

ANIMALS

Chapter 65

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ARTICLE I

Rabies Vaccination of Dogs

- § 65-1. Definitions.**
- § 65-2. Dogs to be vaccinated.**
- § 65-3. Revaccination of dogs.**
- § 65-4. Certification of vaccination.**
- § 65-5. Animal bite reporting.**
- § 65-6. Quarantine of biting animal.**
- § 65-7. Animals exposed to rabies.**
- § 65-8. (Reserved).**

ARTICLE II

Keeping and Possession Regulations

- § 65-9. Purpose.**
- § 65-10. Interpretation; severability.**
- § 65-11. Definitions.**
- § 65-12. Permitted animals.**
- § 65-13. Noise disturbances; nuisances**
- § 65-14. Running at large.**
- § 65-15. Control and keeping of dogs and animals.**
- § 65-16. Enforcement.**
- § 65-17. Conditions for keeping pigeons and rabbits.**

- § 65-18. Prohibited animals.
- § 65-19. Kennels and pig pens.
- § 65-20. Animals permitted with permit.
- § 65-21. Application for permit.
- § 65-22. Considerations for issuance or denial of permit.
- § 65-23. Appeals.
- § 65-24. Fees.
- § 65-25. Violations and penalties.
- § 65-26. Construal of provisions.

[HISTORY: Adopted by the Board of Commissioners of the Township of Wilkins as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning – See Ch. 173.

ARTICLE I
Rabies Vaccination of Dogs
[Adopted 6-11-1973 by Ord. No. 539]

§ 65-1. Definitions.

The following terms whenever used in this article have the meanings indicated in this section, except where the context indicates a different meaning.

APPROVED VACCINE – Any vaccine that has the approval of the Allegheny County Health Department.

DOG – Any member of the canine genus.

KENNEL – Any establishment wherein dogs or other animals are kept or maintained for any commercial purpose and which is so constructed that dogs or other mammals cannot stray therefrom. This definition is to exclude veterinary hospitals, research institutions and nonprofit animal shelters.

OWNER – Any person, group of persons, firms or corporations owning or keeping or harboring a dog or dogs or other animals.

PERSON – Any natural person, corporation, partnership or association.

RESTRAINT – Occurs when a dog or other animal is controlled by a leash or chain not exceeding six feet in length.

VETERINARIAN – A Doctor of Veterinary Medicine who is graduated from an accredited and recognized school of veterinary medicine and possessing a license to practice veterinary medicine as issued by the Pennsylvania State Board of Veterinary Medical Examiners or licensed to practice veterinary medicine in another state where residing.

§ 65-2. Dogs to be vaccinated.

- A. It shall be unlawful for any person to keep, harbor or own any dog over six months of age in the Township of Wilkins unless such dog has been vaccinated against rabies with an approved vaccine by a veterinarian.
- B. Every person keeping, harboring or having any dog over six months of age in the Township of Wilkins shall cause such dog to be vaccinated with an approved rabies vaccine by a veterinarian on or before the latest of the following dates:
 - (1) One year after vaccination with an inactivated vaccine.
 - (2) Three years after vaccination with an approved live-virus vaccine.
 - (3) Thirty days after first acquiring such a dog or the dog coming of age for such vaccination.
 - (4) Thirty days after the effective date of this article.
 - (5) Thirty days after bringing such dog into the Township of Wilkins.

§ 65-3. Revaccination of dogs.

- A. It shall be unlawful for any person keeping, harboring or having a dog in the township of Wilkins which has been vaccinated with an approved modified-live-virus vaccine not to cause such dog to be revaccinated within a period of not more than 36 months after such prior vaccination.
- B. It shall be unlawful for any person keeping, harboring or having a dog in the Township of Wilkins which has been vaccinated with an inactivated vaccine not to cause such dog to be revaccinated within a period of not more than 12 months after such prior vaccination.

§ 65-4. Certification of vaccination.

Any owner who has his dog vaccinated with an approved rabies vaccine shall have the veterinarian who vaccinates the dog in accordance with §§65-2 and 65-3 of this article issue to him an original of a certificate signed by said veterinarian which states:

- A. The name and address of the owner or harborer or keeper of the vaccinated dog.
- B. The kind of vaccine used, the name of the manufacturer and the manufacturer's serial or lot number and the date of vaccination.
- C. The breed, age, color and sex of the vaccinated dog.

§ 65-5. Animal bite reporting.

- A. It shall be unlawful for anyone treating a patient who has received a bite or laceration caused by a mammal not to report such injury to the local Police Department. The report shall give the name, age, sex and address of the patient, the date of occurrence and the name and address of the animal's owner along with a description of the animal owned as to breed, sex, age, color and history of vaccination.
- B. The local Police Department or other authorized local agency is hereby authorized to investigate a reported biting incident and to notify the dog owner, using quarantine notice, that said animal must be quarantined for not less than 10 days following the evening of the day of the bite.
- C. Following the investigation of each biting incident, the local Police Department or other authorized local agency is to send a report to the Allegheny County Health Department on an animal bite reporting form as provided by such Department.

§ 65-6. Quarantine of biting animal.

- A. It shall be unlawful for the owner of any dog, cat or other mammal which bites any person, regardless of the circumstances or whether the animal is vaccinated for rabies protection or not, not to confine said mammal, either within an enclosure at home, a veterinary hospital or restrained by leash composed of a chain or other indestructible material, for a period of not less than 10 days following the evening of the day of the bite.
- B. Test required. It shall be unlawful to destroy any mammal which should, for any reason, die during the ten-day quarantine, be it at home, a pound or a veterinary hospital. Instead, the head shall be removed and submitted, within 12 hours following the animal's death, to any qualified official laboratory for examination. The head, when submitted, shall be accompanied by a full description of the animal's breed, sex, age and vaccination, if any, the owner's name, address and telephone number and the name, address, and telephone number of persons bitten.

§ 65-7. Animals exposed to rabies.

Any dog, cat or mammal which as been exposed to rabies should be destroyed immediately unless herein otherwise provided. If the owner is unwilling to do this, one of the following alternatives must be followed.

- A. Strict isolation in a kennel or animal hospital for six months.

- B. If no previous vaccination has been given with an approved modified-live-virus vaccine or within one year using an inactivated vaccine, there must be administered post-exposure treatment and confinement in a kennel for three months. Post-exposure treatment must be done in accordance with the method prescribed by the Allegheny County Health Department.
- C. If the animal has been vaccinated previously within one year with an inactive vaccine or within three years with an approved modified-live-virus vaccine, the animal must be revaccinated and restrained by a leash or confined at home for 30 days.

§ 65-8. (Reserved).¹

ARTICLE II
Keeping and Possession Regulations
[Adopted 8-9-1999 by Ord. No. 922]

§ 65-9. Purpose.

This article is enacted to prohibit and to regulate the maintenance, keeping and possession of certain animals within the Township of Wilkins in order to promote the health, safety and general welfare of its inhabitants.

§ 65-10. Interpretation; severability. [Amended 9-29-2008 by Ord. No. 990]

The Township of Wilkins hereby recognizes the passage of the Pennsylvania Dog Law, Act of December 7, 1982, P.L. 784, No. 225, Art. I §101 et seq., P.S. §459-101 et seq.,² as amended. Where the provisions of any other ordinance impose greater restrictions than this article, the provisions of such other ordinances shall be supplemental to any laws of the Commonwealth of Pennsylvania hereinbefore or hereinafter adopted covering animals within the Commonwealth of Pennsylvania and specifically in the Township of Wilkins. Should any of the provisions of this article be contrary to the provisions of any act of assembly, it is the intent that the act of assembly shall supersede this article. Should any section or provision of this article be declared by a court of competent jurisdiction to be invalid, such section or provisions shall not affect the validity of this article as a whole or any other part thereof.

§ 65-11. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL – Construed in a broad sense to include not only animals so called but also birds, fish, reptiles, insects, hogs, dogs, cats, pets, livestock and fowl.

¹ Editor's Note: Former § 65-8, Violations and penalties, as amended, was repealed 12-9-2002 by Ord. No. 949. For current violations and penalties provisions, see § 65-25.

² Editor's Note: See 3 P.S. §459-101 et seq.

BOARD – The Board of Commissioners of Wilkins Township.

COMMISSIONERS – The Board of Commissioners of the Township of Wilkins.

HOUSEHOLD PET – Any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner. **[Added 9-29-2008 by Ord. No. 990]**

HUMANE MANNER – Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the animal's size, species and breed. **[Added 9-29-2008 by Ord. No. 990]**

KENNEL – Any lot in which animals are kept, boarded or trained, whether or not in special buildings or runways, including but not limited to dog and cat kennels, or any lot in which more than three animals are kept.

NUISANCE – A dog or cat shall be considered a nuisance if it: damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owners; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking or other noisemaking; chases vehicles; or molests, attacks or interferes with persons or other domestic animals on public property. **[Added 9-29-2008 by Ord. No. 990]**

ORDINANCE ENFORCEMENT OFFICER – Any township police officer and any person(s) employed, appointed or contracted by the Township who is certified to enforce ordinance or animal control.

OWNER – A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person. **[Added 9-29-2008 by Ord. No. 990]**

PERSON – Any individual, partnership, association, corporation, estate or trust, as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural, as the case may require.

PET SHOP – A retail shop primarily in the business of selling animals and maintaining, keeping or possessing any animal for which a permit may be issued by the Board of Commissioners at any time during the calendar year or any part thereof.

TOWNSHIP – The Township of Wilkins.

§ 65-12. Permitted animals. [Amended 9-29-2008 by Ord. No. 990]

- A. Household pets.

- (1) It shall be unlawful to maintain any number of animals within a dwelling unit in such a way that the conditions of the dwelling unit constitute a nuisance or health hazard and threat to the occupants or welfare of the animals maintained.
 - (2) If such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere shall be created.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the keeper of every animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.
- (1) The 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 ratproof and flytight and after every such collection shall cause such container or receptacle to be kept closed.
 - (2) At least once each 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.
- C. All animals shall be kept in a humane manner.
- D. Nothing in this subsection shall be construed to permit any person to maintain any dangerous animal, whether inside or outside a dwelling unit.

§ 65-13. Noise disturbances; nuisances [Amended 9-29-2008 by Ord. No. 990]

- A. Any owner, person, firm association or corporation utilizing the service of an animal or animals for security purposes or possessing an animal as a pet shall be responsible for the quieting of said animal or animals from barking, yelping and/or howling or otherwise disturbing the peace and quiet of the surrounding neighbors in a consistent or persistent manner.
- B. Nuisances. Nuisances include excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and odors caused by failure to clean the animal's resident property.
- (1) Soiling occurs when the animal deposits feces on public property, public and private rights-of-way, and private property; sprays or deposits urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

- (2) Nuisance soiling also included odors caused by failure to properly dispose of feces and clean urine from kennels and yards.

§ 65-14. Running at large.

- A. It shall be unlawful for the owner or person in custody or control of any animal to allow the animal to run at large upon public property or upon the private property of another other than the owner or person in custody or control of said animal. Any animal beyond the boundaries of its owner's property or the property of the person in custody or control of said animal must be under positive control by a leash.
- B. Every police officer and Ordinance Enforcement Officer of the Township of Wilkins may seize and detain any animal which is found running at large, either on the public property of the township or the highways of the commonwealth or upon the property of another than the owner of such animal and unaccompanied by the owner or keeper.
- C. Police officers and Ordinance Enforcement Officers are hereby authorized and empowered to go upon any premises and enter any building to seize and detain animal(s) which have been found running at large, unaccompanied by the owner or keeper, when such police officer or Ordinance Enforcement Officer is in immediate pursuit of any such animal.

§ 65-15. Control and keeping of dogs and animals.

- A. All dogs must be licensed in accordance to the provisions of Pennsylvania Statutes, Title 3, Chapter 8, entitled "Dogs," as hereafter amended or supplemented.
- B. It shall be the duty of every police officer or Ordinance Enforcement Officer to seize and detain any licensed dog or dogs which are found running at large upon the public streets of the township, county or commonwealth or upon the property of other than the owner or keeper of said dog or dogs when unaccompanied by the owner or keeper.
- C. Every police officer or Ordinance Enforcement Officer may seize and detain any dog or dogs which do not bear a proper license.
- D. All dogs seized by officers of the township shall be disposed of in conformance with Pennsylvania Statutes, Title 3, Chapter 8, entitled "Dogs."
- E. Any dog which is within the limits of the township shall be confined or controlled on a leash no longer than eight feet, except when on the owner's or keeper's property or on the private property of another person with the knowledge and consent of such person.
- F. No owner or keeper of any animal, dog or dogs shall permit the premises or enclosures in which the animal or dog is kept to be unsanitary or unclean.
- G. No person shall bring into, keep or permit in any township park or in the Township Municipal Building or its appurtenant property any animal, reptile or bird.

- H. It shall be unlawful for the owner or person in custody or control of any animal to allow such animal to defecate or urinate upon the public property of Wilkins Township, the highways of the county and commonwealth and the private property of another other than the owner or keeper of said animal.
- I. If such animal shall defecate upon the property other than the owner or keeper of the animal, the owner or person in control must immediately clean up the feces and make proper disposition of it so as not to endanger the health and safety of the public.
- J. If an animal shall defecate upon the property of the owner or keeper of such animal, the owner or keeper must clean up the feces and make proper disposition of it in accordance with §65-12B(1) and (2). **[Amended 9-29-2008 by Ord. No. 990]**

§ 65-16. Enforcement.

- A. It shall be lawful for any authorized private entity to perform the duties under the provisions of this article.
- B. It shall be unlawful for any person to interfere with any police officer or Ordinance Officer in the enforcement of this article.
- C. It shall be unlawful for any person to cut the leash or take an animal away from such officer having an animal in his possession when found running at large unaccompanied by the owner or keeper.

§ 65-17. Conditions for keeping pigeons and rabbits.

It shall be lawful for any person to keep pigeons and rabbits anywhere in the township only if the following conditions are strictly adhered to:

- A. There shall be no violation of any provision of the township's Zoning Ordinance(s).³
- B. Such pigeons and rabbits shall at all times be confined to pens which shall be constructed out of doors and shall be at least 30 feet from any street and at least 30 feet from any inhabited dwelling. All such pens shall be constructed so that the floors shall be not less than two feet from the ground. All filth accumulating in, about and under the same shall be removed at least once every 24 hours and more often if so ordered by the Board or Ordinance Enforcement Officer.⁴

§ 65-18. Prohibited animals.

No person is permitted to maintain, keep or possess within the township any of the following animals, which classification shall be broadly construed:

³ Editor's Note: See Ch. 173, Zoning

⁴ Editor's Note: Former Subsection C, regarding the number of rabbits or pigeons permitted to be kept or maintained, which immediately followed, was repealed 9-29-2008 by Ord. No. 990.

- A. All poisonous animals.
- B. Apes: chimpanzees (*pan*), gibbons (*hylobates*), gorillas (*gorilla*), orangutans (*pongo*) and simians (*symphalangus*).
- C. Cows (*bos taurus*), beef and dairy.
- D. Baboons (*papio*, *mandrillus*).
- E. Bears (*ursidae*).
- F. Bison (*bison bison*).
- G. Cheetahs (*acinonyx jubatus*).
- H. Goats (*capra hircus*).
- I. Coyotes (*canis latrans*).
- J. Crocodilians (crocodilian) 30 inches in length or more.
- K. Deer (*cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelopes, moose.
- L. Elephants (*elephas* and *loxodonta*).
- M. Game cocks, i.e., fighting birds.
- N. Hippopotamuses (*hippopotamidae*).
- O. Hogs.
- P. Horses and ponies (*equus caballus*).
- Q. Hyenas (*hyaenidae*).
- R. Jaguars (*panthera onca*).
- S. Leopards (*panthera pardus*).
- T. Lions (*panthera leo*).
- U. Lynxes (*lynx*).
- V. Monkeys, old world (*cercopithecidae*).

- W. Ostriches (*struthio*).
- X. Pigs.
- Y. Piranha fish (*characidae*).
- Z. Poultry (ducks, chickens, swans, geese, turkeys and guinea fowl), except as permitted in § 65-12.
- AA. Pumas (*felis concolor*), also known as “cougars,” “mountain lions,” and “panthers.”
- BB. Rhinoceroses (*rhinocerotidae*).
- CC. Sharks (class *chondrichthyes*).
- DD. Sheep (*ovis aries*).
- EE. Snakes which are poisonous, nonpoisonous or constrictor.
- FF. Snow leopards (*panthera uncia*).
- GG. Swine (*suidae*).
- HH. Tigers (*panthera tigris*).
- II. Wolves (*canis lupus*).

§ 65-19. Kennels and pig pens.

It shall be unlawful for any person(s) to maintain any dog kennel or pig and/or hog pen within the limits of the Township of Wilkins.

§ 65-20. Animals permitted with permit.

- A. No individual other than a registered veterinarian in the course of his professional duties is permitted to maintain, keep or possess within the Township of Wilkins any animal not specifically mentioned in § 65-12 herein, unless application for a permit shall have been issued thereof. Among such animals for which a permit may be issued by the Board are as follows:
 - (1) Coatimundis (*nasua*).
 - (2) Crocodilians (*crocodilian*) under 30 inches in length, including baby alligators and caimans.
 - (3) Eagles (*aquila* and *haliaeetus*), subject to state and federal law.

- (4) Falcon (falconidae), subject to state and federal law.
- (5) Foxes (vulpes and urocyon).
- (6) Iguanas (iguanidae).
- (7) Jugaurandis (herpailurus).
- (8) Kinkajous (potos).
- (9) Margays (feiis paradalis).
- (10) Monkeys; white-throated capuchins and other cebus monkeys; night monkeys or douroucoulis (aotes); marmosets (callimico), callithrix and leontocebus; squirrel monkeys (saimiri) and woolly monkeys (logothrix).
- (11) Ocelots (felis paradalis).
- (12) Otters (lutrinae).
- (13) Raccoons (procyon).
- (14) Skunks (mephitinae).

- B. If all of the standards have not been satisfied, the Board shall reject the application for the permit or revoke the permit, as the case may be, and promptly notify the applicant or permit holder of this decision, in writing. If the application is not approved within 30 days of the date on which it was filed, the application shall be deemed denied.
- C. If all of the standards have been satisfied, the Board shall approve the application for permit, whereupon the permit shall be issued to the individual applicant only for the calendar year or remaining part thereof. Such permit shall not be transferable.

§ 65-21. Application for permit.

Unless waived by the Board of Commissioners, the application for a permit shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- A. The type and number of animals to be covered by the permit.
- B. The purpose of keeping such animals.
- C. The period for which the permit is requested.
- D. A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate.

- E. The circumstances, if any, under which the animals will be removed from their quarters.
- F. Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons handling the animals in question.
- G. Such additional information as the Board may require which is reasonably related to standards set forth in § 65-22.

§ 65-22. Considerations for issuance or denial of permit.

In making the determination as to whether a permit should be issued or revoked, the Board of Commissioners shall consider the following standards:

- A. All animals and animal quarters shall be kept in clean and sanitary conditions. Adequate ventilation shall be maintained.
- B. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- C. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near to each other as to cause the animals fear or to be abused, tormented or annoyed.
- D. The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
- E. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- F. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.

§ 65-23. Appeals.

- A. Any person aggrieved by any decision of the Board of Commissioners may, within 30 days thereafter, file a written notice of appeal with the Board. A person aggrieved by any decision of the board shall include any person who is a property owner in or a resident of the Township who disagrees with such decision. Such appeal shall be heard by the Board in accordance with the provisions of the Local Agency Law (Act of April 28, 1978 P.L. 202, No. 523, as amended 2, Pa. C.S.A. 101 et seq.)

- B. The notice of appeal shall state the name and address of the applicant or the permit holder, as the case may be, the time and date on which the Board made the decision appealed from and a statement of the grounds on which the appellant contends the decision of the Board was erroneous.
- C. Within 45 days of receipt of the notice of appeal, the Board of Commissioners shall fix a time and a place for public hearing thereon and shall, not less than five days before the date of the hearing, cause to be published once in a newspaper having a general circulation in the township notice of the time and place of the hearing; the name and address of the applicant or permit holder, as the case may be; and a brief statement of the issues involved in the appeal.
- D. The Board of Commissioners or Hearing Officer shall not be required to conduct and/or complete such a hearing unless the appellant first pays to the township a sum determined by the Township Solicitor to be sufficient to cover any costs of the preparation of the stenographic record of the hearing which the township shall make part of the original record to be filed with the Court of Common Pleas if an appeal is taken to that court. Otherwise, such stenographic record shall be filed and preserved by the township.
- E. The Board of Commissioners shall review the written findings and conclusions of any hearing officer and render its adjudication within 60 days of its receipt of the stenographic record.

§ 65-24. Fees.

The applicant for any permit hereunder shall, at the time of his application, pay to the Township the following fees:

- A. Pet shop: a fee as set by resolution for each calendar year or part thereof.
- B. All other applicants: a fee as set by resolution.

§ 65-25. Violations and penalties. [Amended 12-9-2002 by Ord. No. 949]

Any person who shall violate a provision of Code Chapter 65, or fail to comply therewith, or with any of the requirements thereof shall pay a fine or penalty of not more than \$600 or less than \$50, which fine or penalty shall be collected by suit brought in the name of the township before any District Magistrate, in like manner as debts of like amount may be sued for by existing laws and to remit such fines or penalties. Each day that a violation continues after due notice has been served shall constitute a separate offense.

§ 65-26. Construal of provisions.

Nothing in this article shall be construed to affect any suit or proceeding now pending in any court or any actions required or liability incurred or any cause or causes of action occurred or existing under any act or ordinance repealed, hereby. No right or remedy of any character shall be lost, impaired or affected by this article.