, or harbinger of any cat to permit such cat to run at large, with the exception of feral cats that are responsibly cared for (vaccinated and either spayed or neutered), by means of humanely trapping said cats, having them spayed or neutered, and releasing them. Feeding feral cats in order to humanely capture them for this purpose is also acceptable.

#### **Section 3. Wearing of collars; removal of vaccination tag.**

1. An owner, keeper or harbinger is responsible to insure that a cat of three months of age or older wears a collar bearing a rabies vaccination tag. It shall be unlawful for any person to remove, or cause to be removed, the rabies vaccination tag from the collar of any cat.
2. Stray/Feral cats shall be exempt from part one (1) of this section. Stray/Feral cats shall have an ear tip, in order to signify vaccination status.

#### **Section 4. Humane Capture and Release**

1. Council may enter into an agreement with the City's Animal Control Officer, or any other duly qualified individual or entity ("Animal Control Officer"), to humanely capture cats running at large, consistent with the provisions of this article. The Animal Control Officer shall be empowered to humanely capture, take custody of and find a humane solution for cats running at large in a manner consistent with the provisions of this article. Such humane solutions shall include, trap, neuter, and release (TNR), pet adoption, and other recommendations by as laid out by the Humane Society. If such cat is so delivered to the owner, the owner shall pay a fee of

\$50 to the City within five days of delivery. Failure to pay said fee shall constitute a separate violation of this section.

**Section 5. Cats injuring or destroying property of others.**

1. The owner, keeper or harbinger of any cat that in any manner injures or destroys any real or personal property of any description belonging to another shall be in violation of this article. If upon the trial of any offense under in this section it shall appear to the Magisterial District Judge that the person be guilty as charged in said complaint or citation, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

**Section 6. Poisoning or injuring cats.**

1. It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect, or in any manner to mistreat, injure, maim, or destroy except as specifically authorized in this article, or in any manner to attempt to mistreat, injure, maim, or destroy a cat, or to place any poison, poisoned food or poisoned bait where the same is accessible to any cat. This section shall not be interpreted to prohibit an act of a licensed veterinarian in causing a cat's death in a humane manner with the approval of the owner of the cat.

**Section 7. Duty to place cat under observation; when required; procedure.**

1. When any cat owner, keeper or harbinger has been notified by any person injured or by someone in his or her behalf, or by someone with knowledge of said injury, that said person has been bitten or attacked by said cat, or when any cat owner, keeper or harbinger has been notified by any person that said cat has been bitten by a rabid animal, the owner, keeper or harbinger shall immediately place the cat under the care and observation of a person or agency so designated by the laws or Administrative Code of the Commonwealth.

**Section 8. Disposition of captured cats running at large.**

1. Upon capture of a cat running at large, the Animal Control Officer:
  - a. In capturing cats, consideration shall be made for the safety of said cats (i.e., traps cannot be wrapped in plastic bags or subject to weather extremes without frequent monitoring, etc.)
  - b. Shall return the cat to its owner if the Animal Control Officer is able readily to ascertain the identity and residence of the owner. Return of the cat to the owner shall require the owner's written acceptance of the cat on a form prepared by the City and compliance with the requirements of Section 9. In determining whether to return or attempt to return the cat to an owner, the Animal Control Officer may consider whether the cat has previously run at large, or whether the owner, if known, is or has been a harbinger of cats running at large.
  - c. Any cat running at large and captured by the Animal Control Officer, which is



not returned to an owner, shall be delivered to the Humane Society. The owner of any cat which is delivered to the Humane Society under this article shall be responsible for payment of the fee set out in this article, which shall be paid to the City, along with any fee imposed by the Humane Society to accept the cat, within 15 days after the cat is delivered to the Humane Society.

**Section 9. Capture fee; Humane Society acceptance fee.**

1. Any cat captured by the Animal Control Officer because of the violation of any of the provisions of this article by its owner shall be released to the owner thereof by the Animal Control Officer upon proof of ownership of such cat and upon presentation of a valid and current rabies certificate showing that such cat has been properly inoculated for rabies, and upon the payment of a capture fee of \$50, or such other fee as may be set by ordinance or resolution of City Council. If the owner cannot produce valid and current rabies certificate for each cat, and can prove that the owner is unable to acquire such inoculation due to financial constraints, the City may make arrangements with the owner, or help them find a means to acquire the inoculation.
2. The City shall pay to the Humane Society, or shall reimburse the Animal Control Officer for payment thereof, the fee for the acceptance by the Humane Society of a cat captured by the Animal Control Officer under the provisions of this article, which is not released to its owner.
3. Should the City or the Animal Control Officer become aware of the identity of the owner of a cat captured and delivered the Humane Society, under the provisions of this article, within one year after the delivery of the cat to the Humane Society, the City shall be entitled to collect from the owner the capture fee and the Humane Society delivery fee, and may pursue collection at the office of the Magisterial District Judge.

**Section 10. Animal Control Officer.**

1. Council may, from time to time, hire and contract with an Animal Control Officer as necessary to carry out the provisions of this article. The Animal Control Officer or any individual or entity appointed with such duties shall perform their duties in a humane manner, in compliance with the provisions of this ordinance.

**Section 11. Interference with capture of cats.**

1. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the Animal Control Officer while engaged in capturing, securing, or taking to the animal shelter any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon, or other vehicle used for the collecting or conveying of cats to the shelter.

**Section 12. Keeping of Cats.**

1. The Keeping of Cats shall be regulated by Part I, Section 10 of this Ordinance.
2. The provisions of this article shall not apply to the case of the following:
  - a. The temporary harboring or care of feral cats.
  - b. The harboring of foster cats. In the case of foster cats, proof of fostering said cats, must be provided.

## Article IV Beekeeping

### **Section 1. Intent**

It is recognized that Honeybees are beneficial to humankind and to Pennsylvania in particular by providing both home garden and agricultural pollination services as well as furnishing honey, beeswax, and other useful products. The purpose of this ordinance is to establish certain requirements for beekeeping within the City of Monessen.

### **Section 2. Definitions**

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. **APIARY** - Any place where one or more colonies of bees are kept at a single location.
2. **AFRICANIZED HONEY BEE** - Hybrids of the African Honey bee (*Apis mellifera scutellata*) with various European Honey bees that are aggressive compared to the European subspecies.
3. **BEEKEEPER** - A person who owns or has charge of one or more colonies of honey bees.
4. **BEE** - Any stage of the honey bee (*Apis mellifera*)
5. **BEE DISEASE** - Disease such as American Foulbrood or other actionable disease as determined by the Department of Agriculture
6. **COLONY** - An aggregate of honey bees consisting of workers, drones and a queen.
7. **DEPARTMENT** - Refers to the Pennsylvania Department of Agriculture, Bureau of Plant Industry
8. **FLYWAY BARRIER** - A wall, fence, vegetation, hedge or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.
9. **HIVE** - A receptacle or container, that includes modern moveable frames or combs, in which an active colony inhabits and exceeds a volume volume of 50 liters (i.e. a single standard Langstroth 9 5/8" deep body with 10 frames plus one additional hive body).
10. **HONEY BEE** - All life stages, of the common domestic honeybee, *Apis mellifera* species ("European" honey bee).
11. **NUCLEUS COLONY** - A hive that does not exceed the volume of 50 Liters (i.e. a single 10 frame standard 9 5/8" deep body or less)

### **Section 3. Registration, Certification and Permits.**

1. Honeybee apiaries are permitted when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended) and subject to the following regulations:
  - a. No beekeepers may own or maintain an apiary within the City of Monessen without first registering and maintaining a current permit for all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
  - b. A beekeeper owning or maintaining an apiary in the City of Monessen shall promptly notify the Code Enforcement Officer or appropriate office without unnecessary delay, and in no event longer than 72 hours, if the Department revokes said apiary registration or if said registration has lapsed.
  - c. No beekeeper shall own or maintain an apiary within the City of Monessen without first obtaining a registration permit from the City of Monessen Code Enforcement Department. An application for a one-time registration permit shall be made in writing and upon supplied form or in such format as established by the City of Monessen. The application shall be accompanied by a lot plan that includes the size of the lot, the location and number of hives, the location of the water source, the distance of the hives from any property lines, and, if required, the location of any flyway barriers. The issuance of a permit shall not obviate the necessity for compliance with all other City of Monessen ordinances.
  - d. A one-time City of Monessen Bee-Keeping Permit fee shall be \$25, or such other fee as may be set by ordinance or resolution of City Council. Such fee is due at the time of obtaining the permit. A City of Monessen Bee-Keeping Permit shall not be issued unless the beekeeping has obtained a permit first, from the Department of Agriculture, Bureau of Plant Industry.
  - e. The application for a municipal permit shall also be accompanied by written evidence that the applicant has completed a beekeeping educational course/program with a minimum of 8 hours of instructions or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club or a certified Master Beekeeper.
  - f. Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the City as part of the beekeeping registration application.

#### **Section 4. Location and Colony Density Placement.**

1. Location and Colony Density. Placement of an apiary on a residential property should conform to the following regulations so as to minimize and eliminate any possible concerns to adjoining neighbors:

- a. Hive Location and Density
  - i. Location of hives must comply with the following criteria:
    - 1. Hives shall not be located within 10 feet of any side or rear property line unless a flyway barrier is in place or the hive(s) are located at least 10 feet above grade
    - 2. Hives shall not be located within a front yard.
    - 3. Hives shall not be located within 50 feet of a pre-existing swimming pool or a pre-existing kennel animal.
    - 4. Apiaries are not permitted within 10 feet any buildings located on adjacent properties.
- 2. Maximum Number of Hives.
  - a. For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives.
    - i. *Exceptions:* A beekeeper may exceed these regulations under the following conditions:
      - 1. As part of normal honey bee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to 45 days between April 15 and August 15th, two nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
      - 2. For each allowed hive, a single nucleus hive may be kept from August 16th to April 14th to allow a beekeeper to mitigate winter bee losses.
      - 3. Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of Section 4(2) and shall not exceed the number of hives active at the time of the ordinance and shall be confirmed by the pre-existing apiary registration of the location as reported by the Department.
- 3. Hive Density
  - a. Consider reasonable hive densities for given locations. Factors influencing hive density in an area may include: human density, quality and quantity of plants, and number of beehives already present. Beekeepers and educational venues with a beekeeping component may have varying numbers of colonies in an area depending on many factors including: normal agricultural operations, pollination and other contractual requirements, queen bee and/or nucleus colony production, honey production and educational needs.
  - b. The PA Apiary Advisory Board strongly recommends seeking expert advice from the Pennsylvania State Beekeepers Association, The Penn State Center for Pollination Research, The Pennsylvania Department of Agriculture, local beekeeping associations, universities and colleges with an apiary program in order to determine optimal hive densities. The Pennsylvania Pollinator Protection Plan is also a great resource.

**V. Section 5. Location**

1. Apiaries may be located in any area of the City.
2. Hive Type, Orientation and Maintenance.
  - a. All beekeepers shall comply with rules and regulations set forth by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
  - b. All beekeepers, shall, to the best of their ability, maintain their colonies per the Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania as provided and amended by the Pennsylvania Apiary Advisory Board.
  - c. To the extent possible, hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least the six feet at the property line. The use of barriers may be employed to redirect the bees flight pathway and establish bee flight pathways above six feet. Should the flight path not be able to be obtained as described above, then a "flyway barrier" shall be placed at least six feet in height, shall be placed along side of the hive(s) that contains the entrance to the hive(s), shall be located within five feet of the hive(s) and shall extend at least two feet on either side of the hive(s). A "flyway barrier" shall consist of a fence, vegetation, hedge, or a combination thereof. No flyway barrier is required for hive(s) that are located greater than 10 feet from property lines or on porches, balconies or roof tops that are at least 10 feet above grade except on adjacent properties where such porch, balcony or roof is located less than 10 feet from a property line.
  - d. Exceptions to Flyway Barrier:
    - i. A flyway barrier is not required if the property adjoining the apiary lot line is:
      1. Undeveloped,
      2. Zoned industrial or is outside municipal limits, or
      3. Is a public park or conservation area and has no preexisting human located within 25 feet of the property line.
  - e. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties between April 1- Nov 15. All beekeepers shall ensure that no bee comb or other materials that attract honeybees are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall be properly maintained in a sealed container or placed within a building or other bee proof enclosure, so long as bees are kept on the property.

**Section 6. Inspection**

1. If an inspection is required as a result of a nuisance complaint, the designated municipal code enforcement officer will inspect the property only and not the

beehives. A notice of 48 hours shall be given to the beekeeper prior to any inspection.

### **Section 7. Nuisance**

1. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or purposefully interfere with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:
  - a. The use of receptacles for honeybees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
  - b. Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health, and welfare of the general public.

## **Article V. Keeping of Livestock or Fowl**

### **Section 1. General Regulations.**

1. It shall be unlawful for any person, firm or corporation to keep any horses, ponies, cows, calves, swine, sheep, goats or fowl in any dwelling, rooming house or tenement or any part thereof; nor shall any of the aforesaid animals or fowl be kept in the yard of any such building or the lot thereof unless the same is at least 80 feet from any building in which any human beings are housed.
  - a. An exception shall be the case of goats. Up to two goats per parcel are allowed, temporarily, up to two weeks, for the purpose of vegetation management and control. Property owners shall apply for a temporary permit with the Code Enforcement Department for a flat rate of \$25. Goats must be tethered at all times and must be kept in a humane and clean manner.
2. It shall be unlawful to keep any horse, pony or cow at any place within the limits of the City of Monessen other than in a stable or barn or shed which has a concrete floor and a sewer or sewers connected with the sewer system of the City of Monessen.
3. It is hereby declared unlawful for any fowl to be kept other than in an enclosure that does not permit them to run at large.
4. No person, firm or corporation shall keep any horse, pony, cow, calf, swine, sheep or goat within the City of Monessen without first having obtained and thereafter having renewed annually, for as long as needed, a permit from the health authorities of the City.
5. A fee shall accompany an application for such permit, as set forth from time to time by ordinance or resolution of the City Council, and such permit, when granted, shall expire not later than the calendar year for which it is issued.

## Article VI. Keeping of Chickens

### **Section 1. Intent.**

1. The intent of this article is to permit the residents of City of Monessen to keep chickens. It has been shown that, in limited quantities, chickens do not pose a major health hazard and under certain conditions can be kept without causing a nuisance to surrounding properties.

### **Section 2. Use Regulations.**

1. The keeping of chickens in the City of Monessen shall be allowed, provided the following conditions are met:
  - a. Lot size. A minimum lot size of 1/4 acre shall be required.
  - b. Maximum permitted number of chickens. The maximum number of chickens permitted is six chickens.
  - c. The lot has an existing single-family residence.
  - d. No person shall keep a rooster in the City of Monessen.
1. Annual permit; fee.
  - a. An annual permit shall be required before chickens are introduced to a property within the City of Monessen.
  - b. The fee for the permit shall be \$25 per year and may be changed from time to time by ordinance or resolution of the City Council.
2. Coops.
  - a. The minimum coop size shall be three square feet per chicken.
  - b. The maximum coop size shall not exceed 20 square feet.
  - c. Such coops shall be stationary, secure, and roofed, and enclosed in a way that contains the chickens.
  - d. Outside runs. An outside run for chickens is permitted when attached to the coop. The outside run shall be enclosed in such a manner as to securely contain the chickens.
3. Coop setbacks.
  - a. Coops shall not be within 10 feet of any side or rear property line. Coops shall not be permitted within the front yard setback area.

### **Section 3. Additional Requirements.**

1. The following provisions shall apply to all properties:
  - a. Unlawful to allow chickens to run at large. It shall be unlawful for the owner or owners of any chickens to allow their chickens to run at large upon adjoining properties, any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public or private highways or any place where people congregate or walk, or upon public or private property in the City of Monessen.
  - b. Sanitary requirements for housing of chickens. Any owner of chickens or a rooster within the limits of the municipality shall be required to house

the chickens at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply:

- i. All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double-bagging and placed in the trash for collection unless composted.
  - ii. Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces do accumulate on private property, the Code Enforcement Officer and/or other designated official may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be hand-delivered to the owner or shall be sent by certified mail. The owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.
- c. Composting. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the City of Monessen any chicken manure. However, chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens or yards.
  - d. Slaughtering or butchering. Slaughtering or butchering of chickens for personal consumption or religious practices shall be permitted, provided it is done wholly on the property where the chickens are kept and any waste is disposed of in a proper and sanitary manner.
  - e. Slaughtering or butchering - commercial. No person shall slaughter or butcher any chicken within the City of Monessen for commercial sale, with the exception of grocery stores and butcheries.
  - f. Proper storage of feed. All feed, water, and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, other rodents or vectors. Failure to keep all feed, water, and other items associated with the keeping of chickens in a clean and sanitary condition constitutes a violation of this article.



## **Part VII. Violations, Penalties, Implementation, and Enforcement.**

### **Section 1. Violations and Penalties.**

1. Unless otherwise stated in each specific section of this Ordinance, every separate act committed in violation of this Ordinance by any person, persons, firm or corporation shall constitute a separate and distinct offense and shall be punishable by a fine not to exceed \$1,000 and/or a term of imprisonment not to exceed 30 days.

### **Section 2. Enforcement and Implementation.**

1. This Ordinance shall be implemented and enforced by the City of Monessen Police Department in the exercise of its ordinary law enforcement duties, with the support of the City's Code Enforcement Department or employees, as appropriate, and unless otherwise stated in specific sections of this Ordinance.

## **Article VIII. Severability, Invalidity, Effectiveness, Miscellaneous.**

### **Section 1. Severability and Invalidity.**

1. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses, or parts of this Ordinance; it being the intent of the City of Monessen that the remainder of the Ordinance shall be and shall remain in full force and effect.
2. It is hereby declared that it was the intention of the council of the City of Monessen that the provisions of this Ordinance shall be severable and that if any Court of proper jurisdiction holds any provisions of this Ordinance, or the application of any provisions of this Ordinance to any circumstances, to be illegal or unconstitutional, then the other provisions of this Ordinance or the applications of such other provisions to other circumstances, shall remain in full force and effect.

### **Section 2. Repealer.**

1. All ordinances or resolutions or parts of ordinances or resolutions or code sections insofar as they are inconsistent herewith are hereby repealed and rescinded to the extent of any such conflict.

### **Section 3. Miscellaneous.**


1. Nothing in this Ordinance shall be construed to abridge or alter the remedies now existing at common law, by statute or by ordinance, but the provisions of this Ordinance are in addition to such remedies.

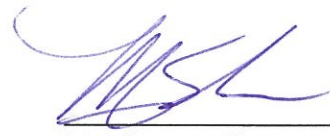
**Section 4. Effectiveness.**

1. This Ordinance shall come into effect immediately upon enactment.

**ORDAINED AND ENACTED** this 10<sup>th</sup> day of August, 2021, by the Council of the City of Monessen, in lawful session duly assembled.

ATTEST:

  
Cheryl Gordon  
City Clerk

  
Matthew T. Shorraw  
Mayor and President of Council

[SEAL]

