

Chapter 2

Animals

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Part 1**Domestic Pets****§2-101. Maximum Number of Domestic Pets Per Household.**

The maximum number of household pets that may be kept in any household in the Borough of Glassport is four. Said household pets shall include cats and dogs and any combination thereof. Domestic pets less than 6 months old shall not be subject to the terms and provisions of this Part.

(*Ord. 908, 9/13/1994, §2*)

§2-102. Time Limit for Compliance by Present Residents.

Those residents of the Borough of Glassport at the time of passage of this Part who keep more than four household pets shall be accorded 30 days to reduce the number of household pets kept by them in order to comply with the terms of this Part. Upon appropriate application to the Borough Council of the Borough of Glassport, an additional 30 days to come into compliance with the terms of this Part may be granted.

(*Ord. 908, 9/13/1994, §3*)

§2-103. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not 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 shall constitute a separate offense.

(*Ord. 908, 9/13/1994, §4; as amended by Ord. 1077, 5/23/2006*)

Part 2**Dogs Running at Large and Dangerous Dogs****§2-201. Definitions.**

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

Animal owner—any person owning, keeping, feeding, harboring, or having custody of any animal other than cats and dogs, or any person who allows any such other animals to remain on or around his or her property.

Cat—a *felis libyca domestica*, kept as a pet and/or for rodent control.

Cat owner—any person owning, keeping, feeding, harboring, or having custody of a cat, or any person who allows a cat to reside or remain on or around his or her property.

Code Enforcement Officer—any person employed or elected by any municipality whose duty is to issue citations and/or to enforce local municipal codes and ordinances.

Dog owner—any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

Dangerous dogs—requirement that dangerous dog determination under Dog Law be made upon evidence of dog's "history or propensity to attack without provocation based upon an incident" in which dog inflicted severe injury or attacked without provocation; does not refer to an isolated incident but rather to continued pattern of behavior, as chronological record of significant events, "history" implies successive occurrences, as does "propensity," defined in dictionary as "an often intense natural inclination or preference," with "often" implying more than one event, and, thus, "an incident" cannot alone establish dog's history or propensity to attack but refers merely to an event which gives rise to complaint.

Habitual cries—sustained or continuous crying or howling.

Keeper—any person who shall possess, maintain, house, or harbor any cat, dog, or other animal or otherwise have custody of any cat, dog or other animal, whether or not the owner of such dog, cat or animal, whether for compensation or otherwise.

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

Person—person shall include individuals, corporations, partnerships, or any other entity.

Police Officer—any person employed or elected by this Commonwealth or by the Borough whose duty is to preserve peace or to make arrests and/or to enforce the law. This term includes state constabulary, and dog, game, fish and forest wardens.

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.

Vaccination—the proactive use of inoculations with a vaccine to afford protections from rabies, as required by the Pennsylvania Department of Environmental Protection.

(Ord. 1140, 9/24/2014, §1)

§2-202. Appointment and Duties of Dog Warden.

A Dog Warden shall be appointed by the Council of the Borough of Glassport to serve at its pleasure. Such Dog Warden along with the Borough of Glassport Police Department shall have concurrent responsibility for the enforcement of this Part and of the Dog Law, 3 P.S. §459-101 *et seq.*; provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough of Glassport.

(Ord. 1140, 9/24/2014, §2)

§2-203. Unlawful to Allow Dogs to Run at Large.

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

A. It shall be the duty of the owner, custodian or keeper of any dog, and the duty of the parent or guardian of any minor owner of any dog, to keep the dog securely tied or penned in a yard or enclosure in such a manner that the dog 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.

B. It shall be the duty of the owner, custodian or keeper of any dog while traveling on the streets, alleys or public grounds in the Borough to have the dog on a leash not greater than 6 feet in length at all times and to prevent the dog from entering upon the property of any person or persons in the Borough without the property owner's consent.

C. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough of Glassport as well as reasonable fees for keeping the dog.

D. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and cost, to a term of imprisonment not to exceed 30 days.

(Ord. 1140, 9/24/2014, §3)

§2-204. Seizing of Dogs.

The Dog Warden or any Police Officer or Constable shall seize and detain every dog which is found running at large upon the public streets, highways, parks or other public property in the Borough or upon private property without the consent of an occupant thereof when unaccompanied by its owner or custodian. A Police Officer, Code Enforcement Officer, or Dog Warden in immediate pursuit of any such dog is authorized and empowered to go upon any private property in order to seize and detain such dog.

All dogs or other animals detained hereunder shall be housed at a facility recommended by the State Dog Officer or at a Borough designated local kennel at the expense of the owner.

(*Ord. 1140, 9/24/2014, §4*)

§2-205. Licensed Dogs.

The Chief of Police, Dog Warden and/or Constable 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 sold or destroyed in accordance with §302 of the Dog Law, 3 P.S. §459-302.

(*Ord. 1140, 9/24/2014, §5*)

§2-206. Unlicensed Dogs.

Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with §302 of the Dog Law, 3 P.S. §459-303.

(*Ord. 1140, 9/24/2014, §6*)

§2-207. Dangerous Dogs.

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

2. Any person owning a dangerous dog must register the dog with the Borough and pay a fee of \$50 per year for registration. Upon licensing a dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a dangerous dog on the premises. The sign shall be visible and legible from the sidewalk and street.

3. 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 sides or be imbedded in the ground no less than 2 feet.

4. Any dog which is a dangerous dog, pursuant to this Part, and not registered with the Borough as a dangerous dog shall be immediately seized and detained. Upon such seizure, a Police Officer or the Code Enforcement Officer shall, by direct personal notice and by first class mail and posted upon owner's premises, notify the owner of such seizure and detention and the requirements to register the dog within 10 days of the date of the seizure. Should the owner fail to register the dog with the Borough as a dangerous dog within such 10-day period, the Police Officer or the Code Enforcement Officer shall bring charges with the local district magistrate to have said dog be deemed a dangerous dog in accordance with this ordinance. The dog shall continue to be detained by the Borough until such time that said dog is registered in accordance with this Part. Owners of dogs detained under this Section shall be fined \$10 per day plus the cost of detaining the dog for each day that said dog is detained. Should the police deem any dog to be a dangerous dog in accordance with the definition in this Part, the Borough shall, by written notice sent by the Borough via United States mail, postage

prepaid and certified to the owner, notify the owner of the requirements to register that dog as a dangerous dog with the Borough. Should the owner fail to register said dog as a dangerous dog with the Borough within 10 days of the date of such notice, the dog may be detained by the Borough which must follow the same procedures set forth for detaining a dog as if the dog is a dangerous dog in accordance with the definition contained in this Part.

5. The owner of a dog known to be a dangerous dog by prior registration with the Borough or a dog deemed dangerous under State law found not to be complying with the Parts shall be guilty of a summary offense and shall be fined not less than \$25 and not more than \$300, together with the costs of prosecution.

6. Dogs may be killed only in accordance with the requirements of §501 of the Dog Law, 3 P.S. §459-501, 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.

(Ord. 1140, 9/24/2014, §7)

§2-208. Nuisances; Responsibility for Cleanup.

1. It shall be unlawful for any person to harbor, care for, shelter, control, or maintain any breed of dog or dogs or other animals in such a manner so as to disturb or duly annoy any reasonable person of normal sensitivity through the animal's noise, smell, mischief, or other harmful propensities. All pens or other areas in which the animals are kept shall be maintained in a sanitary condition free of offensive obnoxious or foul odors.

2. No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property without permission of the owner of said property. The restriction in this Section shall not apply to that portion of the street lying between the curblines and sidewalk which shall be used to curb such animals under the following conditions:

A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health.

B. A person who allows an animal to defecate on his property shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health.

C. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping, or in charge of any animal curbed in accordance with the provisions of this Part in a sanitary manner approved by the Board of Health.

(Ord. 1140, 9/24/2014, §8)

§2-209. Cats and Other Animals.

1. *Vaccination.* Any cat owner shall comply with, and be current with all rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regards to cats.

2. *Limit on the Number of Cats.* No cat owner or keeper shall keep, maintain, or harbor more than four cats for more than 90 days in a residential housing unit or on its premises.

3. *Keeping of Cats; Nuisances.* It shall be unlawful for any cat owner or cat keeper to have any cat that becomes a nuisance within the Borough. In this regard, it shall be unlawful for:

A. Any person to knowingly keep or harbor any cat which habitually carries or howls.

B. Any person to allow a cat to habitually roam unwelcome onto someone else's property.

C. Any person to knowingly keep or harbor any cat that is vicious.

D. Any person to knowingly permit any cat to scratch, dig, or defecate upon any lawn, tree, shrub, plant, flower bed, garden, children's sandbox or any other public or private property other than the property of the owner or person in charge or control of such animal.

E. Any person to knowingly own, keep, harbor, care for, shelter, control or maintain any cat in such a manner so as to disturb or duly annoy any reasonable person of normal sensitivity thorough the cat's noise, smell, mischief, or other harmful propensities.

(Ord. 1140, 9/24/2014, §9)

§2-210. Personal Responsibility.

No parent, guardian, adult or other person shall permit a person under the age of 18 years to own, keep, harbor, maintain or control dogs, cats and other animals so as to violate the provisions of this Part as delineated in the terms specified above.

(Ord. 1140, 9/24/2014, §10)

§2-211. Violations and Penalties.

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough of Glassport 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 Borough of Glassport.

2. Whoever violates any provision of this Part as delineated above shall be guilty of a summary offences, upon conviction thereof by summary proceedings be fined not less than \$25 and not more than \$300, together with the costs of prosecution. Any violation of which cause for the animal to be detained, the maximum fine for the second and all succeeding offenses may be imposed for the first or any subsequent offenses together with the cost of quarantine and veterinarian examination. Each day's continuance of the offense shall, following the notice thereof as provide in this Part, constitute a new violation. Upon default of payment of the fine imposed on the costs, the defendant may be imprisoned for not more than 30 days.

(Ord. 1140, 9/24/2014, §11)

