

**BOROUGH OF MARION HEIGHTS  
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 02 - 2024**

**INTRODUCED BY COUNCIL — March 11, 2024**

**ADOPTED BY COUNCIL — April 9, 2024**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF MARION HEIGHTS  
CREATING CHAPTER 5 OF THE CODE OF THE BOROUGH OF MARION HEIGHTS TO  
ESTABLISH REGULATIONS REGARDING THE KEEPING AND CONTROL OF ANIMALS;  
PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE  
SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE  
SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.**

**WHEREAS**, the Borough of Marion Heights seeks to maintain a peaceful and pleasant environment for residents, and in order to do so must put into place limits on the number and variety of animals that may be kept as pets or as domestic animals.

**SECTION 1.** Chapter 28 and Ordinance #80 of the Marion Heights Code of Ordinances shall be deleted in its entirety and replaced with the following:

**SECTION 2.** Title

This Chapter shall be known and cited as the “Marion Heights Borough Animal Ordinance.”

**SECTION 3.** Purpose and Administration

- A. This Chapter is enacted to regulate the maintenance, keeping or possession of animals within the Borough of Marion Heights, PA, in order to promote the health, safety and general welfare of its inhabitants.
- B. Where the provisions of this article impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this article shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this article, the provision of such other statute, ordinance, regulation or resolution shall be controlling.
- C. The Borough Code Enforcement Officer and/or Police Officer is hereby authorized to enforce the provisions of this Chapter.

**SECTION 4.** Definitions

**Animal**

Any domestic animal or fowl, any wild animal or any household pet, including birds, fish, reptiles and insects.

**Domestic Animal (Large)**

Any animal normally or ordinarily domesticated or raised in this area or climate for commercial purposes associated with an approved agricultural operation. For the purposes of this paragraph, large domestic animals shall include animals of the bovine, equine, porcine (swine), and sheep families, but shall not include wild or exotic animals held in captivity.

**Domestic Animal (Small)**

Animals that are normally considered to be kept in conjunction with a dwelling for the pleasure of the resident family, rather than for economic reasons. This shall include animals such as rabbits, guinea pigs, chinchilla, and fowl such as chickens, turkeys, geese, ducks, and pigeons, but shall not include wild or exotic animals held in captivity.

**Wild / Exotic Animal**

All animals falling into one of the following categories as defined by the Pennsylvania Game and Wildlife Code, 34 Pa.C.S.A. § 101 et seq.:

- A. Big Game - Elk, deer, bear and wild turkey.
- B. Furbearer - Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcat.
- C. Game Animals - Elk, deer, bear, cottontail, snow shoe hare, red, gray and fox squirrels.
- D. Game Birds - Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

**Beekeeping**

The raising and/or keeping of bees within a man-made enclosure (beehive) for hobby or business uses.

**Borough**

The Borough of Marion Heights, Northumberland County, Pennsylvania.

**Borough Council**

The governing body of the Borough.

**Caregiver**

Any person who provides care, including food, water, shelter, and, some cases, medical care to feral cats, and in accordance with a program approved by the Borough to trap, neuter, vaccinate, ear -tip, and return feral cats to the location at which they were trapped.

**Dangerous Dog**

- A. Any or all of the following, excluding police dogs, squad dogs or guard dogs acting under supervision of a police officer or prison guard:
  - 1. Any dog which is trained to attack or cause injury, or to otherwise endanger the safety of human beings or domestic animals.
  - 2. Any dog which bites, has inflicted injury, assaults (which assault 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 on public or private property.

3. Killed or inflicted severe injury on a domestic animal, dog or cat without provocation while off the owner's property.
  4. Any dog which is deemed a dangerous dog under and pursuant to 3 P.S. § 459-101 et seq., (Pennsylvania State Dog Law).
- B. Notwithstanding the provisions detailed above, no dog may be declared a dangerous 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 dangerous for taking any action to defend or protect a human being within the immediate vicinity of the dog from an attack or assault.

**Emotional Support Animal**

An animal that is prescribed by a mental health professional as part of the treatment for a diagnosed mental or psychiatric disability.

**Excessive Noise**

Continuous sound lasting longer than 5 minutes; or, more than 3 separate occasions within a 30-minute period.

**Feral Cat**

An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

**Feral Cat Colony**

A population of feral / unsocialized cats that live together in a specific location and utilize a common food source.

**Owner**

Any person having a right of property or having custody of any animal, or a person who harbors or permits an animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

**Person**

A natural person, firm, partnership, association, or corporation.

**Rear Yard**

The open area located between each side property boundary line extending from the rear face of the principal building to the rear property boundary line. The purposes of this Chapter, a corner lot has two front yards, one side yard and one rear yard.

**Running at Large**

Being upon any public highway, street, alley, park or any other public land or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person.

**Service Animal**

An animal (most often a dog) that has been individually trained and certified to work or perform one or more tasks for a person with a disability.

**Sponsor**

An eligible animal welfare organization appointed by the Borough to run a TNR program in the Borough.

**Stray Cat**

Any cat whose owner from time to time allows the cat to run free off of the property of the owner.

**Trap, Neuter and Release (TNR)**

A nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear -tipped, and then returned to the location where they were originally trapped.

**Section 5. Certain Animals / Activity Prohibited**

It shall be unlawful for any person to keep any of the following animals within the limits of the Borough of Marion Heights, Northumberland County, Pennsylvania:

1. Wild / Exotic Animals
2. Domestic Animals (Large)
3. Beekeeping
4. Fowl
  - a) For properties that have fowl at the time of this Ordinance being enacted, the following shall apply:
    1. Upon the death or removal of a bird in the flock, it shall not be replaced.
    2. Any new fowl acquired on the property either through purchase, trading or breeding must be removed within thirty (30) days.

**Section 6. Running at Large**

- A. It shall be the duty of the owner, custodian or keeper of any dog or cat, and the duty of the parent or guardian of any minor owner of any dog or cat, to keep the dog or cat securely tied or penned in a yard or enclosure in such a manner that the dog or cat cannot break loose and run at large over the streets, alleys or public grounds in the Borough or upon the property of anyone other than the owner, custodian or keeper of such dog or cat.
  - a) 1<sup>st</sup> Violation - Upon receiving a complaint or information that a dog or cat is running at large in the Borough in violation of this Chapter, the Code Enforcement Officer shall issue a written warning notice upon the owner of the dog or cat, notifying the owner that his or her dog or cat should be properly controlled and kept from running at large in the Borough.
  - b) 2<sup>nd</sup> Violation - upon a second violation against the same owner, a Code Violation Ticket shall be issued.

- c) 3<sup>rd</sup> / subsequent violations – upon a 3<sup>rd</sup> or subsequent violation, the Code Enforcement and/or Police Officer, shall utilize all legal enforcement options available upon the owner under the terms of this Chapter.
- B. It shall be the duty of the owner, custodian or keeper of any dog or cat, while traveling on the streets, alleys or public grounds in the Borough, to have the dog or cat on a leash not greater than ten feet in length at all times and to prevent the dog or cat from entering upon the property of any person or persons in the Borough without the property owner’s consent.
- a) No owner or custodian of any dog shall allow or permit any such dog to deposit excrement upon the streets, alleys or public grounds in the Borough unless such owner or custodian immediately removes the excrement and disposes of it in a sanitary manner.
- C. The provisions of this section shall not apply to cats which have been spayed or neutered and which are carrying a tag noting the owner’s address. A signed document from a veterinarian (or organization that provides spay and neutering) is acceptable proof for said operation.

**Section 7.                    Seizure and Detention**

- A. Any Police Officer or Borough Official shall have the right to seize and detain every dog and cat which is found running at large upon the public streets, highways, parks or other public property of the Borough or upon private property without the consent of an occupant thereof when unaccompanied by its owner or custodian. When the Police Officer or Borough Official is in immediate pursuit of any such dog or cat, he is authorized and empowered to go upon any private property in order to seize and detain such dog or cat.
- B. The Police Officer or Borough Official is hereby authorized to utilize traps which are intended to capture and not harm cats running at large.

**Section 8.                    Dangerous Dog Provisions**

- A. Any person owning a dangerous dog must register the dog with the Mount Carmel Township Police Department and pay a fee of \$50 per year or \$250 for the life of the dog for such registration. Upon licensing a dangerous dog the owner shall display, in a conspicuous manner, a sign on his premises warning that there is a dangerous dog on premises. The sign shall be visible and legible from the sidewalk and street.
- B. The owner of a dangerous dog shall not permit such dog to go beyond confined bounds of the owner's premises unless the dog is securely leashed and muzzled. Dangerous 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.
- C. Any dog which is a dangerous dog, as defined in this ordinance, and not registered with the Mount Carmel Township Police Department as a dangerous dog shall be immediately seized and transported to an approved facility. Upon such seizure, the Code Enforcement Officer shall, by written notice sent by USPS 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 7 days of the date of the seizure. Should the owner fail to register the dog with the Mount Carmel Township Police Department as a dangerous dog within such seven-day period, the Code Enforcement Officer shall

file a citation with the Local District Justice to have said dog deemed a dangerous dog in accordance with this article. The dog shall continue to be detained at the approved facility until such time as the dog is registered in accordance with this article. Owners of dogs detained under this section shall pay all associated costs for transportation and housing prior to the dog being released. Should the Code Enforcement Officer deem any dog to be a dangerous dog as defined in this ordinance, the Code Enforcement Officer shall, by written notice sent by USPS first-class mail and posted upon the owner's premises, notify the owner of the requirements to register that dog as a dangerous dog with the Mount Carmel Township Police Department. Should the owner fail to so register said dog as a dangerous dog with the Mount Carmel Township Police Department within 7 days of the date of such notice, the dog may be seized and transported to an approved facility until such time the dog is properly registered.

- D. The owner of a dog known to be a dangerous dog by prior registration with the Mount Carmel Township Police Department or a dog deemed dangerous under state law found not to be complying with this article shall be fined not less than \$1000 and not more than \$1,500, together with the cost of prosecution for the first offense, nor more than \$2,500 and cost of prosecution for the second offense.

**Section 9.**                    Keeping of Animals

- A. The following standards shall apply for the keeping of Dogs and Cats within the limits of the Borough of Marion Heights.
1. It is permitted to maintain up to three, or combination thereof, dogs and cats or litters of puppies or kittens up to six months in age as domestic animals provided the following conditions are met.
  2. Maintaining dogs and cats shall be on a noncommercial basis with the exception for the sale of the litters.
  3. It shall be unlawful for any owner to fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering and to fail to provide them with humane care and treatment.
  4. All dogs over 3 months of age must possess a valid annual license issued by the Northumberland County Treasurer.
  5. The area on which a shelter and/or exercise run area is maintained shall be located in the rear yard at least five (5) feet from all adjoining property lines, must be suitably enclosed to prevent such animal(s) from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.
  6. The area around which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.
  7. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created. Excessive, continuous or untimely barking or noise making, smell, mischief, molesting of passersby, chasing of vehicles, habitual attacks on other domestic

animals or trespassing upon private property in such manner as to damage property shall be deemed a nuisance.

8. All litter and droppings therefrom are to be collected on a daily basis and placed in a container or receptacle that when closed shall be ratproof and fly tight and, after every such collection, shall cause such container or receptacle to be kept closed. The container or receptacle must be emptied on a weekly basis and placed out for removal along with the regular trash service.
- B. It is permitted to maintain small domestic animals, except for those prohibited in this Chapter, as household pets, including rabbits, guinea pigs, birds and reptiles, up to a total of 10, provided the following conditions are met:
1. Maintaining small domestic animals shall be within the rear yard at least five (5) feet from all adjoining property lines.
  2. Maintaining small domestic animals shall be on a noncommercial basis.
  3. The area on which a shelter and/or exercise run area is maintained must be suitably enclosed to prevent such animal(s) from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.
  4. The area around which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.
  5. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

**Section 10.**            Enforcement

- A. The Borough Code Enforcement Officer and/or Mount Carmel Township Police Department shall have the power and authority to enforce the provisions of this ordinance and are hereby authorized to enter upon any premises within the Borough of Marion Heights for the purpose of investigating any possible violation of this ordinance.

**Section 11.**            Notices and Orders

- A. When it is determined that a violation of this ordinance has occurred, a written notice shall be served upon the owner of the animal giving ten (10) days to correct or appeal the violation to the Borough of Marion Heights Council.
- B. In the case of a rental property, the owner of the property will also be served giving ten (10) days to correct or appeal the violation to the Borough of Marion Heights Council.
- C. Written notice shall be deemed to be properly served if delivered personally, left upon the front door of the property in violation or sent First-Class USPS mail with a certificate of mailing to the last known address on file with the Northumberland County Tax Bureau.
- D. A Code Violation Ticket shall be considered proper written notice.

**Section 12.**                    Violations and Penalties

- A. Any person who violates any provision of this article shall be charged with a summary offense and shall be fined not less than \$250 nor more than \$500 plus costs of prosecution for the first offense or be imprisoned for not more than 90 days, or both. In addition, if the violation occurs at a rental property, it will be deemed a Disorderly Conduct Violation as defined under Ordinance 2022-06.
- B. For any subsequent offense that occurs within one year of sentencing for the prior violation, a person shall be charged with a misdemeanor of the third degree and, upon conviction, shall be fined not less than \$500 nor more than \$1,000, plus costs of prosecution, or to imprisonment of not more than one year, or both. In addition, if the violation occurs at a rental property, it will be deemed a Disorderly Conduct Violation as defined under Ordinance 2022-06.
- C. Each day there is a violation may count as a separate violation.
- D. Any violation of this ordinance that would also violate any state law shall be prosecuted under that state law and not under this ordinance.
- E. In addition to any other remedies provided in this ordinance, any violation of the provisions of this ordinance shall constitute a nuisance and may be abated by the Borough of Marion Heights by seeking appropriate equitable relief from a court of competent jurisdiction.

**Section 13**                    Severability

The provisions of this ordinance shall be severable and if any of its provisions shall be held unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

**Section 14**                    Repeal of Ordinances

Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this ordinance, are hereby repealed insofar as they are inconsistent with this ordinance's provisions.

**Section 15**                    Effective Date

This ordinance shall become effective five (5) days after the adoption hereof DULY ENACTED AND ORDAINED BY Borough Council, of the Borough of Marion Heights, Northumberland County, Pennsylvania, this 14th day of April 2024, in lawful session duly assembled.


**EFFECTIVE DATE**


This Ordinance shall be effective immediately upon adoption.

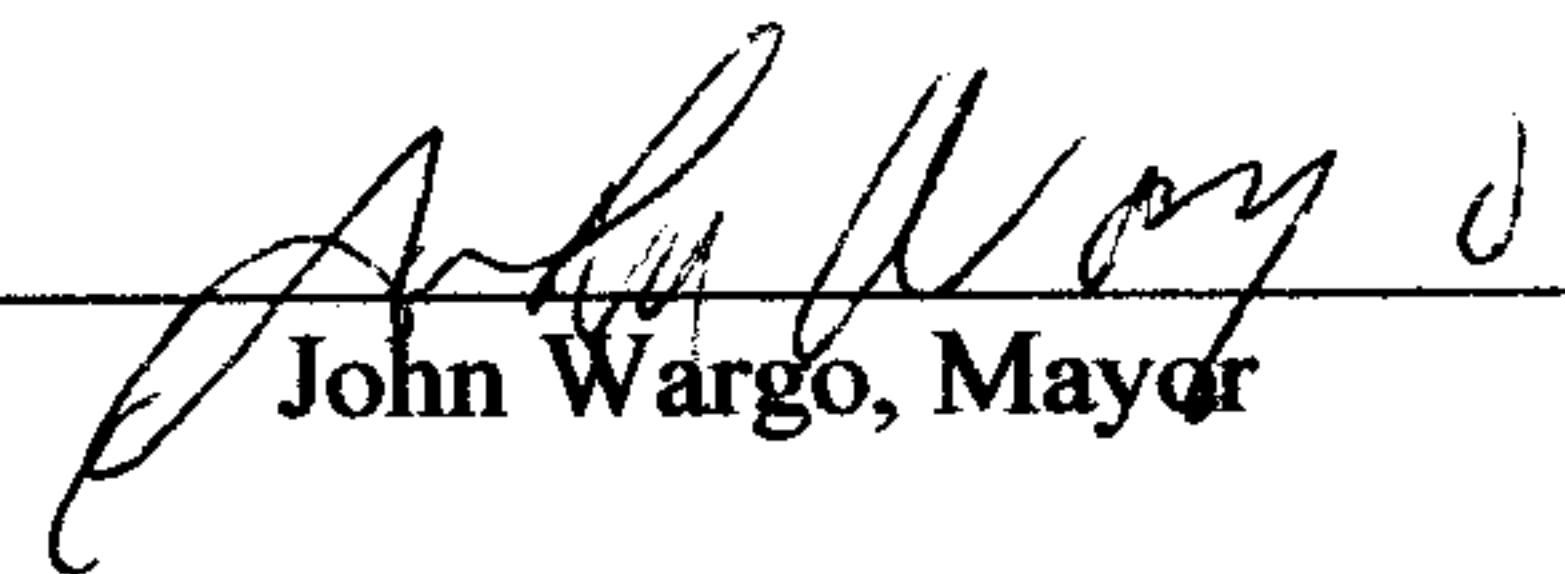
Adopted this 9<sup>th</sup> day of April, 2024

**Attested By:  
Borough Secretary**

  
Linda Gregis, Secretary

BY:   
Joseph Petrovich, President

  
Linda Gregis, Secretary

BY:   
John Wargo, Mayor

SEAL

April 9, 2024  
Date