

CHAPTER 2

ANIMALS

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Part 1

Animals at Large

[3 P.S. §459-301: 53 P.S. §46202(13)]

§101. Animals at Large Prohibited. Be it ordained and enacted by the Mayor and Council of the Borough of Scottsdale, in Council assembled, and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Part 1, it shall be unlawful for animals of any kind and description to be permitted to run at large throughout this Borough. (Ord. 472, 7/13/1964, §1)

§102. Dogs and Cats to be Confined by Owners. Dogs and cats must be confined on the premises of the owner. When allowed out, the same must be under control at all times of the owner thereof. Dogs are permitted on the streets and highways of the Borough when on a leash and in the care of the owner. (Ord. 472, 7/13/1964, §2)

§103. Police to Detain Dogs at Large. It shall be the duty of the police officers of this Borough to seize and detain any dog or dogs which bear a proper license tag and which are found running at large upon the public streets or highways of the Borough, or upon the property of other than the owner of such dog and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises other than property of the owner of the dog, and enter any building to seize and detain any dog or dogs which have been found running at large unaccompanied by the owner or keeper when such police officer is in immediate pursuit of any such dog or dogs. (Ord. 472, 7/13/1964, §3; as amended by Ord. 957, 10/13/1986)

§104. Police Empowered to Kill Dangerous Dogs. If any dog constitutes a threat to public health or welfare, any police officer of this Borough is herewith empowered, authorized and directed to kill, regardless of whether the dog bears a proper license tag. (Ord. 472, 7/18/1964, §4; as amended by Ord. 957, 10/13/1986)

§105. Police to Detain Dogs in Accordance with State Dog Law. The police are empowered to seize and detain all dogs found at large and confine them in accordance with the State Dog Law of 1982.

Owners of licensed dogs are to be notified of the impoundment by certified mail with return receipt. After five (5) days, the dog may be sold or destroyed.

Unlicensed dogs are to be kept for 48 hours in a licensed kennel. If not claimed within 48 hours, such dogs may be euthanized in a humane manner. (Ord. 472, 7/13/1964, §5; as amended by Ord. 957, 10/13/1986)

§106. Council to Designate Boarding Kennel. The Council shall designate the licensed boarding kennel where dogs shall be kept in accordance with State law. (Ord. 472, 7/13/1964, §6; as amended by Ord. 957, 10/13/1986)

§107. Unlawful to Keep Vicious Animals. It shall be unlawful for any person to keep in the Borough, under any circumstances, any vicious animal, or one given to or in the habit of making excessive noise to the disturbance, annoyance or fright of persons in the vicinity of passersby. (Ord. 472, 7/13/1964, §7)

§108. Animal Discharge of Excreta. It is hereby declared to be unlawful for any owner, keeper or walker of any dog or cat to permit his or her dog or cat to discharge such animal's excreta upon any public or private property, other than the property of the owner of any dog or cat, within the Borough, if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property. (Ord. of 12/28/1978, §705.07)

§109. Penalties. Persons who claim detained dogs are to pay a penalty of fifteen dollars (\$15.00) and all reasonable expenses.

Any person, firm or corporation who shall violate other provisions of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

(Ord. 472, 7/18/1964, §8; as amended by Ord. 957, 10/13/1986)

**CHAPTER 2
ANIMALS**

**PART 1
ANIMALS AT LARGE**

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**PART 1
ANIMALS AT LARGE¹**

§ 2-101. Definitions. [Ord. No. 2116, 1/9/2023]

For purposes of this Part, the following terms shall have those meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

BOROUGH — The Borough of Scottdale, Westmoreland County, Pennsylvania.

CAREGIVER — Any person who provides care, including food, water, shelter and, in some cases, medical care to feral cats in accordance with a program approved by the Borough to trap, neuter, vaccinate, ear-tip, and return feral cats to the location at which they are trapped, or removed and relocated to another location outside the Borough.

1. Editor's Note: Former Part 1, Animals At Large, was repealed by Ord. No. 2116. Prior history includes Ord. 472; Ord. of 12/28/1978, § 705.07; Ord. 957.

DOMESTICATED ANIMAL — Any dog, cat, or other domesticated animal customarily owned as a pet and kept inside its owner's home.

FERAL CAT — An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

OWNER — Any person having a right of property in, having custody of or who harbors or permits a dog, cat, domestic animal or any nondomesticated animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

PERSON — A natural person, firm, partnership, association or corporation.

POLICE OFFICER — Any person employed by the Borough whose duty it is to preserve peace or to make arrests or to enforce any law, including auxiliary or part-time policemen.

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 firmly secured by means of a collar and chain or other device so that it cannot stray or not being accompanied by or under the reasonable control of some person.

STRAY CAT — Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

VERMIN — Animals living in the wild which could compete for food with domesticated animals, including, but not limited to, rats, raccoons, skunks and other similar wild animals, or animals which are known to cause a threat to humans or otherwise spread disease or create unhealthy environment for human occupancy.

§ 2-102. Disturbing or Loud Noise. [Ord. No. 2116, 1/9/2023]

No person shall allow any animal confined on that person's premises to howl, bark or make any loud or harsh noise or create a disturbance which interferes with or deprives the peace, quiet, rest or sleep of any person within the Borough.

§ 2-103. Animal Defecation; Exemptions. [Ord. No. 2116, 1/9/2023]

1. No person shall allow any domesticated animal owned by them or under their control to defecate on any sidewalk, walkway, public property or the property of another without immediately cleaning it up. The failure to perform such immediate cleanup shall be a violation of this Part.
2. Any vision- or mobility-impaired person who relies upon a dog specifically trained for such purposes shall be exempt from compliance with this section.

§ 2-104. Animals Running at Large. [Ord. No. 2116, 1/9/2023]

1. No person shall permit any animal owned by them or under their supervision or control, regardless of whether such animal is domesticated or not, to run at large at any time upon the public streets, alleys, highways, or public grounds of the Borough, or upon the private property of any other person, or upon any property other than property belonging to the owner of such animal or the owner of property who is supervising or providing temporary control over such animal. 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 and under the reasonable control of some person.
2. 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.
3. The provisions of this section shall apply to all animals found running at large contrary to the terms of this section, regardless of payment for or issuance of any license, or the presence of a collar and/or other form of identification for the animal involved.

§ 2-105. Impounding. [Ord. No. 2116, 1/9/2023]

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 § 2-104, or any animal for which information has been received that such animal has been running at large. Any police officer is hereby authorized and empowered to enter upon any premises other than property of the owner of the dog, and enter any building to seize and detain any dog or dogs which have been found running at large, when such police officer is in immediate pursuit of any such dog or dogs. Immediate notice of such seizure shall be given to the person in whose name the license for such animal, if any, was issued, or their agent, to claim such animal immediately. In the event that the animal does not bear a proper license or other identification tag, immediate notice that such animal has been picked up and detained shall be given to the person, or their agent, who may be known or reported to be the owner of such animal. Such notice may be given either personally, by phone, email, or other available means. Any police officer who detains an animal without proper license or other identification, shall contact the Borough's Animal Control Officer, or such other facility under agreement with the Borough, to house the unidentified animal for at least 48 hours. 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.

§ 2-106. Disposition of Any Unclaimed Animal. [Ord. No. 2116, 1/9/2023]

If after 48 hours of such notice as set forth in § 2-105, such animal has not been claimed, the police officer or law enforcement officer 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 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 law enforcement officer 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.

§ 2-107. Dangerous Dogs. [Ord. No. 2116, 1/9/2023]

It shall be unlawful for any person to keep any vicious animal in the Borough. In the event a dog is determined to be vicious, the Borough may pursue appropriate legal action under the Pennsylvania Dog Law² to have such dog removed from its owner and/or euthanized. If any dog running at large constitutes a threat to public health or welfare, any police officer of the Borough is herewith empowered and authorized to kill the dog, regardless of whether the dog bears a proper license tag.

§ 2-108. Transportation of Animals. [Ord. No. 2116, 1/9/2023]

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, being thrown or jumping from said motor vehicle.

§ 2-109. Unattended Animals. [Ord. No. 2116, 1/9/2023]

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 the dog or other animal to extreme temperature which adversely affects the health or safety of the dog or animal.

§ 2-110. Responsibilities of Cat Owners. [Ord. No. 2116, 1/9/2023]

It shall be unlawful and a violation of this Part for the owner of any female cat in heat (the times during the year when the female is able to breed and have a litter) to permit such cat to be outside. It shall be unlawful for any owner of any cat to permit any cat to run free outside the residence of its owner or keeper, at any time, without an identification collar or tag that contains the name, current address and current phone number of the owner of the cat. Any cat that is permitted to be outside without an identification collar or tag that contains the name, current address and current phone number of the owner of the cat shall be treated as a feral cat and an animal running at large. Any cat owner who permits their cat to run free outside the residence of its owner or keeper without an identification collar or tag that contains the name, current address and current phone number of the owner of

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

the cat shall also be in violation of this Part and be subject to the penalty provisions set forth hereafter. The owner of any cat shall be required to show proof of current rabies vaccines for any cat in excess of three months of age upon the return of any cat to its owner pursuant to the terms of this Part.

§ 2-111. Feeding of Animals Outside. [Ord. No. 2116, 1/9/2023]

It shall be unlawful for any person to feed any domesticated pet, or any stray or feral cat, in an area on the outside of their residence unless such person is doing so as part of a trap, neuter and return program registered with the Borough or sponsored by the Borough.

§ 2-112. Violations and Penalties. [Ord. No. 2116, 1/9/2023]

1. Any person who violates any term or provision of this Part shall be charged with a summary offense and, for the first offense, upon conviction before a judicial tribunal having jurisdiction over same, shall be fined not less than \$100 nor more than \$500 and all costs of prosecution, upon failure to pay any such fine, the offender shall be subject to imprisonment for not more than 30 days.
2. 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, and be subject to imprisonment of not more than one year.
3. Each day there is a violation may count as a separate violation.

§ 2-113. Severability. [Ord. No. 2116, 1/9/2023]

The provisions of this Part are severable. If any of its provisions shall be determined to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Part. It is hereby declared as a legislative intent that this Part would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

