

CHAPTER 3 ANIMALS

Part 1 Control of Animals

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§101. Definition and Interpretation.

The word “person” as used in this ordinance shall mean any person, partnership, association, firm or corporation who or which is the owner or keeper of any animal or fowl, as referred to in this ordinance. In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

ANIMAL

Any domestic animal or fowl, any wild animal or any household pet.

CAT

A member of the species felis catus.

DOMESTIC ANIMAL

Any animal as hereinafter defined as a household pet, a large animal or a small animal.

FERAL CAT

A cat that lives permanently outside of a domestic home and is not owned or cared for as a typical companion animal or pet, as a result of having been feral (living in the wild but descended from domestic cats), abandoned by an owner, or rendered homeless, wild or stray by any other means.

HOUSEHOLD PET

Any dog or cat normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL

Any domestic animal of the bovine, equine, sheep or hog family.

NUISANCE

The keeping or harboring of any dog or other domestic animal or fowl which, by frequent and persistent howling or barking or other noise, shall annoy or disturb the neighborhood or a number of persons.

PERSON

Any person, firm, partnership, association or corporation.

SMALL ANIMAL

Any domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla, and any domestic fowl including turkey, goose, duck or pigeon (except homing pigeons), excluding chickens.

WILD ANIMAL

Any animal, bird, fowl or reptile not normally or ordinarily domesticated, not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes, or not normally or ordinarily kept as a household pet.

§102. Unlawful to Permit Any Animal or Fowl to Run at Large; Effect on Dog Law of 1965.

It shall be unlawful for any person to permit any animal or fowl, which shall mean and include any livestock, domestic or farm animal or household pet, to be or run at large upon any public thoroughfare, upon any public ground, or to be or run at large on any private property other than the land and/or property of the owner or keeper of such animal or fowl, without the express permission of the owner or occupier of such private property. Provided: nothing herein shall be construed so as to deal with the same subject matter or to supplant or supersede any provision of any law of the Commonwealth of Pennsylvania dealing with strays, or of the Dog Law of 1965, as amended and supplemented.

The keeper of every such domestic animal shall confine the same to the owner's property by leash, enclosure or other confinement sufficient to prevent the domestic animal from straying uncontrolled onto any publicly owned property or onto the property owned, controlled or leased by others. Household pets shall be confined in quarters no part of which shall be closer than 25 feet to the exterior limits of any other dwelling or of any property line. Such enclosure shall be of a size conducive to good sanitation practices, and adequate and sanitary drainage facilities shall be provided.

If any such domestic animal shall be kept in a dwelling occupied by any person, such person 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 ensure 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.

§103. Nuisances.

It shall be unlawful for any person to permit any animal or fowl, which shall mean and include any livestock, domestic or farm animal, or household pet, to soil, defile, defecate upon the premises of property owned, controlled or leased by others.

Any person who creates, continues, causes, maintains or permits to exist any nuisance in the nature of a barking or howling dog within the limits of the R-1 Residential-medium density, V-1 Rural Village-high density, and V-2 mixed use village-high density Zoning Districts shall after 15 consecutive minutes in a 3-hour period, after investigation by the Code Enforcement Officer, and if established by reasonable evidence that the complaint is valid, be issued a written warning to remove or abate the nuisance.

If the person fails, neglects, or refuses to abate the nuisance within the time limit, said person shall, after investigation by the Code Enforcement Officer, and if established by reasonable evidence that the complaint is valid for a violation of this section, shall file a complaint before the local District justice and a hearing shall be scheduled.

If after said hearing the nuisance is not abated or removed, then and in that event a subsequent complaint shall be issued by Code Enforcement Officer, Thereafter, the Township shall collect the cost and expense of the abatement or removal of the nuisance from the person who created, continued, caused or maintained the nuisance and/or permitted it to exist.

§104. Wild Animals

It shall be unlawful for any person to keep any wild animal at any place within the Township, except where the same shall be permitted in a park, zoological garden or similar establishment for exhibit to the public or to any portion thereof.

§105. Feeding of Feral Cats

It is prohibited for any person, firm, corporation or association to feed within Sewickley Township any feral cat. This section shall not apply to persons who bring a feral cat into their dwelling with the intention of owning it.

§106. Dangerous Dogs

DANGEROUS DOG

As defined in this Part shall be defined in accordance with the provisions of 3 P.S. § 459-501-A, Pennsylvania's Dangerous Dog Law as follows: "The determination of a dog as dangerous shall be made by the magisterial district judge upon evidence of a dog's history or propensity to attack without provocation based upon an incident in which the dog has done one or more of the following: (A) inflicted severe injury on a human being without provocation on public or private property; (B) killed or inflicted severe injury on a domestic animal without provocation while off the owner's property; (C) attacked a human being without provocation; (D) been used in the commission of a crime.

OWNER

When applied to the proprietorship of a dangerous dog shall include every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in its care, and every person who permits such animal to remain on or about any premises owned by that person.

A. Prohibited Activity.

1. The running at large of "dangerous dogs" within Sewickley Township to the annoyance or inconvenience of residents, pedestrians and/or operators of motor vehicles using the streets or highways of the Borough is strictly prohibited.
2. Dangerous dogs are considered dangerous animals and potentially hazardous to the community. It is unlawful for the owner of a dangerous dog to permit the dog to be outside the proper enclosure for such dogs unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal or from destroying property with its teeth. Any dangerous dog wandering or running loose in or upon Sewickley Township shall be subject to restraint and confinement by the Code Enforcement Officer or other authorized persons acting on behalf of the Township.

B. Licensing of Dangerous Dogs.

1. No person shall own, keep or harbor any dangerous dog in any household, residence or on any property whatsoever within Sewickley Township without first obtaining a certificate of registration from the Bureau of Dog Law Enforcement of the Commonwealth of Pennsylvania.
2. Further, no person shall own, keep or harbor any dangerous dog in any household, residence or on any property whatsoever within the Township without first obtaining a license from the Township. Applications for a license shall be filed with the Township Secretary and shall provide the following information:
 - A. Name of applicant
 - A. Name of owner of the dangerous dog if different from applicant.
 - B. Address where the dangerous dog will be kept.
 - C. Number of dangerous dogs to be kept or housed on premises.
 - E. Exact location on the property where the dangerous dogs will be kept.
 - F. Method to be used to secure or restrain the dangerous dogs on the property.
 - G. Name of the person who will be responsible for the care and confinement of the dangerous dogs.
3. All applications shall be accompanied in an amount as established from time to time by resolution of the Board of Supervisors, application fee which fee is nonrefundable. The fee in the amount of \$50.00 includes the cost of processing the application and any inspection prior to licensing.

4. Revocation of License. If the applicant, owner or other person responsible for any dangerous dog kept within the Township violates any provision of this Part or any other applicable code, statute or regulation, then any license issued hereunder shall be automatically revoked. Township Supervisors reserves the right to refuse to issue or reissue a dangerous dog kennel License to any person who has violated any provision of this Part or other applicable code, statute or regulation.

5. Change of Address. If there is any change in the status of ownership, location where the dangerous dog is to be housed, or of any other Information required in Subsection 2, the licensee must immediately notify the Township Secretary of these changes. Failure to notify the Township Secretary of any such change will cause the automatic revocation of the dangerous dog license referred to above.

C. Confinement of Dangerous Dogs.

1. All dangerous dogs must be confined in a secure building or enclosure. The confinement of a dangerous dog either indoors or in a securely enclosed, locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping shall be deemed appropriate confinement of a dangerous dog. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog. If the pen or structure has no bottom secured to the sides, the sides must be imbedded at least two feet into the ground.

2. Dangerous dogs may not be kept, housed or harbored in an exterior yard without first obtaining approval from the Code Enforcement Officer of Sewickley Township. In no case are dangerous dogs permitted to be kept, housed or harbored in an exterior yard unless the area is secured by a fence, the material and dimensions thereof having been approved by the Code Enforcement Officer of the Township or his/or authorized agent. Said fence must be at least six feet high if not constructed with a roof and shall also require approval by the Zoning Hearing Board of Sewickley Township.

3. All entrances and exits from a property where a dangerous dog is confined must be posted with a warning sign, the size and type of which is thereof having been approved by the Code Enforcement Officer.

4. Any dangerous dog which is removed from its area of confinement into or upon the public ways of Sewickley Township must be kept securely leashed and muzzled at all times.

C. Destruction of Dangerous Dogs.

1. If a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacks a person or other domestic animal, the dog's owner is guilty of a misdemeanor of the second degree. In addition, the dangerous dog shall immediately be confiscated, placed in quarantine for the proper length of time and thereafter destroyed in an expeditious and humane manner, with all costs of quarantine and destruction to be borne by the dog's owner.

2. The owner of any dog that, through the intentional, reckless, or negligent conduct of the dog's owner, aggressively attacks and causes the severe injury or death of any human shall be guilty of

a misdemeanor of the third degree. In addition, the dog shall be immediately confiscated by a state dog warden or police officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner, with all costs of the quarantine and destruction to be borne by the dog's owner.

§107. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

§108. Severability.

In the event that any provisions, sections, sentences, clauses or parts of this ordinance shall properly be determined to be invalid or illegal, such invalidity or illegality shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this ordinance, it being the intent of the Township of Sewickley that such remainder shall be and remain in full force and effect, and to this end, the provisions of this ordinance are hereby declared to be severable.