

Chapter 41**ANIMALS**

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 8-4-75 as Ord. No. 584. Sections 41.1 and 41.15 amended at time of adoption of Code; see Ch. 1, Adoption of Township Code. Other amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of Interpretation - See Ch. 3.

§ 41.1. Definitions.

41.1.1. As used in this chapter, the following terms shall have the meanings indicated:

FARM ANIMAL - Any horse, cow, sheep, goat, hog or fowl. **[Added 6-1-92 by Ord. No. 1543]**

KENNEL - An establishment where four (4) or more PETS who are six (6) months old or older are bred, trained or boarded. **[Added 3-2-92 by Ord. 1529]**

PET - Any dog, cat or other domesticated animal kept for pleasure rather than utility. **[Added 8-2-76 by Ord. No. 632]**

RUNNING AT LARGE - The running about loose of a PET or FARM ANIMAL on the street or upon property of persons other than the owner of such PET or FARM ANIMAL, unleashed and unaccompanied by the owner or custodian or agent of the owner of such PET or FARM ANIMAL. **[Amended 6-1-92 by Ord. No. 1543]**

PUBLIC NUISANCE ANIMAL - Includes any animal which commits the described act, is designated or "falls into" any one of the following categories:

1. Can be repeatedly found RUNNING AT LARGE;
2. Damages the property of anyone other than its owner;
3. Is vicious;
4. Causes fouling of the air by odor;
5. Causes unsanitary conditions of enclosures or surroundings;
6. Makes excessively disturbing noises;
7. Molests passersby or passing vehicles;
8. Attacks other domestic animals or FARM ANIMALS; **[Amended 6-1-92 by Ord. No. 1543]**
9. Has been designated by the animal control officer to be a public nuisance by virtue of being a menace to the public health, welfare and safety. **[Added 2-5-90 by Ord. No. 1427]**

41.1.2. As used in this chapter, the following terms shall have the meanings assigned to them in Chapter 130, Zoning: "structure," and "lot line."

§ 41.2. Licensing requirements.

41.2.1. By the 15th day of January of each year, it shall be the duty of the owner or custodian of any PET which is not kept permanently caged, which is more than six (6) months old and which shall be kept and remain in the township for a period exceeding seventy-two (72) hours to apply for and to procure from the Township Manager or his agent a license for every such PET owned or kept.

41.2.1.1. The license herein provided shall be issued upon application made by such owner or custodian, which application shall be in writing and shall state the breed, sex, approximate age and general markings of the said PET.

41.2.1.2. No license fee will be charged.

41.2.1.3. Each application shall be accompanied by a certificate signed by a duly licensed veterinarian in the Commonwealth of Pennsylvania, which certificate shall certify that the PET for whom a license has been applied was vaccinated against rabies and that said vaccination will not expire or terminate during the licensing period for which the license is issued.

41.2.2. The said license shall be in addition to any license required by the Commonwealth of Pennsylvania, the County of Allegheny or any other municipal subdivision thereof.

§ 41.3. Issuance of license; rabies tag.

Upon application having been duly made as aforesaid, accompanied by the proper certificate, the Township Manager or his agent shall issue to the applicant a metal tag, together with a written license, for each PET to be licensed. The said metal tag shall have stamped upon it the words "Township of Upper St. Clair - vaccinated against rabies" and the year for which issued. It shall be the duty of the owner or custodian of each PET to affix the said metal tag upon a collar or harness worn by the PET, and failure to do so will subject the owner or custodian of said PET to the penalties hereafter provided for.

§ 41.4. Enforcement; seizure of PETS without tags authorized.

The duly constituted agents of the Township of Upper St. Clair shall have the right and duty to examine the collar or harness of any PET within the township to determine if the owner or custodian of such PET has complied with the provisions of this chapter. Any PET which is not wearing upon his collar or harness the metal tag provided for shall be seized by such agent or police officer and placed under restraint in the custody of such person or persons as the township may, in its discretion, designate from time to time.

§ 41.5. Animal Control Officer.

The Board of Commissioners may authorize the Township Manager to retain or hire a special officer or officers and provide the same with the necessary equipment for the purpose of seizing, restraining and confining any PET or FARM ANIMAL found within the limits of the Township to be contrary to the provisions of this chapter. Any such officer so retained or hired shall be known as an "Animal Control Officer." [Amended 6-1-92 by Ord. No. 1543]

§ 41.6. Licensing of KENNELS.

Any PERSON who customarily has in custody four (4) or more PETS over the age of six (6) months is hereby declared to be engaged in the business or occupation of running a KENNEL. All such PERSONS so engaged shall conform with Chapter 130 "Zoning" and shall be required to be licensed (KENNEL license) by Allegheny County as per the specifications of the Laws of the Commonwealth of Pennsylvania. [Added 3-2-92 by Ord. No. 1529]

§ 41.7. Loss or theft of license or tag.

In the event any PET license or tag issued under the terms of this chapter has been lost or stolen, the proper officer of the Township of Upper St. Clair shall issue a duplicate license or tag in lieu thereof for a fee of fifty cents (\$0.50) upon affidavit of the owner or custodian of said PET certifying to such loss or theft.

§ 41.8. Impoundment of PETS RUNNING AT LARGE without tag; notice to owner or custodian.

Any PET more than six (6) months of age found RUNNING AT LARGE and not wearing a valid registration tag shall be seized on sight by the township Animal Control Officer, any township police officer or other officer duly authorized for such purpose. When such PET has been seized and impounded, the owner or custodian, if known, shall be given notice by registered mail or personal service that such PET has been seized and impounded and will be sold as a house PET only or destroyed, at the discretion of the Animal Control Officer, if not redeemed within ten (10) days of said notice.

§ 41.9. Redemption of seized and impounded dogs.

The owner or custodian of any PET seized and impounded under the provisions of this chapter may, before the expiration of the ten-day period noted above, redeem such PET by:

41.9.1. Paying all costs of boarding, as provided in Ch. 57, Fees. [Amended 4-4-83 by Ord. No. 1026]

41.9.2. Securing a valid license and tag for such PET.

41.9.3. Paying the fine or penalty assessed for violation of this chapter.

§ 41.10. PETS or FARM ANIMALS at large prohibited.

It shall be unlawful for any person or persons who are the owners or custodians of any PET or FARM ANIMAL to permit any PET or FARM ANIMAL owned by him, her or them, or under his, her or their supervision and control, to RUN AT LARGE, either in the daytime or at nighttime, upon the public streets and highways (including state and county highways) of the Township of Upper St. Clair or upon the property of persons other than the owner of such PET or FARM ANIMAL. [Amended 6-1-30 by Ord. No. 1543]

§ 41.11. Seizure of licensed PETS RUNNING AT LARGE; notice to owner or custodian; redemption. [Amended 4-4-83 by Ord. No. 1026]

In the event that a PET licensed pursuant to the terms of this chapter is found RUNNING AT LARGE within the Township of Upper St. Clair, the said PET may be seized on sight and impounded, either in the daytime or at nighttime, by any township animal control officer, any township police officer or any other township officer duly authorized for such purpose. In such event, the owner or custodian of said PET shall be notified of such impoundment and shall be given ten (10) days to redeem said PET upon payment of all costs assessed against such animal, including the cost of boarding the PET, as provided in Ch. 57, Fees, during the period of the impoundment, and upon payment of the penalty assessed for the violation of this chapter.

§ 41.12. Designation of places, means or methods and equipment for keeping seized PETS.

The Board of Commissioners may from time to time provide for such places, means or methods and equipment as it shall deem necessary for the purpose of keeping in custody any PET seized under the provisions of this chapter. The Board of Commissioners may provide such places, means or methods under the control and management of any individual authorized for such purposes.

§ 41.13. Confinement of animal which bites; examination.

It shall be unlawful for the owner of any dog, cat or other animal which bites any person, regardless of circumstances or whether the animal is vaccinated for rabies or not, not to confine said animal either within an enclosure at home or in a veterinary hospital, or to restrain said animal by a leash, composed of a chain or other indestructible material, for a period of not less than ten (10) days following the evening or the day of the bite. Both initially and at the end of the ten-day period, the animal shall be examined by a veterinarian after quarantine date, and the animal shall be seen by the Animal Control Officer to verify its health.

§ 41.14. PETS and FARM ANIMALS prohibited in stores which sell food; exception.

It shall be unlawful for any PET or FARM ANIMAL, licensed or unlicensed, on a leash or running loose, to be permitted in that part of premises which is used as a store for the sale of food for human consumption. This section does not apply to Seeing Eye dogs used by blind people. [Amended 6-1-92 by Ord. No. 1543]

§ 41.15. PETS and FARM ANIMALS are prohibited on School Property. [Added 11-5-01 by Ord. No. 1850]

Upon written notification from the Superintendent of Schools to the Township Manager and with proper posting, it shall be unlawful for the owner to allow, or for anyone to bring a PET or FARM ANIMAL onto School Property. This section does not apply to Seeing Eye dogs used by the blind.

§ 41.16. Violations and penalties. [Amended 9-2-75 by Ord. No. 588; 8-2-76 by Ord. No. 632 4-4-83 by Ord. No. 1026; Amended 11-01-01 by Ord. No. 1850]

In the event that any person shall fail to obtain a license as provided herein; or shall be an owner or manager of any store for the sale of food for human consumption in which any PET is caught or willfully permitted to be, unless such PET is a Seeing Eye dog as provided in § 41.14 of this chapter; or shall be the owner or custodian of any PET which is found in the premises of a store for the sale of food for human consumption, unless such a PET is a Seeing Eye dog as provided in § 41.14 of this chapter; or shall otherwise violate the provisions of this chapter, said person, upon conviction, shall be subject to the provisions of Chapter 5, Enforcement of Ordinances; Penalties. In addition to any fine or penalty which may be imposed, said person shall be liable for payment of proper charges for the impoundment of the PETS involved, as provided in Ch. 57, Fees.

§ 41.17 Nuisance Conditions [Added 2-5-90 by Ord. No. 1427; Amended 11-5-01 by Ord. No. 1850]

41.17.1. No person shall keep or allow to remain within the Township any dog which by frequent and/or continued (fifteen minutes or longer) howling, barking, crying, baying, yelping or other naturally produced sound shall disturb the peace, quiet and enjoyment of the neighborhood residents. The keeping of any such dog shall be a nuisance as well as a violation of the provision of this Chapter.

41.17.2. Any PUBLIC NUISANCE ANIMAL shall, upon demand, be delivered by its owner to the animal control officer or other authorized representative of the Township. It shall be a violation of this section for the owner of a PUBLIC NUISANCE ANIMAL to refuse to surrender such animal to an animal control officer or other authorized representative of the Township. The animal control officer or other authorized representatives of the Township are hereby directed, authorized and empowered to seize and take possession of, on public or private property, any such animal.

§ 41.18. Keeping of FARM ANIMALS. [Added 6-1-92 by Ord. No. 1543; Amended 11-5-01 by Ord. No. 1850]

41.18.1. It shall be unlawful for any person to keep FARM ANIMALS unless confined on the property by an enclosure sufficient to prevent such animal from RUNNING AT LARGE.

41.18.2. No STRUCTURE in which FARM ANIMALS are kept may be closer than two hundred (200) feet to any adjoining LOT LINE.