

BOROUGH OF NORTH CATASAUQUA

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF NORTH CATASAUQUA,
COUNTY OF NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA, REGULATING THE KEEPING OF ANIMALS IN THE
BOROUGH.**

WHEREAS, the Borough of North Catasauqua is small, densely populated Borough; and

WHEREAS, the Borough of North Catasauqua believes that it is necessary to the protection of the public health, safety, morals, and general welfare of the Borough to regulate the keeping of animals; and

WHEREAS, self-sufficiency in the production of food and the keeping of food-producing animals' attendant therewith provides certain social, economic and environmental benefits; and

WHEREAS, the feeding and/or running of animals at large constitutes a public nuisance and potential threat to the public health and welfare of the Borough; and

WHEREAS, the keeping of certain animals with risk for exposure and spreading of communicable diseases constitutes a nuisance and potential threat to the public health and welfare of the Borough; and

WHEREAS, the keeping of certain animals with the natural tendency to frequently and habitually emit loud noises including but not limited barking, howling, screeching, crowing, yelping, or baying, or in any way or manner impairs or disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose or health of persons, constitutes a public nuisance and potential threat to the public health and welfare of the Borough; and

WHEREAS, the keeping of certain animals with the natural tendency to emit odors with the strength to emanate beyond the boundaries of the property where such animal resides, such that it disturbs or endangers the comfort, repose or health of persons, constitutes a public nuisance and potential threat to the public health and welfare of the Borough;

**NOW, THEREFORE, INCORPORATING THE ABOVE WHEREAS
CLAUSE AS IF SET FORTH AT LENGTH, BE IT HEREBY ORDAINED
AND ENACTED** by the Council of the Borough of North Catasauqua,
Northampton County, of Pennsylvania as follows:

Section 1. Authority and Enforcement.

The Borough Health Officer shall have the authority to enforce this Ordinance. As defined herein, the Borough Health Officer shall be the Health Officer of the Borough of North Catasauqua and/or any other appointee of the Borough Council designated to serve on behalf of the Borough Health Officer for the purposes outlined in this Ordinance.

Section 2. Keeping of Unauthorized Animals.

2.1. Unauthorized Animals. It shall be unlawful to keep any game birds, as defined at 34 Pa. C.S.A. § 102 (including geese, brant, ducks, mergansers and swans; coots, gallinules, rails, snipe, woodcock; turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail and mourning doves, as may be amended from time to time), or any other exotic, migratory, or endangered bird as defined by law; any exotic wildlife, as defined at 34 Pa. C.S.A. § 2961 (including, bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features) or any pigs, sheep, goats, cows, horses, donkeys, pot-bellied pigs, ostriches, pigeons, monkeys, poisonous snakes, scorpions, or skunks on any property in the Borough. The Borough Health Officer shall have the authority to prohibit the keeping of other animals which it deems detrimental to the public health and/or welfare of the Borough, or to limit the number of animals kept by an owner so as to ensure the public health and/or welfare of the Borough.

2.2. Enforcement. This section shall be enforced by the Borough Health Officer, whose duty it shall be to determine violations of this Section. Pursuant to this duty, the Borough Health Officer shall be vested with the authority to prohibit the keeping of other animals, not specified in Section 2.1 which the Officer deems detrimental to the public health and/or welfare of the Borough.

In the enforcement of this section, the Borough Health Officer shall have the power and authority to enter and inspect any property where the Officer has reason to believe that an animal may be present in violation of this section. Where such inspection yields the discovery of a violation, the Borough Health Officer shall

issue written notice of such violation to the owner/possessor of the property. Said notice shall grant the owner/occupant not less than forty-eight (48) hours to permanently remove the animal from the property, and shall give the owner/occupant notice of the date and time of re-inspection of the property. At the time of such re-inspection, re-location, the owner/possessor shall provide the Borough Health Officer with proof of the re-homing or sale of the animal. If such animal has not been removed from the property at the time of the re-inspection, or if the animal subsequently returns to the property (which shall constitute a separate violation of this section), the Borough Health Officer shall have the power and authority, without further notice to the owner/possessor to remove or arrange for the removal of any animals kept in violation of this section.

2.3. Penalties. The provisions of this section shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and shall not require the consent of the District Attorney. Any violation of this section resulting in a conviction shall be punishable by a fine of not more than \$1,000.00 plus court costs and attorneys' fees, and/or not more than ninety (90) days in jail. The keeping of one animal in violation of this section shall constitute a single offense, and the keeping of multiple animals in violation of this section shall constitute a separate offense for the keeping of each animal. Each day in violation of this Ordinance shall serve as a separate violation. In the case of bees, the keeping of one hive shall constitute one offense.

Section 3. Limits on Keeping of Authorized Animals.

3.1. Generally. It shall be unlawful to keep any permitted animal in a manner that causes persistent noise or foul odors to emanate beyond the boundaries of the owner's property.

3.2. Enforcement. This section shall be enforced by the Borough Health Officer, whose duty it shall be to determine violations of this Section. In the enforcement of this section, the Borough Health Officer shall have the power and authority to enter and inspect any property where the Officer has reason to believe that a violation of this section may be occurring.

3.3. Penalties. Any violation of this section resulting in a conviction shall be punishable by a fine of not more than \$600, plus attorneys' fees. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. If the fine is not paid to the Borough as directed, the

Borough will commence a collection action in accordance with the Pennsylvania Rules of Civil Procedure. The Borough shall be exempt from the payment of costs for such an action.

Section 4. Keeping of Honey Bees.

4.1. Statement of Purpose. Honey bees (hereinafter “bees”) are an asset to the community and important in the pollination of plants and in the production of honey and other products. The purpose and intent of this ordinance is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the Borough.

4.2. Definitions.

“Apiary” – Any place where one or more colonies of bees are kept.

“Beekeeper” – A person who owns or has charge of one or more colonies of honey bees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honey bees.

“Beekeeping Equipment” – Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

“Colony” – An aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

“Flyway Barrier” – A barrier that raises the flight path of bees as they come and go from a hive.

“Hive” - The receptacle inhabited by a colony.

“Honey Bee” shall mean all life stages of the common domestic honey bee. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.

“Swarming” shall mean the process where a queen bee leaves a colony with large group of worker bees in order to form a new honey bee colony.

“Unusually Aggressive Behavior” shall mean any instance in which unusual

aggressive characteristics such as stinging or attacking without provocation.

4.3. General Rule. The keeping of bees in conformity with the provisions of this section shall be permitted in the Borough.

4.4. Permit Required. Any person desiring to keep bees in the Borough of North Catasauqua shall apply for, obtain, and maintain a valid permit issued by the Borough of North Catasauqua, pursuant to the procedure set forth at Section 6 of this Ordinance.

4.5. Beekeeping Requirements. Apiaries complying with 3 Pa. C.S.A. § 2101 et seq. shall be permitted within the Borough. All apiaries must be registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry in compliance with 3 Pa. C.S.A. § 2105.

4.6. Density and Location. In order to provide for the adequate production of honey while protecting the health and safety of the community, no more than two (2) hives per acre may be kept on any lot. No more than two (2) hives may be kept on any lot less than one acre. No apiary shall be permitted within twenty (20) feet of any lot line. The front of the apiary shall face the most distant lot line.

4.7. Hives. Bee colonies must be kept in removable frame hives, which shall be well-maintained and repaired or replaced when necessary to ensure structural integrity at all times. Hives shall be continuously managed to provide adequate living space for their resident bees in order to prevent swarming.

4.8. Storage of Beekeeping Equipment. Beekeeping equipment shall be maintained in good condition. When not in use, beekeeping equipment must be stored to prevent occupancy by swarming bees.

4.9. Flyaway Barriers. All apiaries shall have flyaway barriers at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or a combination thereof. The barrier shall extend at least ten (10) feet beyond the apiary in each direction. No flyaway barriers shall be required for apiaries kept eight (8) or more feet off the ground.

4.10. Hive Conditions. Hives shall be provided with an adequate supply of fresh water (except during any dormant period when water is not needed) and there shall be a solid surface upon which bees may land to access the water. In any instance where a colony exhibits unusually aggressive behavior, it shall be the duty of the

beekeeper to take prompt action to address and remediate the behavior.

Section 5. Keeping of Certain Chickens.

5.1. Statement of Purpose. The purpose of this section is to provide appropriate standards for the keeping of chickens for the self-sufficient production of eggs within a residential environment, in a manner to avoid adverse impacts on neighboring properties and residents and to provide for the health and safety of the chickens.

5.2. Definitions.

“Chicken” – A member of the species “gallus domesticus.”

“Hen” – A female chicken more than one year of age.

“Rooster” – A male chicken more than one year of age.

“Pullet” – A female chicken less than one year of age.

“Cockrel” – A male chicken less than one year of age.

“Pen” – an enclosure designed to confine an animal to a restricted area and to prevent them from roaming at large.

5.3. General Rule. The keeping of chickens in conformity with the provisions of this section shall be permitted in the Borough.

5.4. Permit Required. Any person desiring to keep chickens in the Borough of North Catasauqua shall apply for, obtain, and maintain a valid permit issued by the Borough of North Catasauqua, pursuant to the procedure set forth at Section 6 of this Ordinance.

5.6. Permitted Keeping of Chickens.

The purpose of this section being to promote the self-sufficient production of eggs, the keeping of pullets and hens shall be permitted, and the keeping of cockrels and roosters shall be prohibited. The keeping of pullets and hens (hereinafter referred to as “chickens”) shall be subject to the following conditions:

- a. An individual wishing to keep pullets and/or hens must first apply for and receive a Borough-issued permit pursuant to the procedure set forth at Section 6 herein.
- b. No more than one person per household may obtain a permit.
- c. No permit holder may keep more than six (6) chickens on their property, which number is deemed the maximum sufficient to produce eggs for a single family.
- d. Chickens must reside in coops that shall:
 - (1) Have a solid roof, walls and floor;
 - (2) Have sufficient ventilation;
 - (3) Have sufficient drainage to prevent the accumulation of moisture;
 - (4) Provide protection from predators;
 - (5) Be designed to secure the chickens;
 - (6) Must provide at least 10 square feet per chicken;
 - (7) Be readily accessible for cleaning;
 - (8) Be readily accessible to chickens for ingress and egress;
 - (9) Be located no closer than fifteen (15) feet from any property line;
 - (10) Be located only in backyard space;
 - (11) Be screened by solid hedgerow or fencing.
- e. The living conditions of chickens must be in accordance with the following:
 - (1) Chickens shall have access to feed and clean water at all times;
 - (2) Feed shall be provided in such a way as to prevent rodents or other pests from accessing the feed;
 - (3) Chickens shall have adequate bedding;
 - (4) Pens shall be regularly cleaned and maintained;
 - (5) A veterinarian shall be selected and used for any necessary medical care.
- f. Chickens must be banded, and the bands must identify the name and the telephone number of the owner.
- g. In the event of the death of a chicken, the carcass shall be disposed of in compliance with 3 Pa. C.S.A. § 2352.
- h. No person may slaughter a chicken owned or possessed pursuant to this ordinance.

Section 6. Permit Procedure.

An applicant under Sections 4 and 5 herein shall obtain a permit application from the Borough Hall and return the completed application with a payment of \$50 to the Borough Hall. The completed application shall include:

- (1) Proof that the applicant is the landowner or has the express written permission of the landowner where the activity will take place;
- (2) A description of the request, including, for bee-keeping applications, the number of hives, and for chicken-keeping applications, the number of chickens;
- (3) Scale drawings of the area where the bees or chickens will be maintained, showing all setbacks and height requirements as set forth herein;
- (4) A statement that the applicant is in compliance with all applicable statutes and regulations governing the activity;
- (5) The name, address, and telephone number, if the permit is for the keeping of chickens, of the designated veterinarian.

Within 14 days of the filing of the application, should it be found complete and satisfactory, the Health Officer shall inspect the premises. If the results of the inspection are satisfactory, a permit shall issue.

If all conditions of this permit procedure have been satisfied, the Borough shall issue a permit.

Section 7. Permit Renewal or Revocation.

Permits shall be valid for a period of one year. Permits must be renewed by the payment of an annual fee of \$50 at the Borough Hall. Permit holders shall be subject to inspections by the Borough or by any other government office within the Commonwealth of Pennsylvania. Upon the unsatisfactory completion of any inspection, a permit may be immediately revoked, or a renewal may be denied.

A permit applicant or holder may be notified of a denial, revocation, or non-renewal by:

- (1) Ordinary mail; or
- (2) In person at the address indicated on the application.

Such notice shall specify the reason(s) for the action. When a permit is denied or

revoked (whether or not by non-renewal) the applicant may not apply for a new permit for a period of 6 months from the date of revocation. Upon the expiration of the appeal period set forth in Section 8, all animals shall be removed from the premises. Any costs incurred by the Borough to remove, rehome, or dispose of animals shall be paid by the owner of the property where the permit was issued.

Section 8. Appeals.

Permits issued under this section may be subject to denial, revocation, or non-renewal due to any of the following:

- (1) The keeping of animals in a manner that fails to comply with the provisions of this ordinance or otherwise constitutes a nuisance to the health, safety, or general welfare of the public as determined by the Health Officer; or
- (2) Fraud, misrepresentation, or the making of a false statement, whether knowingly or not, on the permit application or in the conduct of the activity.

Applicants or permit holders shall be notified of any denial, revocation, or non-renewal in writing. The applicant or permit holder shall have ten (10) days from the date of said notice to request a hearing before Borough Council within 30 days. For the purposes of Section 7, the "appeal period" shall run from the date of any notice of denial, revocation, or non-renewal until the issuance of a decision by the Borough Council.

Section 9. Running of Animals at Large.

9.1. Generally. It shall be unlawful for animals to run at large in the Borough.

9.2. Enforcement. This section shall be enforced by the Borough Health Officer, whose duty it shall be to determine violations of this Section. Any owner/possessor of an animal found to be running at large in the Borough shall be issued notice of a violation hereunder.

9.3. Penalties. Any violation of this section resulting in a conviction shall be punishable by a fine of not more than \$600 plus attorneys' fees. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. If the fine is not paid to the Borough as directed, the

Borough will commence a collection action in accordance with the Pennsylvania Rules of Civil Procedure. The Borough shall be exempt from the payment of costs for such an action.

Section 9. Feeding of Animals at Large.

9.1. Generally. It shall be unlawful for any person to feed an animal running at large or congregating in the Borough.

9.2. Enforcement. This section shall be enforced by the Borough Health Officer, whose duty it shall be to determine violations of this Section. Any person found to be feeding an animal who is running at large or congregating in the Borough shall be issued notice of a violation hereunder.

9.3. Penalties. The provisions of this section shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any violation of this section resulting in a conviction shall be punishable by a fine of not more than \$600 plus attorneys' fees. If the fine is not paid to the Borough as directed, the Borough will commence a collection action in accordance with the Pennsylvania Rules of Civil Procedure. The Borough shall be exempt from the payment of costs for such an action.

Section 10. Severability.

Should any part or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held to be invalid.

Section 11. Effective Date.

This Ordinance shall become effective five (5) days after its adoption.

DULY ORDAINED AND ENACTED this _____ day of _____, 2020, by the Borough Council in lawful session duly assembled.

ATTEST:

BOROUGH OF NORTH CATASAUQUA

Tasha Jandrisovits, Secretary

By _____
Peter Paone, President

Approved this ____ day of _____, 2020.

By _____
William J. Molchany, Jr., Mayor

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MUNICIPAL ADVERTISEMENT
BOROUGH OF NORTH CATASAUQUA

Notice is hereby given that the Borough Council of North Catasauqua will conduct a public hearing and consider the adoption of the ordinance summarized herein, at a meeting on _____, 2020, at 7:00 p.m. At said meeting, Council shall consider enacting, and if appropriate, will take a vote on adopting "An Ordinance of the Borough of North Catasauqua, County of Northampton, Commonwealth of Pennsylvania, Regulating the Keeping of Animals in the Borough."

The proposed ordinance defines 'unauthorized animals,' prohibits their keeping, and sets forth the procedures for enforcement of the prohibition and the penalties for violation of the prohibition. The proposed ordinance also places limitations on the keeping of authorized animals, and sets forth the procedures for the enforcement of the limitations, and penalties for violation thereof. The ordinance specifically permits the keeping of honey bees and chickens pursuant to certain requirements, and it sets forth the procedures for enforcement of these requirements and the penalties for the violation thereof. The ordinance prohibits the running of animals at large and the feeding of animals at large, and a sets forth the procedures for enforcement of the prohibition and the penalties for violation thereof.

The full proposed text of said ordinance may be examined by any citizen at the Office of the Borough of North Catasauqua, located at 1066 Fourth Street, North Catasauqua, Pennsylvania, 18032, Monday through Friday, from 8:00 a.m. to 4:00 p.m. until the date of the aforesaid Borough Council Meeting. Copies of the proposed ordinance may be obtained for a charge not greater than the cost thereof. Persons with disabilities who require any auxiliary aid, service, or other accommodation to observe or participate should contact the Borough Office at least five days before the above date to discuss how your needs may be best accommodated.

BOROUGH OF NORTH CATASAUQUA

1066 Fourth Street
North Catasauqua, PA 18032
Phone: 610-264-1504
Fax: 610-264-0158

KEEPING OF AUTHORIZED ANIMALS APPLICATION

SECTION ONE

Applicant Name: _____

Property Address: _____

I am applying to:

Keep bees

Keep Chickens

If requesting to keep bees, the number of hives: _____

If requesting to keep chickens, the number of chickens: _____

If requesting to keep chickens:

Name of Designated Veterinarian: _____

Veterinarian Address: _____

Veterinarian Telephone Number: _____

Applicant Certification

I hereby certify that I have attached scale drawings of the area where animals will be maintained, and that such drawings show all setbacks and height requirements; and I further certify that I am in compliance with all applicable statutes and regulations regulating the keeping of bees/ the keeping of chickens. Finally, I have attached written proof that I am the owner of the property listed on this application, or I have submitted written proof that the owner of the property consents to this application being made. By signing this application, I certify that all facts in the application and any accompanying documentation are true and correct. This application is being made by me to induce official action on the part of the Borough of North Catasauqua under Ordinance _____, and I understand and agree that my statements made herein are being made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities. I hereby consent to an inspection of the premises located above by the Borough of North Catasauqua Health Officer or their duly appointed designee. I understand and agree that the purpose of the inspection is to determine if the subject property complies with all applicable provisions of the Borough of North Catasauqua's Keeping of Animals Ordinance.

_____ Date ____/____/____
Signature of Applicant

BOROUGH OF NORTH CATASAUQUA

Keeping of Animals Permit

PERMIT #:

Name of Holder: _____

Property Address: _____

Address of Holder (if different): _____

This permit authorizes the holder to maintain _____ bee hives / _____ chickens in accordance with the North Catasauqua Keeping of Animals Ordinance. This permit is valid for a period of one year from the date of issuance and must be renewed if the permit holder continues to possess bee hives and/or chickens.

OFFICIAL USE ONLY

Permit Issued on: _____

Permit Expires on: _____

Signature of Issuing Authority: _____