

Chapter 2

Animals

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Part 1**Keeping of Animals****§2-101. Definitions.**

The following words and terms, as used in this Part, shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

Animal—any domestic animal or fowl, any wild animal or any household pet.

Domestic animal—any animal as hereinafter defined as a household pet, a large animal, or a small animal.

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.

Large animal—any domestic animal of the bovine, equine, or sheep family.

Person—any person, firm, partnership, association, or corporation.

Small animal—any animal, bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not normally or ordinarily kept as a household pet.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 973, 4/14/1981)

§2-102. Wild Animals.

It shall be unlawful for any person to keep any wild animal at any place within the Borough of Carnegie, except where the same shall be permitted under the Zoning Ordinance [Chapter 27], in a park, zoological garden, or similar establishment for exhibit to the public or to any portion thereof.

(Ord. 973, 4/14/1981)

§2-103. Domestic Animals.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this Section:

A. Large animals shall be confined in quarters no part of which shall be closer than 100 feet from the exterior limits of any dwelling or of any property line.

B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or of any property line.

C. The keeper of every such domestic 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 conducive to good sanitation practices and adequate and sanitary drainage facilities shall be provided.

D. Every keeper of a domestic animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such type that, when

closed, it shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice 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.

E. Every keeper of a domestic animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

(*Ord. 973, 4/14/1981*)

§2-104. Household Pets.

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

A. If any 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 than in such dwelling shall be created.

B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-103 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(*Ord. 973, 4/14/1981*)

§2-105. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 973, 4/14/1981; as amended by Ord. 1047, -/-/1988; and by Ord. 2384, 12/10/2012*)

§2-106. Violation of Pennsylvania State Law.

Any violation of this Part that would also violate any Pennsylvania State law shall be prosecuted under that Pennsylvania State law and not under this Part.

(*Ord. 973, 4/14/1981*)

Part 2**Pigs and Hogs****§2-201. Prohibition and Penalty.**

No person, or persons, firm, or corporation shall keep any pig or hog at any place within the Borough of Carnegie, nor shall any person, or persons, firm, or corporation maintain any pig pen or hog pen at any place therein, under penalty, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 737, 12/20/1960; as amended by Ord. 973, 4/14/1981; by Ord. 1047, --/1988; and by Ord. 2384, 12/10/2012*)

Part 3**Dogs in Public Parks****§2-301. Public Nuisance.**

The walking of dogs and the presence of dogs in the parks and parklets of the Borough of Carnegie is hereby deemed a public nuisance and a threat to the health, safety and welfare of the citizenry.

(Ord. 2377, 10/8/2012, §I)

§2-302. Prohibition.

After the date of passage of this Part, except for walkers, owners, and possessors of properly leashed, licensed and vaccinated dogs in Carnegie Park proceeding directly to or from the designated off leash dog walk area of Carnegie Park, the walking of dogs or the presence of dogs in the parks and parklets of the Borough of Carnegie is hereby prohibited, and the walker, owner, and possessor of such dog will be in violation of this Part.

(Ord. 2377, 10/8/2012, §I)

§2-303. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2377, 1/11/2000, §I; as amended by Ord. 2384, 12/10/2012)

Part 4**Animal Nuisances****§2-401. Prohibition.**

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

(*Ord. 943, 12/12/1978, §1*)

§2-402. Animal Noise.

Any dog, cat, or other animal, which by frequent and habitual barking, howling, screeching, yelping, or baying, or in any way or manner injures or disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose, or health of persons, is hereby declared to be committing a nuisance. It shall be unlawful for any owner or person having custody of such animal to harbor or permit it to commit such a nuisance.

(*Ord. 943, 12/12/1978, §2*)

§2-403. Damage or Befouling of Property.

Any dog, cat, or other animal which scratches, digs, or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

(*Ord. 943, 12/12/1978, §3*)

§2-404. Abatement.

No person being the owner or in charge or control of any dog, cat, or other animal shall allow or permit such animal to commit a nuisance on any school grounds, Borough park, East Mall Plaza, West Mall Plaza, or other public property, or upon any private property other than that of the owner or person in charge or control of such dog, cat, or other animal without the permission of the owner of said property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal, and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(*Ord. 943, 12/12/1978, §4*)

§2-405. Guide Dogs.

Persons with impaired eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from the operation of §2-404.

(*Ord. 943, 12/12/1978, §5*)

§2-406. Enforcement.

When a commission of a violation of this Part is observed by a police officer, Animal Relief Officer, and/or Ordinance Officer, he shall issue a citation to such person charging the violation of said summary offense as an alternative to filing a complaint based on the violation of an ordinance.

(Ord. 943, 12/12/1978, §6)

§2-407. Penalty for Violation.

An owner of a dog, cat or other animal violating any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 943, 12/12/1978, §7; as amended by Ord. 973, 4/14/1981; by Ord. 1047, --/1988; and by Ord. 2384, 12/10/2012)

Part 5**Feeding of Wild Animals****§2-501. Definitions.**

Adequate cover—any container with lid or other mechanism that restricts access to contents by wild animals. Adequate cover also includes a house, shed, or other structure secured by a door that precludes free access by wild animals.

Bird feeding apparatus—any container, structure or any other apparatus designed for and used for the purpose of feeding wild birds.

Domestic animal food—any item of sustenance intended for consumption by a dog, cat or other animal that is serving as a pet.

Feed—to intentionally provide items of sustenance for wild animals.

Overnight—period of time from sunset to sunrise.

Unattended—without direct supervision and control by a human being in such a manner that would allow access by wild animals.

Pet—a domestic animal kept for pleasure rather than utility.

Wild animals—all mammals other than domestic animals as defined in 1 Pa.C.S.A §1991, domestic dogs, domestic cats or other animals retained as pets.

Wild birds—all migratory birds as defined in Title 50, CFR, by the United States Fish and Wild Life Service by the Department of Interior, game birds, and any other birds designated by the Pennsylvania Wildlife Commission, including, but not limited to, grouse, partridges, pheasant, quail and wild turkey.

(Ord. 2316, 8/10/2009, §1)

§2-502. Feed Wild Animals.

No person in the Borough shall feed wild animals. This restriction does not apply to the feeding of wild birds by means of a bird feeding apparatus.

A. The owner of the property where feeding occurs will be held responsible under this Section.

B. Violation of this Section is an offense punishable by a fine of not less than \$50 nor more than \$1,000 for the first offense and not less than \$100 nor more than \$1,000 for each subsequent offense occurring within a 12-month period, 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384]

(Ord. 2316, 8/10/2009, §2; as amended by Ord. 2384, 12/10/2012)

§2-503. Unattended Domestic Animal Food.

No person in the Borough of Carnegie shall permit domestic animal food to be left unattended and without adequate cover overnight.

A. The owner where feeding occurs will be held responsible under this

Section.

B. Violation of this Section, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 for the first offense and not less than \$100 nor more than \$1,000 for each subsequent offense occurring within a 12-month period, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2384*]

(*Ord. 2316*, 8/10/2009, §3; as amended by *Ord. 2384*, 12/10/2012)

Part 6**Trapping of Animals****§2-601. Definitions.**

Box trap—a live trap device constructed of wood or metal which has no device to kill, wound, maim, or otherwise inflict pain or injury to a human being or domestic or wild animal.

Trap device—any steel trap, with or without teeth, baited or non-baited, leg hold trap, deadfall, snare, poison, explosive, or chemical device, used for the purpose of trapping or killing a wild animal.

(*Ord. 958, 3/11/1980, §1*)

§2-602. Box Traps.

It shall be unlawful for any person to place, or set, any trapping device, as defined in §2-601, other than a box trap within the Borough of Carnegie and upon its lands or bodies of water, for the purpose of trapping wild animals for sport or profit.

(*Ord. 958, 3/11/1980, §2*)

§2-603. Leghold Steel Traps Restricted.

Use of leghold steel traps, as described in §2-601, in the Borough of Carnegie within 150 yards of any residence or building, is strictly prohibited without advance permission of all safety zone occupants in accordance with §2505 of the Pennsylvania Game Law, 34 Pa.C.S.A. §2505. A permit from the Borough of Carnegie is also required.

(*Ord. 958, 3/11/1980, §3*)

§2-604. Trapping Permit.

In the event of wildlife over-population or disease among resident wildlife, and upon recommendation from the Pennsylvania State Game Commission Officer, certain individuals may be permitted to set traps within Carnegie Borough only after receiving written permission from the Carnegie Borough for the purpose of trapping. It shall be understood that upon obtaining a trapping permit the trapper assumes full responsibility for all property or animal damage. Permits shall be obtained from the Borough Secretary.

(*Ord. 958, 3/11/1980, §4*)

§2-605. Compliance with Pennsylvania State Game Laws.

Nothing in the above Section should be construed to prevent persons from setting and tending live box traps for the purpose of catching raccoons during legal trapping seasons and in compliance with the Pennsylvania State Game Laws.

(*Ord. 958, 3/11/1980, §5*)

§2-606. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon

conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 958*, 3/11/1980, §6; as amended by *Ord. 973*, 4/14/1981; by *Ord. 1047*, --/1988; and by *Ord. 2384*, 12/10/2012)