

## **Chapter 2**

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**Part 1****Domestic Animals at Large****§2-101. Definitions.**

As used in this Part, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Animal*—any domestic animal or fowl, any wild animal or any household pet.

*Domestic animal*—any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

*Household pet*—any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

*Large animal*—any wild or domestic animal of the bovine, equine or sheep family.

*Person*—any person, firm, partnership, association, or corporation.

*Small animal*—any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

*Wild animal*—any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; nor normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 978, 5/31/2011)

**§2-102. Certain Animals Prohibited.**

It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of Pitcairn.

(Ord. 978, 5/31/2011)

**§2-103. Keeping of Animals Regulated.**

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this Section:

A. Large animals shall be confined in quarters no part of which shall be closer than 100 feet from the exterior limits of any dwelling or of any property line.

B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or of any property line.

C. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal 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.

D. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

E. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

(Ord. 978, 5/31/2011)

#### **§2-104. Household Pets.**

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-103 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(Ord. 978, 5/31/2011)

#### **§2-105. Violation of State Law.**

Any violation of this Part that would also violate any state law shall be prosecuted under that State law and not under this Part.

(Ord. 978, 5/31/2011)

#### **§2-106. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 978, 5/31/2011)

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**Part 2****Animals Creating Nuisances****§2-201. Disturbing the Peace; Creating Health Hazards Prohibited.**

It shall be unlawful for any person to keep any dog or dogs, cats or other animals which, by frequent howling, baying, yelping and screeching, shall disturb the peace of the neighborhood or constitute a health hazard to the citizens of the Borough of Pitcairn.

*(Ord. 978, 5/31/2011)*

**§2-202. Keeping of Animals Which Create Nuisances Prohibited.**

No person shall keep or harbor any dog, cat or other animal in the borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public or otherwise permit the commission or existence of a nuisance, as defined hereinafter.

*(Ord. 978, 5/31/2011)*

**§2-203. Creating Certain Noises.**

Any dog, cat or other animal which, by frequent and habitual barking, howling, screeching, yelping or baying or in any way or manner, injures or disturbs the quiet of any person or of the community or which disturbs or endangers the comfort, repose or health of persons is hereby declared to be committing a nuisance. It shall be unlawful for an owner or person having custody of such animal to harbor or permit it to commit such a nuisance.

*(Ord. 978, 5/31/2011)*

**§2-204. Damaging Vegetation or Other Property.**

Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

*(Ord. 978, 5/31/2011)*

**§2-205. Animals Committing Nuisances on Property Other than That of Their Owner; Abatement.**

No person being the owner or in charge or control of any dog, cat or other animal shall allow or permit such animal to commit a nuisance on any school grounds, borough park or other public property or upon any private property, other than that of the owner or person in charge or control of such dog, cat or other animal, without the permission of the owner of said property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

*(Ord. 978, 5/31/2011)*

**§2-206. Exemptions.**

Persons with disabilities requiring the use of a guide dog, specifically trained for such purpose, shall be exempt from the operation of this Part.

*(Ord. 978, 5/31/2011)*

**§2-207. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 978, 5/31/2011)*

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**Part 3****Wild and Exotic Animals****§2-301. Statement of Policy and Intent.**

It is recognized that the health, safety and welfare of the residents of the Borough of Pitcairn must be protected to the maximum extent possible and legally permissible. It is further recognized that the keeping of certain animals poses a serious danger to the health, safety and welfare of the residents of the Borough of Pitcairn, due to both the nature of certain animals and the demographics and environment of the Borough of Pitcairn.

(*Ord. 978, 5/31/2011*)

**§2-302. Prohibition.**

It shall be unlawful for any person, partnership, association, firm or corporation to keep, maintain or have in his or its possession or under his or its control within the Borough of Pitcairn any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

(*Ord. 978, 5/31/2011*)

**§2-303. Classification.**

It shall be unlawful for any person, partnership, association, firm or corporation to keep, maintain or have in his or its possession or under his or its control within the Borough of Pitcairn any of the following animals:

- A. All poisonous animals, including rear-fang snakes.
- B. Apes: chimpanzees (*Pan*), gibbons (*hylobates*), gorillas (*Gorilla*), orangutans (*Pongo*) and siamangs (*Symphalangus*).
- C. Baboons (*Papoi*, *Mandrillus*).
- D. Bears (*Ursidae*).
- E. Bison (*Bison*).
- F. Cheetahs (*Acinonyx jubatus*).
- G. Crocodilians (*Crocodylia*) 30 inches in length or more.
- H. Constrictor snakes, 6 feet in length.
- I. Coyotes (*Canis latrans*).
- J. Deer (*Cervidae*): includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- K. Elephants (*Elephas* and *Loxodonta*).
- L. Game cocks and other fighting birds.
- M. Hippopotami (*Hipopotamidae*).
- N. Hyenas (*Hyaenidae*).

- O. Jaguars (*Panthera onca*).
- P. Leopards (*Panthera pardus*).
- Q. Lions (*Panthera leo*).
- R. Lynxes (*Lynx*).
- S. Ostriches (*Struthio*).
- T. Pumas (*Felis concolor*) also known as “cougars,” “mountain lions” and “panthers.”
- U. Rhinoceroses (*Rhinocero tidae*).
- V. Snow leopards (*Panthera uncia*).
- W. Swine (*Suidae*).
- X. Tigers (*Panthera tigris*).
- Y. Wolves (*Canis lupus*).

(*Ord. 978, 5/31/2011*)

#### **§2-304. Exceptions.**

The provisions of §2-303 shall not apply to licensed pet shops, menageries, zoological gardens and circuses, if:

- A. Their location conforms to the provisions of the Zoning Ordinance of the Code of the Borough of Pitcairn [Chapter 27].
- B. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- C. Animals are maintained in quarters so constructed as to prevent their escape.

(*Ord. 978, 5/31/2011*)

#### **§2-305. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 978, 5/31/2011*)



**Part 4****Domestic Animals****§2-401. Definitions.**

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

*Animal*—a dog, cat or other domesticated companion animal (pet).

*Animal control authority*—the Borough of Pitcairn or the persons or firm designated by said Borough to enforce this Part.

*Animal establishment*—any pet shop, grooming shop, animal auction, performing-animal exhibition, kennel, or animal shelter, except this term shall not include residences where fewer than three animals are bred less than three times annually for noncommercial purposes, veterinary medical facilities, licensed research facilities, facilities operated by governmental agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89544 and 91579.

*Animal shelter*—facility designated or recognized by the Borough of Pitcairn for the purpose of impounding and caring for animals.

*At large*—an animal shall be deemed to be at large when off the property of the owner and not under restraint.

*Humane manner*—care of an animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

*Kennel*—an establishment kept for the purpose of breeding, selling, or boarding animals or engaged in training dogs.

*Neutered*—rendered permanently incapable of reproduction.

*Owner*—a person having the right of property or custody of an animal or who harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

*Person*—any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

*Pet shop*—an establishment engaged in the business of buying or selling, at retail, dogs, cats or other animals for profit-making purposes.

*Restraint*—an animal shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead under the control of a responsible person.

*Vicious animal*—an animal that constitutes a physical threat to humans or other domestic animals.

(Ord. 978, 5/31/2011)

**§2-402. Licensing and Rabies Vaccination; Penalties.**

1. No person shall own, keep, or harbor any animal over 3 months of age within the Borough of Pitcairn unless such animal is vaccinated and licensed by the County

of Allegheny. The provisions of this Section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter. A copy of said license application is attached hereto and made a part of this Part.<sup>1</sup>

2. All animals shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization," published by the National Association of State Public Health Veterinarians.

3. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued. Every owner shall be required to provide each animal with a collar to which such vaccination tag must be affixed.

4. No person shall keep harbor or maintain an animal over the age of 3 months unless the owner obtains a license from the Borough of Pitcairn or other authorized agent. The license year shall be from January 1 to December 31 of each year.

5. Upon payment of the license fee, there shall be issued to the owner a tag for each animal license. The tag shall be changed every year and shall have stamped on it the year for which it was issued. Every owner shall be required to provide each animal with a collar to which such license tag must be affixed. The fees for said licenses shall be as the Council may from time to time set by resolution and may provide for different license fees for spayed and/or neutered animals and those that are not.

6. Any person violating any of the provisions of this Section, and convicted of the same, shall be liable for a fine of not less than \$100 nor more than \$1,000, plus actual costs of prosecution incurred for each animal not in accordance with this Part.

*(Ord. 978, 5/31/2011)*

### **§2-403. Issuance and Revocation of Permits and Licenses.**

1. The Borough of Pitcairn may revoke any permit if the person holding the permit refuses or fails to comply with this Part, the regulations promulgated by the Borough of Pitcairn or any other law governing the protection and the keeping of animals.

2. If an applicant is shown to have withheld or falsified any material information on the application, the Borough of Pitcairn may refuse to issue or may revoke a permit.

3. It shall be a condition of issuance of any permit for an animal establishment that the Borough of Pitcairn shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during the normal business hours.

*(Ord. 978, 5/31/2011)*

### **§2-404. Owner Responsibility; Penalties.**

1. All animals shall be kept under restraint and shall be securely on a leash at

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<sup>1</sup>Editor's Note: The license application form is on file in the Borough office.

all times when the animal is in public and not in or on the owner's premises.

2. Every vicious animal, as determined by the Borough of Pitcairn, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

3. The owner of every animal shall be responsible for every behavior of such animals under the provisions of this Part.

4. Any person violating any of the provisions of this Section, and convicted of the same, shall be liable for a fine of not less than \$100 nor more than \$1,000, plus actual costs of prosecution incurred, and in default thereof, shall be sentenced to the Allegheny County jail for a period not exceeding 30 days.

*(Ord. 978, 5/31/2011)*

#### **§2-405. Impoundment; Notice of Violation; Removal of Suffering Animals.**

1. Any animal found running at large shall be impounded by the Borough of Pitcairn in an animal shelter and in a humane manner. Immediately upon impounding an animal, the Borough of Pitcairn shall make every reasonable attempt to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Animals not reclaimed by their owners within a period of 5 full days in which the shelter is open to the public shall become the property of the Borough of Pitcairn.

2. When an animal is found running at large and its ownership is verified by the Borough of Pitcairn, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

3. In the event that the Borough of Pitcairn finds animals to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize when necessary to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

4. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

*(Ord. 978, 5/31/2011)*

#### **§2-406. Interference; Penalties.**

No person shall interfere with, hinder or molest any agent of the Borough of Pitcairn in the performance of any duty as herein provided. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 978, 5/31/2011)*

