

## **Chapter 2**

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**Part 1****Dogs****§2-101. Title.**

This Part shall be known and may be cited as the “Dog Control Ordinance.”

(A.O.)

**§2-102. Definitions.<sup>1</sup>**

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

*Owner*—when applied to the proprietorship of a dog, includes every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

*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 having custody of said dog.

(A.O.)

**§2-103. Enforcement.**

An Animal Control Officer shall be appointed by the Board of Supervisors to serve at its pleasure. Such Animal Control Officer, along with the officers of the Police Department, shall have concurrent responsibility for the enforcement of this Part and of the Dog Law, 3 P.S. 459-101 *et seq.*, as amended; provided, that the Animal Control Officer shall not have the power to make arrests under the Dog Law nor any ordinance of the Township.

(A.O.)

**§2-104. Prohibited Activities.**

It shall be unlawful for any owner of a dog to permit or to allow such dog in the Township to:

- A. Be at large.
- B. Engage in habitual howling, barking, crying or whining or conduct itself in such a manner as to unreasonably and habitually annoy any persons.
- C. Cause damage or destruction to any property or create a nuisance by performing its excretory functions upon the premises of a person other than the owner of the dog.
- D. Chase or otherwise harass any person in such a manner as to reasonably

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<sup>1</sup>Editor’s Note: See also the general definitions contained in Chapter 1, Part 1, of this Code.

cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

E. Habitually chase, run aside of or bark at motor vehicles or bicycles.

(A.O.)

#### **§2-105. Unlawful to Allow Dogs to Run at Large.**

It shall be unlawful for the owner of any dog to allow or permit such dog to run at large in the Township.

(A.O.)

#### **§2-106. Seizing of Dogs.**

The Animal Control Officer, any officer of the Police Department or constable may seize any dog found at large in Township. Such dogs are to be impounded in a licensed kennel.

(A.O.)

#### **§2-107. Licensed Dogs.**

Any Animal Control Officer, officer of the Police Department or designated Township employee shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in 5 days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be disposed of by sale or by giving it to a humane society or association for the prevention of cruelty to animals in accordance with the Dog Law, 3 P.S. §459-302, as amended.

(A.O.)

#### **§2-108. Unlicensed Dogs.**

Unlicensed dogs that are seized shall be held at a licensed kennel for 48 hours and if not claimed may be humanely killed or given to the humane society or association for the prevention of cruelty to animals in accordance with the Dog Law, 3 P.S. §459-302, as amended.

(A.O.)

#### **§2-109. Dangerous Dogs.**

1. A dog determined to be dangerous under §502-A of the Dog Law, 3 P.S. §459-502-A, as amended, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. §459-501-A *et seq.*, as amended.

2. Dogs may be killed only in accordance with the requirements of §501 of the Dog Law, 3 P.S. §459-501, as amended, and otherwise, said dogs must be detained and delivered to the police or a State dog warden. While detained, said dog must be treated in a humane manner.

(A.O.)

#### **§2-110. Violations and Penalties.**

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Township as well as reasonable fees for keeping the animal in a kennel in an amount as established from time to time by resolution of the Board of Supervisors.

2. Any person allowing a dog to run at large a third time in violation of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer.

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**Part 2****Cats****§2-201. Title.**

This Part shall be known and may be cited as the “Cat Control Ordinance.”

(A.O.)

**§2-202 Vaccination.**

All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the recommendations for immunization published by the National Association of State Public Health Veterinarians; provided, that upon presentation of a veterinarian’s certificate stating that because of infirmity or other physical condition, the inoculation of such cat is not medically appropriate.

(A.O.)

**§2-203. Owner’s Responsibility.**

1. No person shall keep, harbor, or maintain a cat that roams freely. The owner must identify the cat or cats by adorning each cat with an identification collar or tag that clearly and legibly states the cat owner’s name, address and telephone number.

2. The owner of a cat must provide proof of a cat’s current rabies vaccination upon request of the Township.

3. No person or resident shall own, harbor or maintain a non-domestic feline or hybrid within the Township limits.

A. This Section shall not affect any person owning such animal and living within the Township limits prior to the effective date of this Part.

B. This Part shall not apply to any educational, institutional or zoological institution or circus.

(A.O.)

**§2-204. Prohibited Activities.**

It shall be unlawful for any owner of a cat to permit or to allow such cat in the Township to become a public nuisance. Acts of nuisance shall include, but are not limited to, the following:

A. Running at large.

B. Noise disturbance.

C. Digging into flower beds, lawns, sand boxes, gardens or damaging of shrubbery, trees, lawns, personal property not belonging to the owner of the depositing of feces.

D. Not having current rabies vaccinations.

(A.O.)

**§2-205. Liability Exemption.**

A person is exempted from liability under §§2-203 and 2-204 of this Part if he complies with all of the following criteria:

A. The person is providing services to cats under the guidance and supervision of the Western Pennsylvania Humane Society (“Humane Society”), the American Society for the Prevention of Cruelty to Animals (ASPCA) or Animal Friends, Inc. (“Animal Friends”).

B. The person and his facility are certified to provide such services by the Humane Society, ASPCA or Animal Friends.

C. The person and his facility are in compliance with all applicable Federal, State, County and Township laws, statutes, ordinances and regulations.

D. The person grants permission to the Township Police Chief and Police Department to enter upon and into the subject property and facility whenever necessary to inspect the property and facility.

E. Inspections by the Township Police Chief show that there is no health or safety risk to adjacent properties and residents, the neighborhood, or the animals on the subject property or facility.

F. The cats being served by the person and facility are not a nuisance to adjacent properties and are not negatively impacting the adjacent properties and residents.

G. The Township Police Chief issues a written determination that the person and his facility are in compliance with this Section. Such determination may be revoked at any time by the Township Police Chief.

(A.O.)

**§2-206. Seizing Cats Running at Large.**

The Animal Control Officer, or any officer of the Police Department, or constable may seize any stray cat, abandoned cat, or cat running at large within the limits of the Township to the annoyance or inconvenience of the residents or pedestrians or operators of motor vehicles. Such cats are to be taken and impounded in a place provided for that purpose. If the owner be known or can be ascertained from a registration, the Township shall notify that owner to reclaim said cat within a period of 48 hours after receiving notice to do so. If the owner is not known or cannot be ascertained or if the cat is not claimed within said 48-hour period, said cat shall be dispensed of by sale, or by giving it to a humane society or association for the prevention of cruelty to animals or be disposed of in a humane manner. The owner of the cat so detained shall pay a penalty of \$40 to the Township for the seizure and detention and all of the costs or expenses incurred by reason of its detention by the Township before the cat is returned.

(A.O.)

**§2-207. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the

enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Township Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(A.O.



**Part 3****Exotic Animals****§2-301. Title.**

This Part shall be known and may be cited as the “Exotic Animal Ordinance.”  
(A.O.)

**§2-302. Definitions.<sup>2</sup>**

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

*Animal*—all non-human vertebrate and invertebrate species that are organisms of the animal kingdom, as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof.

*Domestic animal*—any equine animal, bovine animal, sheep, goat, and pig.

*Exotic animal*—any animal that is wild, fierce, dangerous, noxious, or naturally inclined to do harm or inflict serious bodily injury and is not normally or ordinarily raised as livestock or kept as a household pet including, but not limited to, bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, nonhuman primates, any crossbreed of these animals which have similar characteristics in appearance or features, any animal of a species prohibited by Title 50, Code of Federal Regulations, as amended, and any animal prohibited by the Commonwealth of Pennsylvania. Exotic animals, however domesticated, shall also include, but not be limited to:

(1) Amphibians: all venomous frogs, toads, turtles and other similar amphibians.

(2) Bear (Ursidae): all bears including, but not limited to, grizzly bears, brown bears, black bears and polar bears.

(3) Cat Family (Felidae): all except commonly accepted domestic cats including, but not limited to, lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, and wild cats.

(4) Crocodilians: all alligators, caimans, crocodiles, gavials and other similar crocodilians.

(5) Dog Family (Canidae): all except domesticated dogs including, but not limited to, wolf, fox, coyote, dingo or offspring of domesticated dogs bred with a wolf, fox, coyote and dingo.

(6) Pig: all wild swine, excluding Vietnamese potbellied pigs in accordance with §2-303.2 hereof and domestic pigs considered as livestock.

(7) Porcupine (Erethizontidae): all porcupines, skunks and other members

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<sup>2</sup>Editor’s Note: See also the general definitions contained in Chapter 1, Part 1, of this Code.

of the Erethizontidae family.

(8) Primates (Hominidae): all sub-human primates.

(9) Raccoons (Procyonidae): all raccoons and civets.

(10) Reptiles: all venomous and constricting snakes and all venomous lizards.

(11) Venomous Invertebrates: all venomous spiders and scorpions.

(12) Weasels (Mustelidae): all including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, and mongoose, excluding domesticated ferrets in accordance with §2-303.3 hereof.

*Household pet*—any domestic cat, including all breeds of cat recognized by the American Cat Fanciers Association, domestic dog, including all breeds of dog recognized by the American Kennel Club, and any other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner. At no time shall this term extend to and/or include any crossbreeds between domestic cats and any other member of the family Felidae or any crossbreeds between domestic dogs and any other member of the family Canidae.

*Import*—to bring or to have transported into the Township.

*Livestock*—any domestic animal maintained or kept by persons within the Township and shall include, but not be limited to, horses, cattle, sheep, pigs, goats, donkeys, mules, but excluding cats and dogs.

*Owner*—when applied to the proprietorship of an exotic animal, includes every person having a right of property in such exotic animal, and every person who keeps or harbors such an exotic animal or has it in his care, and every person who permits such an exotic animal to remain on or about any premises occupied by him.

*Possess*—the detention and control, or the manual or ideal custody, of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

*Running at large*—being upon any public highway, street, alley, park, or 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 person having custody of said exotic animal.

*Serious bodily injury*—bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

*Transport*—to move from one place to another by any means whatsoever.

(A.O.

### **§2-303. Keeping of Exotic Animals Prohibited.**

1. No person shall import, possess, own, breed, transport, or raise any exotic animal within the Township. This provision shall not apply to any public zoological park, nationally recognized circus, or public scientific or educational institution which has the proper Federal and State permits and approvals and provides proper fences and other protective devices adequate to prevent such animals from escaping or injuring the public, or causing health hazards due to fecal matter, or otherwise.

2. Domesticated ferrets are permitted as household pets provided that the following requirements are met:

A. Domesticated ferrets shall be de-scented.

B. Domesticated ferrets shall be spayed and neutered.

C. Domesticated ferrets are to be vaccinated, except as provided herein. Vaccination documents or a statement from a licensed veterinarian advising against vaccination shall be furnished upon request.

D. No breeding of domesticated ferrets is permitted.

E. Domesticated ferrets are not to be running at large when outdoors.

3. Vietnamese potbellied pigs are permitted as household pets provided that the following requirements are met:

A. The owner shall obtain a document from a licensed veterinarian or a nationally recognized registry certifying that the pet is a Vietnamese potbellied pig.

B. No more than two Vietnamese potbellied pigs are permitted and shall be primarily indoor pets.

C. Vietnamese potbellied pigs shall be spayed and neutered.

D. Vietnamese potbellied pigs are to be vaccinated, except as provided herein. Vaccination documents or a statement from a licensed veterinarian advising against vaccination shall be furnished upon request.

E. No breeding of Vietnamese potbellied pigs is permitted.

F. Vietnamese potbellied pigs are not to be running at large when outdoors.

(A.O.)

#### **§2-304. Sale, Exchange, Adoption, or Transfer of Exotic Animals.**

No person shall sell or offer for sale, adoption, exchange, or transfer, with or without a charge, any exotic animal.

(A.O.)

#### **§2-305. Investigation.**

Upon the receipt of a complaint by one or more persons alleging the presence of a possible exotic animal, the Township Police Chief, or his authorized designee, may investigate the complaint to determine if, in fact, the animal is an exotic animal. Upon the determination that an exotic animal is being maintained within the Township, the Township Police Chief, or his authorized designee, shall contact the Pennsylvania Game Commission for disposal of the exotic animal.

(A.O.)

**§2-306. Violation of State Law.**

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

(A.O.)

**§2-307. Violations and Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(A.O.)