

Chapter 108

ANIMALS

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Running at Large

[Ch. 1, §§ 20.1 to 20.3, of the 1977 compilation; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 108-1. Unlawful conduct.

It shall be unlawful for the owner, custodian or keeper of any dog, cat or other animal to allow such dog, cat or other animal to run at large at any time, either upon any of the streets, alleys or public grounds in the Borough of East Vandergrift, or upon the property of another than the owner, custodian or keeper of such dog, cat or other animal, unless accompanied by and under the immediate control of such owner, custodian or keeper.

§ 108-2. Duties of Animal Law Enforcement Officer.

It shall be the duty of the Animal Law Enforcement Officer of the Borough of East Vandergrift who witnesses any dog, cat or other animal running at large in conflict with the provisions of § 108-1, or who receives information of any dog, cat or other animal so running at large, to seize such dog, cat or other animal and to convey it to the place designated by the Borough Council as a pound. Notice of such seizure shall be sent to the owner of such dog, cat or other animal in the manner prescribed by law, and such dog, cat or other animal may be redeemed by the owner thereof within the time specified by law, upon payment of the charges incurred by reason of such detention. Rates for such charges shall be determined from time to time by the Borough Council.

§ 108-3. Violations and penalties.

Any owner, custodian or keeper of any dog, cat or other animal who shall violate any of the provisions of § 108-1 shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

ARTICLE II

Responsibility for Dog Waste

[Ch. 1, §§ 20.4 and 20.5, of the 1977 compilation; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 108-4. Unlawful conduct.

It shall be unlawful for the owner, custodian or keeper of any dog to permit or allow said dog to defecate, urinate or otherwise deposit litter or excrement on any of the streets, alleys or public grounds of the Borough of East Vandergrift or upon any privately owned property in the Borough of East Vandergrift unless specifically authorized by 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 type of nuisance shall be considered abated.

§ 108-5. Violations and penalties.

Any owner, custodian or keeper of any dog who shall violate the provisions of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

ARTICLE III

Animal Nuisances

[Adopted Ch. 1, §§ 21.1 and 21.2, of the 1977 compilation; amended in its entirety at time or adoption of Code (See Ch. 1, General Provisions, Art. I)]

§ 108-6. Unlawful nuisances.

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 herein.

- A. Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, or in any way or manner disturbs the quiet of any person of the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.
- B. Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrubs, 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.
- C. No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any school grounds, city 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 such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and dispose of the same in a sanitary manner, such type of nuisance shall be considered abated.

§ 108-7. Exemptions.

Persons with defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with this article.

§ 108-8. Violations and penalties.

Any person violating any provision of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$75 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

ARTICLE IV

Exotic Animals

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 108-9. Keeping of exotic, wild and/or farm animals (including bees) prohibited.

- A. Except with the prior written approval of the Borough Council, it shall be a violation of this article for any person to maintain, keep, possess or permit at large any exotic, wild and/or farm animal (including bees) in the Borough of East Vandergrift.
- B. The Borough Council has found and determined that the keeping of wild, exotic and/or farm animals (including bees) within the Borough of East Vandergrift is detrimental to the public health, safety and welfare of the citizens and property owners of the Borough of East Vandergrift and constitutes a public nuisance because such animals are not suited to the close residential confines of the Borough.

§ 108-10. 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.

FARM ANIMAL — Any cow, horse, mule, donkey, sheep, goat, swine, fowl, duck, goose or turkey; and bees.

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.

§ 108-11. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.