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PART 1

DOGS

§2-101. Registration Required; Term.

By July 1 of each year, it shall be the duty of the owner or custodian of any dog more than 6 months old, which shall be kept and remain in the Borough of Aspinwall for a period exceeding 14 days, to register the dog with the Borough Manager, or his duly authorized designee, and to provide the Borough with information pertaining to the breed, sex, approximate age, general colors and markings of the said dog, and the owner's or custodian's address and such other information deemed necessary by the Borough.

(Ord. 995, 12/10/2003)

§2-102. Definitions.

As used in this Part, all terms shall be defined in the manner set forth in §102 of the Dog Law, 3 P.S. §458-102, as amended, unless a different definition is stated below or a different meaning clearly appears from the context.

OWNER - when applied to the proprietorship of a dog or cat, includes every person having a right of property in such dog or cat, and every person who keeps or harbors such dog or cat or has it in his care, and every person who permits such dog or cat to remain on or about any premises occupied by him. In the event any dog or cat found in violation of this Part shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person which resides in the same household where the dog or cat is kept.

RUNNING AT LARGE - being unleashed 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 person having custody of said dog or cat. No dog shall be deemed to be at large if it is:

- (1) Accompanied by and under immediate supervision and control of the owner or other responsible person.
- (2) Being used for police work.

(Ord. 995, 12/10/2003)

§2-103. Appointment and Duties of Animal Control Officer.

An Animal Control Officer shall be appointed by Borough Council to serve at its pleasure. Such Animal Control Officer, along with the Borough police officers, shall have concurrent

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responsibility for the enforcement of this Part and of the Dog Law, 3 P.S. §459-101 *et seq.*, as amended; provided, that the Animal Control Officer shall not have the power to make arrests under the Dog Law or an ordinance of the Borough.

(*Ord. 995, 12/10/2003*)

§2-104. Prohibited Activities.

It shall be unlawful for any owner of a dog to permit or to allow such dog in the Borough of Aspinwall to:

- A. Be at large.
- B. Engage in habitual howling, barking, crying or whining or conduct itself in such a manner as to unreasonably and habitually annoy any persons.
- C. Cause damage or destruction to any property or create a nuisance by performing its excretory functions upon the premises of a person other than the owner of the dog.
- D. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase, run aside of or bark at motor vehicles or bicycles.

(*Ord. 995, 12/10/2003*)

§2-105. Unlawful to Allow Dogs to Run at Large.

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

(*Ord. 995, 12/10/2003*)

§2-106. Seizing of Dogs Running at Large.

The Animal Control Officer or any Borough police officer or constable may seize any dog found running at large in the Borough. Such dogs are to be impounded in a licensed kennel.

(*Ord. 995, 12/10/2003*)

§2-107. Licensed Dogs.

1. Any police officer, Animal Control Officer or designated employee of the Borough shall notify the owner or custodian 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 dispensed of by sale or by giving it to a humane society or association for the prevention of cruelty to animals in accordance with the Dog Law, 3 P.S. §459-302, as amended.
2. The owner or claimant of a dog so detained shall pay a penalty of \$15.00 to the Borough for the seizure and detention and all reasonable expenses incurred by reason of its detention by the Borough before the dog is returned.

(Ord. 995, 12/10/2003)

§2-108. Unlicensed Dogs.

Unlicensed dogs that are seized shall be held at a licensed kennel for 48 hours and if not claimed may be humanely killed or given to the humane society or association for the prevention of cruelty to animals in accordance with the Dog Law, 3 P.S. §459-302, as amended.

(Ord. 995, 12/10/2003)

§2-109. Dangerous Dogs.

1. A dog determined to be dangerous under §502-A of the Dog Law, 3 P.S. §459-502-A, shall be retrained or otherwise kept in accordance with Article V-A of the Dog Law, 3 P.S. §459-502-A *et seq.*, as amended.
2. Dogs may be killed only in accordance with the requirements of §501 of the Dog Law, 3 P.S. §459-501, as amended, 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. 995, 12/10/2003)

§2-110. Issuance of a Ticket.

Any Animal Control Officer or Borough police officer observing a violation of this Part in his presence shall issue and serve a non-traffic citation for any such violation.

(Ord. 995, 12/10/2003)

§2-111. Penalties.

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1. Unless otherwise provided in this Part, any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
3. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
4. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 2

DOG NUISANCE CONTROL

§2-201. Owner's Responsibility.

1. The owner of a dog shall not permit such dog, whether leashed or not, to deposit waste or commit a nuisance on the private property of a person or party other than that of the owner of the dog. It shall be the duty of the owner of a dog, to promptly remove the dog's excrement from any property beyond the premises of the owner and to clean such affected area immediately. For the enforcement of the provisions of this Part, an owner accompanying a dog under proper restraints as required under the provisions of this Part shall carry on his person, materials necessary to comply with the provisions of this Part. Any owner of a dog who fails to so remove or clean the dog's excrement or to have available materials for this purpose shall be deemed in violation of this Part.
2. No dog, whether under restraint or otherwise, is permitted in the playgrounds, park areas, or other public grounds or building of the Borough of Aspinwall.
3. All dogs, shall be kept under restraint either by a leash held by the owner or a responsible person, or by being kept within the exclusive premises of the owner.

(Ord. 995, 12/10/2003)

§2-202. Noise Disturbance.

It shall be illegal within the Borough for any person to own, possess or control any dog which barks, yelps, howls or makes similar offensive noise continuously or repeatedly for a period of at least 15 minutes regardless of whether a dog is physically situated in or upon private property. Such noise shall be considered a nuisance and shall be illegal provided that the exception set forth in §2-203 does not apply.

(Ord. 995, 12/10/2003)

§2-203. Exception.

Barking or other noises made by a dog in response to a person who is trespassing upon private property in or upon which the dog is lawfully situated.

(Ord. 995, 12/10/2003)

§2-204. Enforcement.

The duty of administrating and enforcing the provisions of this Part is hereby conferred upon the Borough Police Department, Animal Control Officer, or upon such other person

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as may be designated by the Borough Manager, and enforcement actions shall be initiated by the issuance of a non-traffic citation for any violation of this Part.

(Ord. 995, 12/10/2003)

§2-205. Complaints.

Any person who observes a dog depositing waste or committing a nuisance upon the premises of a person other than its owner may file with the district magistrate a signed complaint, under oath, specifying the objectionable conduct of the dog, the date thereof, the description of the dog, and the name and residence of the owner or other person harboring said dog.

(Ord. 995, 12/10/2003)

§2-206. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 3
CAT REGULATIONS

§2-301. [Reserved].

(*Ord. 995*, 12/10/2003; as amended by *Ord. 1014*, 11/8/2006, §1)

§2-302. Vaccination.

All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the recommendations for immunization published by the National Association of State Public Health Veterinarians; provided, that a cat may be exempted from this requirement upon presentation of a veterinarian's certificate stating that because of infirmity or other physical condition, the inoculation of such cat is not medically appropriate.

(*Ord. 995*, 12/10/2003)

§2-303. Owner's Responsibility.

1. No person shall keep, harbor, or maintain a cat that roams freely. The owner must

[Text continued on following page.]

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- identify the cat or cats by adorning each cat with an identification collar or tag that clearly and legibly states the cat owner's name, address and telephone number.
2. The owner of a cat must provide proof of a cat's current rabies vaccination upon request of the Borough.
 3. No person or resident shall own, harbor or maintain a non-domestic feline or hybrid within the Borough limits.
 - A. This Section shall not affect any person owning such animal and living within the Borough limits prior to the effective date of this Part.
 - B. This Part shall not apply to any educational, institutional or zoological institution or circus.

(Ord. 995, 12/10/2003)

§2-304. Prohibited Activities.

It shall be unlawful for any owner of a cat to permit or to allow such cat in the Borough of Aspinwall to become a public nuisance. Acts of nuisance shall include, but are not limited to, the following:

- A. Running at large.
- B. Noise disturbance.
- C. Digging into flower beds, lawns, sand boxes, gardens or damaging of shrubbery, trees, lawns, personal property not belonging to the owner of the cat.
- D. Depositing of feces or other related excrement.
- E. Not having current rabies vaccinations and current Borough registration.

(Ord. 995, 12/10/2003)

§2-305. Seizing Cats Running at Large.

The Animal Control Officer or any Borough Police Officer or constable may seize any stray cat, abandoned cat, or cat running at large within the limits of the Borough of Aspinwall to the annoyance or inconvenience of the residents or pedestrians or operators of motor vehicles. Such cats are to be taken and impounded in a place provided for that purpose. If the owner be known or can be ascertained from a registration, the Borough shall notify that owner to reclaim said cat within a period of 48 hours after receiving notice to do so. If the owner is not known or cannot be ascertained or if the cat is not claimed within said 48-hour period, said cat shall be dispensed of by sale, or by giving it to a humane society

or association for the prevention of cruelty to animals or be disposed of in a humane manner. The owner of the cat so detained shall pay a penalty of \$40.00 to the Borough for the seizure and detention and all of the costs or expenses incurred by reason of its detention by the Borough before the cat is returned.

(Ord. 995, 12/10/2003)

§2-306. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

