

BOROUGH OF JEFFERSON HILLS
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 906

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 826 OF 2012 OF THE BOROUGH OF JEFFERSON HILLS ESTABLISHING RULES AND REGULATIONS RELATED TO ANIMALS

WHEREAS, the Council of the Borough of Jefferson Hills adopted Ordinance No. 826 on August 12, 2013 to establish rules and regulations related to dogs or cats running at large; prohibition of keeping animals making disturbing noises and animal defecation;

WHEREAS, the Borough Council believes that the procedure related to stray animals should be updated to become more functional;

WHEREAS, the Council of the Borough of Jefferson Hills deems it is in the best interests of the residents to protect the health, safety and welfare of the Borough to replace the current rules and regulations related to animals with updated and more functional rules and regulations; and

WHEREAS, the Borough Council desires to repeal Ordinance No. 826 and replace it as set forth below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Jefferson Hills as follows:

SECTION 1. Definitions.

- A. CAT** – A felis libyca domestica, kept as a pet and/or for rodent control.
- B. CAT OWNER** – Any person owning, keeping, feeding, harboring, or having custody of a cat, or any person who allows a cat to reside or remain on or around his or her property.
- C. FERAL CAT** – An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.
- D. STRAY CAT** – Any cat whose owner or keeper from time to time allows the cat to run at large off of the property of the owner or keeper.
- E. DANGEROUS DOGS** – Requirement that dangerous dog determination under dog law be made upon evidence of dog’s “history or propensity to attack without provocation based upon an incident” in which dog inflicted severe injury or attacked without provocation; does not refer to an isolated incident but rather to continued pattern of behavior, as chronological record of significant events, “history” implies successive occurrences, as does “propensity,” defined in dictionary as “an often intense natural inclination or preference,” with “often” implying more than one event, and, thus, “an incident” cannot alone establish dog’s history or propensity to attack but refers merely to an event which gives rise to a complaint.
- F. KEEPER** – Any person who shall possess, maintain, house or harbor any cat, dog, or other animal or otherwise have custody of a cat, dog or other animal, whether or not the owner of such dog, cat or animal, whether for compensation or otherwise.
- G. OWNER** – When applied to the proprietorship of any animal, includes every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied by him.
- H. PERSON** – Person shall include individuals, corporations, partnerships, or any other entity.

- I. POLICE OFFICER** – Any person employed or elected by this Commonwealth or by the Municipality whose duty is to preserve peace or to make arrests and/or to enforce the law. This term includes dog, game, fish and forest wardens.
- J. 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, cat or other animal.
- K. TIPPED** – The removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8 inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervisor of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.
- L. NUISANCE** – An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

SECTION 2. Running At Large.

- A.** No person shall permit any animal owned by him or under his supervision or control, to run at large at any time upon the public streets, alleys, highways, or public grounds of the Borough, any Borough park athletic field, or upon the private property of any other person or upon any property other than property belonging to the owner of such animal or to a person under whose supervision or control of such animal is being kept. An animal must be firmly secured by means of a collar and chain or other device so that it cannot stray or must be accompanied by or under the reasonable control of some person.
- B.** Any police officer or law enforcement officer is hereby authorized and empowered to seize and detain any animal which is found running at large in the Borough, or upon any property other than the property of the owner of such animal, and unaccompanied by the owner when such police officer or law enforcement office is in immediate pursuit of such animal.
- C.** The provisions of this section shall apply to all animals found running at large in violation of this section, irrespective of payment for or issuance of any license in respect to the animal involved.
- D.** The Borough Council is hereby empowered and authorized to engage the services of a qualified and suitable person to enforce the provisions of this section.

SECTION 3. Impounding.

Any police officer or law enforcement officer of the Borough is hereby authorized to seize and detain any animal running at large in violation of Section 2 above or any animal concerning which information has been received that such animal has been running at large. In the alternative, the Borough can engage the services of a qualified and suitable person/company/organization to seize and detain any animal running at large. Any animal so seized shall be held by the Borough or its authorized designee for 48 hours. Immediate notice of such seizure, either personally or by certified mail or email, with return receipt requested, shall be given to the person in whose name the license, if any, was issued, or his agent, to claim such animal within 48 hours after receipt hereof. In the event that the animal does not bear a proper license tag, immediate notice, either personally or by certified mail or email, return receipt requested, shall be given to the person, or his agent, known to be the owner of such animal. The owner or claimant of an animal so detained shall pay a penalty of \$50 to the Borough, together with a charge as set forth from time to time by resolution of the Borough Council per day for room and board or daily charge of the shelter where the animal is kept, whichever amount is greater. No animal shall be returned to the owner or claimant until said penalty and expense or charges shall be paid.

SECTION 4. Disposition of Any Unclaimed Animal.

If after 48 hours of such notice as set forth in Section 3, such animal has not been claimed, the police officer or authorized designee shall convey the animal to a shelter, animal rescue, or foster care. No licensed animal shall be adopted, sold or otherwise disposed of unless such licensed animal remains unclaimed five (5) days after notification, evidenced by obtaining a return receipt if notified by certified mail or email. Where the owner or agent of an unlicensed animal is not known, the police officer or authorized designee shall convey such animal to a shelter, animal rescue, or foster care. No animal shall be sold for the purpose of vivisection or research or be conveyed in any manner for such purposes.

SECTION 5. Transportation of Animals.

No person other than a person actually working a dog or other animal for agricultural purposes shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or animal from falling from, being thrown from or out of jumping from said motor vehicle.

SECTION 6. Unattended Animals.

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject dog or other animal to extreme temperature which adversely affect the health or safety of the dog or animal.

SECTION 7. Responsibilities of Cat Owners Regarding Stray Cats.

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- A. Neutered or spayed to prevent procreating;
- B. Immunized against rabies in compliance with Pennsylvania law;
- C. Appropriately "tipped" on the left ear to signify that it has been neutered/spayed and immunized.

SECTION 8. Feeding of Stray or Feral Cats.

It shall be unlawful for any person to continue to feed stray or feral cats, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety, and welfare of the community, unless such person participates in a trap, neuter and return program managed by the Borough or sponsor of the Borough.

SECTION 9. Disturbing or Loud Noise; Exemptions.

- A. It shall be illegal within the Borough for any person or persons to own, possess, harbor or control any animal or bird which makes any noise continuously and/or incessantly for a period of 15 minutes or makes such noise intermittently for 1/2 hour or more 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.

- B. This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by the Act of June 10, 1982, P.L. 454, No. 133, 3 P.S. § 951 et seq.

SECTION 10. Unsanitary Nuisance; Exemptions.

- A. No person, having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.
- B. Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation, in any area other than the private property of the owner of such dog or other animal, as prohibited by this Ordinance, shall be required to immediately remove any feces from such surface and either:
 - 1. Carry same away for disposal in a toilet.
 - 2. Place same in a nonleaking container for deposit in a trash or litter receptacle.
- C. Any vision- or mobility-impaired person who relies upon a dog specifically trained for such purposes shall be exempt from compliance with this section.

SECTION 11. Violations and Penalties.

- A. Any person who violates any provision of this chapter shall be charged with a summary offense and shall be fined not less than \$100 nor more than \$500 and all costs of prosecution for the first offense, or be imprisoned for not more than 90 days, or both.
- B. For any subsequent offense that occurs within one year of sentencing for the prior violation, a person shall be charged with a misdemeanor of the third degree, and upon conviction, shall be fined not less than \$500 nor more than \$1,000, plus costs of prosecution, or to imprisonment of not more than one year, or both.
- C. Each day there is a violation may count as a separate violation.

SECTION 12. SEVERABILITY CLAUSE.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part, or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Borough Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 13. REPEALER.

Any and all other Ordinances or parts of Ordinance in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 14. EFFECTIVE DATE.

This Ordinance shall become effective upon adoption.

NOW, be it ORDAINED AND ADOPTED, by the Borough Council this 10th day of June, 2024.

ATTEST:

BOROUGH OF JEFFERSON HILLS



Michael Glister

Acting Borough Manager

By:



Melissa Steffey, Borough President

Jefferson Hills Borough Council