

ORDINANCE NO. _____ - 2017

**AMENDING CHAPTER 53 OF THE SOUTH GREENSBURG CODE TO REGULATE
THE KEEPING OF ANIMALS**

WHEREAS, Borough of South Greensburg Code Chapter 53 regulates the keeping of and conduct relating to animals; and

WHEREAS, the Borough desires to amend Chapter 53 to further enhance the public health and safety.

NOW, THEREFORE, be it enacted and ordained by Counsel of the Borough of South Greensburg in a regular meeting assembled and by authority of the same:

SECTION 1. The Borough of South Greensburg Code is amended by striking the entirety of Chapter 57, and replacing the same as follows:

§ 53-1. Definitions.

Owner – Any person, group of persons, firms, corporations owning, keeping, feeding, harboring or providing medical care or services to a dog, cat or other animals.

Enclosure – A pen, paddock, stall, stable, pasture with a properly hung and marked fence.

Harboring of an Animal – An animal shall be deemed to be harbored if it is fed, provided medical care services, or sheltered for a total of two days or more.

§ 53-2. Animal Defecation or Urination on Public and Private Property Restricted.

No person having possession, custody or control of any animal shall knowingly or negligently permit any dog, cat or other animal to commit any nuisance, which is defined as the defecation or urination, upon: (1) any street, driveway, alley, curb or sidewalk in the Borough of South Greensburg; (2) the floors or stairways of any building or place frequented by public or used in common by tenants, invitees or visitors; (3) the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting a public street or park; (4) the grounds of any public park or public area; or (5) any private property other than the property of the owner of such animal, without explicit consent of the private property owner.

§ 53-3. Disposal of Animal Feces.

Any person having possession, custody or control of any dog, cat or other animal, which animal commits a nuisance as identified in §53-2, shall be required to immediately to remove any feces from such surface and either carry the same away for disposal in a toilet or place the same in a

nonleaking container for deposit in an appropriate trash or litter receptacle. Such removal shall be considered abatement of the nuisance.

§ 53-4. Livestock Prohibition.

It shall be unlawful for any resident of the Borough of South Greenburg to harbor any animals which are common to farms, including but not limited to chickens, fowl, goats, cows, ducks, geese, sheep, pigs, horses, and similar animals, within the limits of the Borough of South Greensburg. This prohibition does not include or apply to domestic dogs, cats or birds.

§ 53-5. Handling of Stray and Wild Animals/Breeding of Chickens or Fowls.

A. It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the Borough Animal Control Official within seventy-two (72) hours to arrange for impoundment or provide notification of the stray animal's description and location. It shall be unlawful for any person, other than the owner or keeper of an animal, to remove the collar, license tag or rabies tag from around the neck of the animal.

B. It shall be unlawful for any person to lure, provide medical care or services or attract with food or other means or device any wild animals within the Borough of South Greensburg, including, but not limited to pigeons, birds deer, raccoons, skunks, and squirrels.

C. No Person, firm or corporation shall keep or breed any chickens or other fowls within the Borough of South Greensburg.

§ 53-6. Exemptions.

The provisions of Sections 53-2 and 53-3 herein shall not apply to a guide dog accompanying any blind person or to any other animal duly certified to assist any other disabled person.

§ 53-7. Animals at Large.

It shall be unlawful for the owner of any dog, cat or other animal to allow such animal to be at large, meaning to be off the premises or property of the owner, unless under restraint, such as a leash or similar device, or safely and humanely maintained within a vehicle. All such animals are to be maintained under restraint by the owner outside the property or premises of the owner. Owners are to maintain a controlled environment for all animals inside and outside the limits of the owner's property. This section shall apply with equal force to any person other than the animal owner having temporary possession, custody or control of any such animal.

§ 53-8. Noise.

The Borough of South Greensburg, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being, thereby constituting, a public health, safety, and welfare hazard, hereby declares it to necessary to provide for the greater control and more effective regulation of excessive animal created sound within the Borough. Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, disturbs or endangers the quiet, solitude, comfort, repose or health of any person or persons, is hereby declared to be committing a nuisance. "Frequent and habitual" shall be defined herein as any noise made continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half ($\frac{1}{2}$) hour or more to the disturbance of any person any time of the day or night; provided that, at the time such noise is made, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated nor is there any other legitimate cause which justifiably provoked the animal. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

§ 53-9. Offensive Conditions.

No person shall keep or harbor any dog, cat or other animal so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

§ 53-10. Seizure of At Large Animal.

The Borough of South Greensburg, including any designee thereof, may seize any dog, cat or other animal found at large within the Borough.

§ 53-11. Licensing and Vaccinations.

It shall be unlawful for the owner of any dog, cat or other animal to fail to comply with any and all laws, regulations and/or ordinances of the Commonwealth of Pennsylvania or the County of Westmoreland relating to licensing and rabies vaccinations.

§ 53-12. Cat Identification.

Cats permitted by their owner to be outside must wear an ID collar containing the owner's name, address and phone number. Nothing herein, however, shall relieve said owner of the obligations set forth in any other provision of this Chapter.

§ 53-13. Female Cats in Heat.

Any female cat "in heat" (defined as the times during the year when the female is able to breed and have a litter) must be kept inside.

§ 53-14. Public Threat Abatement.

Any dog, cat or other animal that, in the opinion of the Police or any other authorized agent of South Greensburg Borough, constitutes a threat to public health, safety and welfare, may be killed by the Police.

§ 53-15. Compliance.

It shall be hereafter unlawful for any person, firm, corporation or any other entity to act or fail to act in violation of any provision of this Chapter.

§ 53-16. Enforcement and Penalties.

Any person, firm, corporation or other entity who violates any term or provision of this Chapter shall be guilty of a summary offense, and, upon conviction thereof before a Court of competent jurisdiction, be subject to a fine of not more than One Thousand Dollars (\$1,000.00), plus all costs and reasonable attorneys' fees, and, upon default in the payment of same, be subject to the maximum period of incarceration permitted for summary offenses.

§ 53-16. Costs of Seizure.

If any dog, cat or other animal is seized as provided above, the owner of such animal shall pay the actual, reasonable cost of seizure and detainment prior to the time the animal is released to the owner. Said cost shall include the reasonable hourly compensation of any Borough representative involved in the seizure and detainment.

SECTION 2. The within Ordinance is effective immediately.

SECTION 3. All other Ordinances inconsistent herewith are repealed.

ORDAINED AND ENACTED into an Ordinance of the Borough of South Greensburg this _____ day of _____, 2017, by the Council for the Borough of South Greensburg.

ATTEST:

BOROUGH OF SOUTH GREENSBURG

By: _____
Secretary

By: _____
Clentin C. Martin, President of Council

Examined and approved this _____ day of _____, 2017

By: _____
Betty Dobies, Mayor