

## **Chapter 2**

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**Part 1****Unlawful to Keep or Ride Certain Animals****§2-101. Definitions.**

The following words, terms, and phrases shall be construed in this Part to have the indicated meanings, except where the context clearly indicates otherwise:

*Cattle* - any domesticated bovine animal including cows, bulls, steer or oxen.

*Fowl* - any bird, chicken, goose, duck, etc., except pigeons.

*Horse* - any animal of the family of *equidae*, including asses, zebras, etc.

*Livestock* - any domestic animal kept for use on a farm or raised for sale or profit.

*Other animals* - all those not specifically mentioned in this Section, but excluding dogs and cats.

(*Ord. 413, 2/8/1972, §1*)

**§2-102. Unlawful to Keep or Maintain Certain Animals.**

It shall be unlawful for any person to keep, maintain, shelter or raise any horses, cattle, fowl and/or livestock within the boundaries of the Borough.

(*Ord. 413, 2/8/1972, §2*)

**§2-103. Riding Animals on Streets, Etc., Prohibited.**

It shall be unlawful for any person to ride or be conveyed in any manner on or by a horse or any other animal on any path, road, street, and/or thoroughfare, either public or private, in the Borough.

(*Ord. 413, 2/8/1972, §3*)



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**Part 2****Animals at Large****A. Livestock at Large****§2-201. Livestock Prohibited at Large; Impoundment; Sale.**

1. It shall be unlawful for any cattle, horse, sheep, mule, hog or other such animal to run at large in the Borough.

2. Any such animal found running at large in the Borough shall be impounded by any officer thereof, who shall, if the owner can be found, give such owner personal written notice of the impounding of such animal; if the owner cannot be found, such notice shall be given by posting not less than five written or printed handbills in the most conspicuous places in the Borough. Such notice, whether personal or by posting, shall inform the owner that unless the owner appears before the Mayor within 5 days and pays all costs connected with the impounding and keeping of such animal, together with such fine and costs as may be imposed under this Code of Ordinances, such animal will be sold by the Borough, for the benefit of the Borough.

3. On the failure of the owner of such animal to redeem the same as provided in subsection .2, the Chief of Police shall, after 3 days advertisement by not less than five written or printed handbills, sell such animal at public sale, paying the proceeds of such sale to the Borough.

*(Ord. 172, 2/9/1920, §§I - III)*



**B. Dogs at Large.****§2-211. 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. 623, 2/14/2006)

**§2-212. Appointment and Duties of Dog Warden.**

A dog warden shall be appointed by Borough Council to serve during its pleasure. Such dog warden along with the police officer shall have concurrent responsibility for the enforcement of this Part 2B 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.

(Ord. 623, 2/14/2006)

**§2-213. 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.

(Ord. 623, 2/14/2006)

**§2-214. Seizing of Dogs.**

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

(Ord. 623, 2/14/2006)

**§2-215. Licensed Dogs.**

The dog warden or police officer 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. 623, 2/14/2006)

**§2-216. 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. 623, 2/14/2006)

**§2-217. Dangerous Dogs.**

1. A dog determined to be dangerous under §502-A of the Dog Law, 3 P.S. §459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. §459-501A *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. 623, 2/14/2006)

**§2-218. 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 2B 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. 623, 2/14/2006)

**Part 3****Dangerous Dogs****§2-301. Definitions.**

*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. [Ord. 623]

*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.

*Police officer* - any person employed or elected by the Borough of West Homestead, the Commonwealth, or by any municipality thereof, whether a full time employee and/or an authorized agent acting pursuant to oral or written agreement whose duty it is to preserve peace and/or make arrests or to enforce the law. This term shall specifically include state constabulary, dog, game, fish and forest wardens.

(Ord. 566, 8/12/1997, §1; as amended by Ord. 623, 2/14/2006)

**§2-302. Prohibited Activity.**

1. The running at large of "dangerous dogs" with the Borough of West Homestead 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 the Borough of West Homestead shall be subject to restraint and confinement by any police officer or other authorized persons acting on behalf of the Borough. It shall be the duty of any police officer or other authorized personnel acting on behalf of the Borough to take whatever action is necessary and proper pursuant to 3 P.S. §459-505-A(6) and (c) under the circumstances to properly secure and restrain any loose dangerous dog.

(Ord. 566, 8/12/1997, §2)

**§2-303. 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 the Borough of West Homestead 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 Borough without first obtaining a license from the Borough of West Homestead.

3. Applications for a license shall be filed with the Borough Secretary and shall provide the following information:

A. Name of applicant.

B. Name of owner of the dangerous dog if different from applicant.

C. Address where the dangerous dog will be kept.

D. 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.

H. Any other information requested by the Borough.

4. All applications shall be accompanied in an amount as established from time to time by resolution of Borough Council, application fee which fee is nonrefundable. The fee includes the cost of processing the application and any inspection prior to licensing. [Ord. 623]

5. *Revocation of License.* If the applicant, owner or other person responsible for any dangerous dog kept within the Borough violate any provision of this Part or any other applicable code, statute or regulation, then any license issued hereunder shall be automatically revoked. Borough Council 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.

6. *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 .3, the licensee must immediately notify the Borough Secretary of these changes. Failure to notify the Borough Secretary of any such change will cause the automatic revocation of the dangerous dog license referred to above.

(Ord. 566, 8/12/1997, §3; as amended by Ord. 623, 2/14/2006)

#### **§2-304. 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 2 feet into the ground.

2. Dangerous dogs may not be kept, housed or harbored in an exterior yard without first obtaining approval from the Zoning Hearing Board of the Borough of West Homestead. 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 Zoning Enforcement Officer of the Borough or his/or authorized agent. Said fence must be at least 6 feet high if not constructed with a roof and shall also require approval by the Zoning Hearing Board of the Borough of West Homestead.

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 Zoning Enforcement Officer.

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

(*Ord. 566, 8/12/1997, §4*)

### **§2-305. 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.

(*Ord. 566, 8/12/1997, §5*)

### **§2-306. Penalties.**

1. Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, shall be sentenced to pay 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 shall constitute a separate offense. [*Ord. 623*]

2. In addition, any person violating the provisions of this Part shall be subject to immediate seizure of the dangerous dog. Any dangerous dog having been seized shall be thereafter transferred to the appropriate animal protection agency to be held in custody in accordance with 3 P.S. §459-501-A *et seq.*

3. In addition, any person violating any provision of this Part shall be subject to the following:

A. Revocation of the Borough of West Homestead dog license and retention

of the license by the Borough.

B. Prohibition from obtaining another dangerous dog license for up to 5 years.  
(*Ord. 566*, 8/12/1997, §6; as amended by *Ord. 623*, 2/14/2006)

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**Part 4****Prohibiting the Outdoor Spreading of Animal Food****§2-401. Indiscriminate Outdoor Spreading of Animal Food.**

The indiscriminate outdoor spreading of bird seed, animal feed or bread crumbs upon any street, public property, private driveway, sidewalk, or private property within the Borough of West Homestead is hereby prohibited. When the spreading of such feed, food and other debris in the areas indicated or anywhere within the community attracts vermin, rodents, pigeons, fowl from the air and other animals, it will be considered prima facie evidence of indiscriminate feeding, creating a nuisance and hazard to the community.

(*Ord. 532, 2/11/1992, §1*)

**§2-402. Permitted Feeding Devices.**

The feeding of birds and animals shall only be permitted in feeders not more than 1 square foot in area, which shall be constructed in such a way as to limit the number of birds or animals which can be fed at one time and also will prevent seed or food from falling to the ground.

(*Ord. 532, 2/11/1992, §2*)

**§2-403. Inspections; Notices to Abate.**

The Zoning Officer/Building Inspector and/or any police officer is hereby authorized to inspect any and all bird feeders, animal feeders or stations or installations for feeding, and shall issue to any property owner or any tenant upon whose property feed or other materials upon which animals or birds would feed is indiscriminately spread, notice to discontinue and abate the practice within 5 days. Upon failure to do so, the Zoning Officer/Building Inspector and/or any police officer is hereby authorized to file a citation against said owner or tenant and proceed under the provisions of this Part for violation.

(*Ord. 532, 2/11/1992, §3*)

**§2-404. Violations and Penalties.**

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, shall be sentenced to pay 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 shall constitute a separate offense.

(*Ord. 532, 2/11/1992, §4; as amended by Ord. 623, 2/14/2006*)

**§2-405. Additional Remedies.**

The Borough of West Homestead is hereby authorized, by appropriate proceedings in equity, to take any additional steps necessary to abate the indiscriminate outdoor spreading of animal food upon any, street, public property, private doorway, sidewalk,

or any private property within the Borough of West Homestead.  
(*Ord. 532, 2/11/1992, §5*)