

Chapter 2

Animals

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Part 1**Dogs****§2-101. 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. 976, 1/16/2008)

§2-102. 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 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. 976, 1/16/2008)

§2-103. Prohibited Activities.

It shall be unlawful for any owner of a dog to permit or to allow such dog in the Forest Hills Borough 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. 976, 1/16/2008)

§2-104. 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 Forest Hills Borough.

(Ord. 976, 1/16/2008)

§2-105. 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. 976, 1/16/2008)

§2-106. 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 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. 976, 1/16/2008)

§2-107. 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. 976, 1/16/2008)

§2-108. 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. 976, 1/16/2008)

§2-109. 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 nontraffic citation for any such violation.

(Ord. 976, 1/16/2008)

§2-110. 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 court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with this Chapter 1 of this Code.

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. 976, 1/16/2008)

Part 2**Cats****§2-201. 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. 976, 1/16/2008)

§2-202. Owner's Responsibility.

1. No person shall keep, harbor, or maintain a cat that roams freely. The owner must 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 nondomestic 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. 976, 1/16/2008)

§2-203. Prohibited Activities.

It shall be unlawful for any owner of a cat to permit or to allow such cat in the Forest Hills Borough 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. 976, 1/16/2008)

§2-204. 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 Forest Hills Borough 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 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. 976, 1/16/2008)

§2-205. 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 court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with this Chapter 1 of this Code.

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. 976, 1/16/2008)

Part 3**Regulating the Kinds and Numbers of Pets and Detailing Certain Responsibilities of Pet and Animal Owners****§2-301. Keeping of Animals.**

All kinds of animals may be maintained within the Borough of Forest Hills for non-commercial purposes provided such maintenance is not in violation of any Federal, State and/or County law, rule and/or regulation except equine animals, bovine animals, sheep, goats, porcine (pigs) and poultry may not be maintained within the Borough of Forest Hills.

(*Ord. 868, 6/19/1996, §1*)

§2-302. Keeping of Wild Animals.

Animals *ferae naturae* (wild animals) may be maintained only indoors and only if at all times contained in secure cages under conditions which are generally recognized by wildlife authorities as humane. Before such animals are brought into the Borough, a permit must be secured from Chief of Police certifying that the proposed cage is adequate to properly contain the wild animal desired and that the conditions under which it is to be maintained are humane under the aforesaid standard. The Chief shall report the planned maintenance of such animal to the Pennsylvania Game Commission. A fee in an amount as established from time to time by resolution of Borough Council shall be paid to the Borough before such permit will be issued.

(*Ord. 868, 6/19/1996, §2; as amended by Ord. 976, 1/16/2008*)

§2-303. Animal Drawn Conveyances Prohibited.

No person shall ride or drive any animal or operate any animal drawn conveyance on any street or sidewalk within the Borough except in a parade or other special event and pursuant to a permit issued by the Chief of Police.

(*Ord. 868, 6/19/1996, §3*)

§2-304. Animal Noise Regulations.

It shall be unlawful to own, possess, harbor, control or keep any animal or bird which makes such noise continuously and/or repeatedly for a period of at least 15 minutes 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, said noise being 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. 868, 6/19/1996, §4; as amended by Ord. 976, 1/16/2008*)

§2-305. Animal Defecation.

The owner or person having custody or possession of any pet or any other animal shall not permit that pet or animal to defecate on any property not owned or leased by

the owner or person having custody or possession of such pet or animal, unless such defecation is removed immediately and subsequently disposed of in a toilet or in a non-leaking container for deposit in a trash or litter receptacle.

(*Ord. 868, 6/19/1996, §5*)

§2-306. Animal Numbers Limited.

No residence shall contain at any one time more than two dogs, two cats or any combination thereof; or two of any other caged or uncaged animals. This limit shall not include litters of young which have not yet been weaned or which have been weaned for fewer than 6 weeks. There shall be no limit on the number of fish which any residence may maintain.

(*Ord. 868, 6/19/1996, §6*)

§2-307. Special Permit to Exceed Number of Animals Permitted.

Any person lawfully owning more than the number of animals specified in §2-206 at the time of the effective date of this Part may retain the animals provided he/she obtains a special permit from the Chief of Police within 60 days from the effective date of this Part. A fee in an amount as established from time to time by resolution of Borough Council per household shall be paid to the Borough before such permit will be issued. If for any reason any animal covered by the permit is lost, sold, given away or dies no replacement of that animal shall be allowed if such a replacement would be in violation of the limitations specified in §2-206. The special permit shall be issued only after an inspection determines that: [*Ord. 976*]

- A. The animals in the owner's possession are not creating a nuisance.
- B. There is adequate waste disposal.
- C. There is no hazard to public safety, health and welfare.

(*Ord. 868, 6/19/1996, §7; as amended by Ord. 976, 1/16/2008*)

§2-308. Animal Litter and Droppings.

Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least once a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

(*Ord. 868, 6/19/1996, §8*)

§2-309. Rabies Vaccinations.

All animals which are capable of contracting rabies shall be vaccinated against rabies by licensed veterinarian in accordance with the recommendations for immunization published by the National Association of Public Health veterinarians which are incorporated herein by this reference thereto. Any animal may be exempted from the vaccination requirement for a specified period upon possession of the owner of a veterinarian's certificate stating that because of an infirmity or other physical condition, the inoculation is not medically appropriate.

(*Ord. 868, 6/19/1996, §9*)

§2-310. Bees.

It shall be unlawful to keep any bees in the Borough.
(*Ord. 868, 6/19/1996, §10*)

§2-311. Parent or Guardian Responsible for Minor.

The parent or guardian of any minor claiming ownership of any animal shall be deemed the owner of such animal and shall be liable for any penalties under this Part and shall be liable to third parties, as allowed by law, for any acts of such animal.
(*Ord. 868, 6/19/1996, §11*)

§2-312. 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 as may be designated by the Borough Manager, and enforcement actions shall be initiated by the issuance of a nontraffic citation for any violation of this Part.
(*Ord. 868, 6/19/1996; as added by Ord. 976, 1/16/2008*)

§2-313. Complaints.

Any person who observes a pet depositing waste or committing a nuisance upon the premises of a person other than its owner may file with the magisterial district judge a signed complaint, under oath, specifying the objectionable conduct of the pet, the date thereof, the description of the pet, and the name and residence of the owner or other person harboring said pet.
(*Ord. 868, 6/19/1996; as added by Ord. 976, 1/16/2008*)

§2-314. 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 court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with this Chapter 1 of this Code.

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. 868, 6/19/1996, §12; as amended by Ord. 976, 1/16/2008*)

