

**AN ORDINANCE OF THE BOROUGH OF JOHNSONBURG
ORDINANCE NO. 2014-02**

**AN ORDINANCE OF THE BOROUGH OF JOHNSONBURG, ELK
COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION
OF THE KEEPING OF ANIMALS WITHIN THE BOROUGH AND
ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID
ORDINANCE.**

BE IT ENACTED AND ORDAINED by the Borough of Johnsonburg and it is hereby enacted and ordained by authority of the same, as follows:

**SECTION I
Title**

This Ordinance shall be known as the "Borough of Johnsonburg Wild and Exotic Animals Ordinance."

**SECTION II
Regulation**

Article I, Wild and Exotic Animals

Findings.

The Borough of Johnsonburg has found and determined that the keeping of wild and/or exotic animals (including bees) within the Borough of Johnsonburg is detrimental to the public health, safety and welfare of the citizens and property owners of the Borough of Johnsonburg and constitutes a public nuisance (being defined as one or more than one person) because such animals are not suited to the close residential confines of the Borough and are likely to:

- A. Cause undesirable odors on abutting and nearby properties and public ways.
- B. Contaminate such properties and nearby properties and public ways with urine and/or excrement.

- C. Cause unreasonable noise and disturbances to abutting and nearby properties and public ways.
- D. Create a significant roadway hazard and/or damage to or destruction of landscaping and vegetation or if unrestrained or allowed to escape any restraint.
- E. Require the assistance, at the Borough's expense, of police and/or animal control officers, to recapture such animals if unrestrained or allowed to escape.
- F. Cause an increased and unreasonable risk to the public health and safety by running amok and/or attacking persons and/or other domestic animals if unrestrained or allowed to escape.
- G. Cause an increased and unreasonable risk of spreading infectious diseases and/or creating unhealthy conditions.
- H. Receive inappropriate or inhumane care due to the unsuitable environment that the close residential confines of the Borough create for such animals.

Purpose and Intent.

It is therefore declared to be the purpose of and intent of this article to promote the public health, safety and general welfare of the citizens of the Borough of Johnsonburg and to ensure the humane treatment of animals by prohibiting the keeping of wild and/or exotic animals, as herein defined, within the Borough of Johnsonburg.

Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXOTIC ANIMAL — Any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, potentially dangerous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops.

WILD ANIMAL — Any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents indigenous to the United States, any hybrid animal that is part wild and captive-bred species of common cage birds.

Keeping of exotic and/or wild animals (including bees) prohibited.

Except with the prior written approval of Borough Council, as hereafter provided in § 38-5, it shall be a violation of this article for any person to maintain, keep, possess or permit at large, any exotic and/or wild animal (including bees) in the Borough of Johnsonburg.

Exceptions; review hearing.

- A. Any person may apply, in writing, to the Borough Manager for permission to keep an animal otherwise prohibited by this article in the borough.
- B. Upon receipt of such application, the Borough Manager shall convene a review panel, on an ad hoc basis, consisting of the Borough Manager (or a designee from within the Borough Manager's office), the Chief of Police (or the Chief's designee from within the Police Department), two members of Borough Council (decision of which Council Members chosen for the panel will be based upon the availability of Council Members), and one private citizen permanently residing within the town, to hear and decide the request for exemption from this article.
- C. The Borough Manager shall schedule a public hearing to be held not less than three days after receipt of the request and shall provide notice of the date, time, place and purpose of such hearing by posting at the Borough Building at 100 Main Street (as well as on the subject property) and by delivery by hand or United States mail to the residents or property owners of lands abutting the subject property. Where time permits, such notice shall also be published in a newspaper of general circulation in the town.

D. At such hearing, the burden shall be upon the applicant to establish to the satisfaction of a majority of the panel that the animal does not and will not constitute a nuisance or a threat to the public health, safety or welfare of the town. Strict rules of evidence shall not apply at such hearing, but the panel may accept any relevant evidence of probative value which reasonable persons might consider in making important decisions in their own private affairs.

E. The panel shall issue a brief written decision within two days of the hearing, which decision may grant, deny or grant with specified conditions permission to keep such animal.

F. The decision of the panel shall be final. Any person thereafter keeping an animal in violation of the panel's decision, or in violation of any conditions imposed by the panel, may be prosecuted for a violation of this article.

G. Anything in this article to the contrary notwithstanding, any permission granted under this section may be subsequently revoked or modified by a subsequent panel called by the Borough Manager upon a showing that such animal did constitute a nuisance or threat to the public health, safety or welfare or that the conditions of such permission were violated.

Penalties for offenses.

Any person who shall violate the provisions of this Ordinance shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600), plus costs of prosecution, and, in default of payment such fines and costs, to undergo imprisonment for not more than thirty (30) days.

SECTION III Repealer

Any Ordinances or provisions of Ordinances inconsistent or contrary to this Ordinance are hereby repealed to the extent of their inconsistency.

ARTICLE IV
Severability

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE V
Effective Date

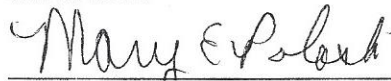
This Ordinance shall take effect and be enforceable immediately.

PASSED, ENACTED, AND ADOPTED this 13th day of October, 2014.

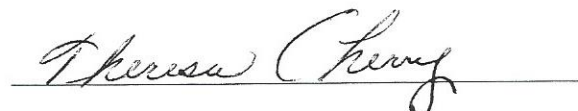
THE BOROUGH OF JOHNSONBURG


President of Borough Council

ATTEST:


Borough Secretary

EXAMINED AND APPROVED BY THE MAYOR OF JOHNSONBURG this 13th day of
October, 2014.


Mayor, The Borough of Johnsonburg