

Chapter 2

Animals

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Part 1**Dogs at Large****§2-101. Definitions.**

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.

(Ord. 624, 1/19/2010)

§2-102. Appointment and Duties of Dog Warden.

A dog warden shall be appointed by the Borough Council to serve during its pleasure. Such dog warden along with the police officers 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 Mount Pleasant.

(Ord. 624, 1/19/2010)

§2-103. 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 Mount Pleasant.

(Ord. 624, 1/19/2010)

§2-104. Seizing of Dogs.

The dog warden or any police officer or constable may seize any dog found at large in the Borough of Mount Pleasant. Such dogs are to be impounded in a licensed kennel.

(Ord. 624, 1/19/2010)

§2-105. Licensed Dogs.

The Chief of Police 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 the Dog Law, 3 P.S. §459-302.

(Ord. 624, 1/19/2010)

§2-106. 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 the Dog Law, 3 P.S. §459-303.

(*Ord. 624, 1/19/2010*)

§2-107. Dangerous Dogs.

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

2. 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. 624, 1/19/2010*)

§2-108. Penalties.

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

2. 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. 624, 1/19/2010*)

Part 2**Keeping of Animals****A. Keeping of Animals Other than Pets****§2-201. Keeping of Certain Animals and Insects Prohibited.**

No person, firm, or corporation shall keep any hogs, pigs, cows, bulls, cattle, goats, sheep, horses, ponies, any hive of bees, or any type of insects within the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, unless hereinafter otherwise provided.

(Ord. 514, 5/7/1984, §2)

§2-202. Keeping of Poultry Prohibited.

No person, firm, or corporation shall keep any chickens, hens, roosters, turkeys, ducks, geese, ganders, pigeons, or other poultry or fowl at any place within the Borough of Mount Pleasant unless hereinafter otherwise provided.

(Ord. 514, 5/7/1984, §3)

§2-203. Keeping Wild Animals.**1. Definitions.**

Wild animal—any animal, including bird, fowl or reptile, including snake, fighting fish, alligator, spider, scorpion and crocodile 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 capable of being kept as a household pet.

2. Keeping of Animals Regulated. It shall be unlawful for any person to keep any wild animal except as provided in this Section:

A. It shall be unlawful for any person, including the owner of a wild animal or owner of a pet shop, to keep any wild animal outside of a building or dwelling owned and occupied by its owner, and such owner shall be required to register the said animal or animals with the Borough Police Department prior to bringing the said animal or animals onto the property of the owner. Such owner shall be required to follow such procedures and practices for the care and keeping of the said animal or animals so as to provide for the sanitation, feeding and health of the said animal or animals and so as not to create any public nuisance or threat to the health of any person. The registration with the Borough Police Department shall be completed prior to the person bringing any wild animal to the property. The premises shall be subject to inspection by the Borough Police Department at any time. Upon meeting the requirements as provided herein, the Borough Police Department will issue a permit to the owner or owners, which must be renewed on an annual basis. The owner or owners shall pay to the Borough such inspection fees and permit fees as are established by resolution of the Borough Council.

B. Every keeper of a wild animal, which has escaped from its approved confined quarters or has injured any human or animal, shall report the incident to

the Borough Police Department within 30 minutes of the event.

C. No wild animal shall be sold to any person under the age of 18.

(*Ord. 514, 5/7/1984; as added by Ord. 624, 1/19/2010*)

§2-204. Burial Prohibited.

No person, firm, or corporation shall permit or cause to be buried any animal, insect, poultry, or fowl within the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

(*Ord. 514, 5/7/1984, §4*)

§2-205. Exceptions for Pets.

Any animal commonly defined as a “pet” which is kept permanently within the boundary lines of the property of a resident of the Borough of Mount Pleasant is excepted from the provisions of this Part, provided that the keeping thereof shall not create a nuisance.

(*Ord. 514, 5/7/1984, §5*)

§2-206. 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 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. 514, 5/7/1984, §6; as amended by Ord. 624, 1/19/2010*)

B. Removal of Animal Feces**§2-211. Failure to Remove; Violations and Penalties.**

1. It shall be unlawful for the owner of any domestic animal to permit said animal to deposit its feces on public property situate within the Borough or on private property without the permission of the owner of said private property and to remain so deposited for a period of time in excess of 5 minutes.

2. Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 624]

(Ord. 494, 7/8/1981; as amended by Ord. 624, 1/19/2010)

C. Animal Noise Nuisances

§2-221. Harboring a Nuisance.

1. It shall be unlawful for any person to keep any dog, cat, or other animal which by frequent howling, barking, baying, or yelping shall disturb the peace of the neighborhood. Such an act shall be declared a nuisance and a violation of this Part.

2. Any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property shall be presumed to be creating a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird. [Ord. 624]

(Ord. 566, 3/1/1998, §1; as amended by Ord. 624, 1/19/2010)

§2-222. Notice of Alleged Violation.

1. Whenever the Borough Police or Code Enforcement Officer determines that there has been a violation of this Part, he or she shall give notice of the alleged violation, in the manner provided in this Section, to the person or persons who occupy the property upon which the violation occurs.

2. The notice shall:

- A. Be in writing.
- B. Include a statement of the reason why it is being issued.
- C. Specify a reasonable time to abate the noise.

3. The notice shall be served on the persons responsible:

- A. By personal service upon the occupants of the property where the violation occurs.
- B. By sending a copy to the occupants of said property at the address of same by certified mail, postage prepaid, accompanied with a request for a return receipt.
- C. If service cannot be accomplished in either manner set out above, by posting a copy in a conspicuous place or about.

(Ord. 566, 3/1/1998, §2)

§2-223. Failure to Comply.

In the event of the failure to abate the noise as set forth in the above notice, the Borough Police or Code Enforcement Officer may institute appropriate action or proceedings at law or in equity to restrain, correct, or abate the violation of this Part.

(Ord. 566, 3/1/1998, §3)

§2-224. Violations and Penalties.

Any person who violates the provisions of this Part and fails to remedy the problem within 10 days after given the appropriate notice as set out above, shall for every subsequent violation, 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. 566*, 3/1/1998, §4; as amended by *Ord. 624*, 1/19/2010)