

**ORDINANCE NO. \_\_\_\_\_**  
**BOROUGH OF MCKEES ROCKS**

An Ordinance of the Borough of McKees Rocks, Allegheny County, Pennsylvania, regulating the care and control of dogs, cats, domestic and wild animals, and providing penalties for violation and amending ordinance 1738 and repealing all inconsistent ordinances.

It is hereby enacted and ordained by the Borough Council of McKees Rocks as follows:

**SECTION 1: DEFINITIONS**

**Abandoned Animal:** A domestic animal which is found to be left unattended, unclaimed, unlicensed and/or running at large.

**Animal Control Officer:** A person authorized by the Borough of McKees Rocks, to enforce the provisions of this ordinance.

**Animal Shelter:**

A facility designated or recognized by the Borough for the purpose of impounding and/or caring for animals.

**Borough:** The Borough of McKees Rocks, Allegheny County, Pennsylvania, with administrative offices located at 340 Bell Avenue, McKees Rocks, PA 15136.

**Community Cat:** A community cat is an outside cat, which does not belong to anyone in particular but which has been spayed or neutered, vaccinated and is cared for by one or more Caretakers in the community.

**Caretaker:** A Caretaker is someone who provides food, shelter and care to community cats and is associated with a Rescue or TNR Organization.

**Domestic Animal:** Any dog, cat, or other animal normally and ordinarily kept in the dwelling of its owner. Feral cats and Community cats are not the same as domestic animals and are not to be treated as such for purposes of this ordinance.

**Ear Tipped or Ear Tipping:** When a feral cat is trapped, neutered and vaccinated, the veterinarian cuts off the very tip of the cat's left ear so that it is straight across rather than pointed. This is used to identify the cat as a community cat from that point forward.

**Feed or Feeding:** The act of furnishing, exposing, placing, depositing, distributing or scattering any food or substance of any kind which is likely to attract, lure or entice wild, stray or abandoned animals

**Feral Cat:** A feral cat is a wild domestic cat. It has either never had a home with humans or was abandoned so long ago as to no longer be tame. Feral cats are not adoptable. A feral cat is neither a stray domestic nor a wild animal.

**Harbor:** To provide food and shelter for any animal on a temporary or periodic basis

**Humane Manner:** Care of an animal is to include, but not be limited to, adequate heat, ventilation, and sanitary shelter, wholesome food and clean water consistent with the normal requirements for an animal of the same species and size and at a minimum shall comply with all state and federal humane laws.

**Inclement Weather:** Temperatures below 32 or above 90, severe storms of any sort including, but not limited to snow, sleet, hail, rain and wind.

**Owner or Guardian:** A person having property or custody right of any animal in his or her custody. Wild animals are not considered to be in anyone's custody.

**Person:** any individual, partnership, corporation, organization or institution commonly recognized by law as a "person."

**Puppy Mill:** A facility which owns and breeds multiple individual dogs for the purpose of selling the puppies for profit.

**Rescue Organization:** A non-profit organization concerned for the welfare of animals that provides assistance with trapping or neutering and vaccinations for feral cats as one of their services.

**Stray Animal:** A domestic animal, that is not feral, and which has no known owner or guardian.

**TNR:** Trap, Neuter and Release

**TNVR:** Trap, Neuter, Vaccinate and Release.

**TNR/TNVR Organization:** A non-profit organization that provides education and assistance with trapping, neutering and vaccinations for feral cats as their primary service.

**Wild Animal:** Any species of animal wild by nature, as distinguished from common domestic animals. A wild animal is one that can survive in its natural environment without the help or assistance of humans.

## **SECTION 2 FERAL AND COMMUNITY CATS**

It is the goal of the Borough to bring the community cat population under control through the process of Trap, Neuter, Vaccinate and Release known commonly as "TNVR" or "TNR". Cats

which have been TNVR can be identified by their left ear having been “tipped”. These cats are vaccinated against Rabies at a minimum and sometimes against other feline diseases such as Feline Leukemia.

TNVR has been found to be the only effective means of controlling feral cat populations. Simply killing the cats is not effective as the ecosystem will support a certain level of cats naturally and other cats will move in to fill the void. Additionally, a certain number of cats are beneficial in an urban area as they help to control rodent populations without the use of dangerous poisons.

- A.** A Caretaker must be associated with a Rescue Organization or TVNR organization who they can go to for assistance in TNVR.
- B.** A Caretaker is required to have all cats in his or her care, spayed or neutered and vaccinated at the earliest opportunity after the cat comes into their care.
- C.** A Caretaker shall make reasonable, good-faith efforts to provide needed veterinary care to any feral cat in its care that is visibly ill or injured.

### **SECTION 3 VACCINATIONS AND LICENSES**

- A.** All dogs and domestic cats owned or kept within this Borough shall be vaccinated against Rabies in accordance with the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P.S. §445.1 et seq.).
- B.** Every dog within the Borough must have a current dog license issued by the County of Allegheny.

### **SECTION 4 OWNER/GUARDIAN RESPONSIBILITIES**

- A.** Every dog within this Borough must wear a collar with an identification tag and the County of Allegheny dog license attached. The identification tag shall clearly and legibly display the name, address and phone number if the owner or guardian.
- B.** All domestic animals shall be kept and cared for in a humane manner at all times. Domestic animals shall be provided constant access to shelter which protects them from inclement weather by keeping them dry and keeping their body temperature in a normal range, at all times. Domestic animals shall be provided constant access to water, which shall be changed no less often than daily.

- C. The abandonment of any domestic dog or cat is prohibited and subject to fines and penalties provided herein in addition to such fines and penalties as may be imposed under county, state or federal laws.
- D. No owner or guardian of a domestic animal shall permit the animal to run at large beyond the boundaries of any private property where the animal has a right to be.
- E. Any dog on public streets or property shall be restrained by a leash not longer than 6 feet in length and accompanied by an adult or minor capable of controlling the dog.

#### **SECTION 5 SEIZURE OF DOGS RUNNING AT LARGE**

- A. Any police or Animal Control Officer is hereby authorized and empowered to seize and detain any dog which is found running at large either upon public property or private property of someone other than its Owner or Guardian and unaccompanied by a responsible adult or minor able to control it
- B. Any police officer or animal control officer is hereby authorized and empowered to enter upon any property to seize and detain any dog which has been running at large without its owner provided such officer or animal control officer has been and is in immediate pursuit of such dog.
- C. Any animal seized and detained under this ordinance may be transported and impounded in any animal shelter that can properly care for the animal.

#### **SECTION 6. ANIMAL NUISANCES**

- A. No person shall own, harbor or keep in custody any dog or other animal which disturbs the peace and quiet of any person(s) within the Borough by howling, barking or making other loud noises continuously and repeatedly for a period of at least fifteen(15) minutes, regardless of whether the animal is physically situated upon private property. A Police or Animal Control Officer may request that the owner or guardian of the animal in question immediately quiet the animal or move it indoors.
  - A.1 EXCEPTION** Barking or other noises made by a dog in response to a person who is trespassing upon private property on which the dog is lawfully situated.
- B. No domestic animal shall be permitted to damage, deface or destroy any property or item not belonging to its owner or guardian. Any injuries, expenses or damages caused by the animal which are not due to the contributory negligence of another person shall be the sole responsibility of the animal's owner or guardian.

- C. No domestic animal shall be permitted to urinate or defecate on public or private property other than that of its owner or guardian. If a domestic animal does defecate on public property or the property of another, the owner or guardian shall be responsible for the immediate removal and proper disposal of the feces.
- D. The owner or guardian of a domestic animal is required with forty-eight (48) hours to remove all feces deposited by the animal on the owner or guardian's property and to dispose of them in a lawful and sanitary manner.
- E. No dog shall be permitted to enter any public park except a designated dog park. This shall not apply to a Guide Dog for the Blind or other recognized "service animal".
- F. No domestic animal shall be tied near a building or other public facility which would intimidate people from approaching or passing such areas.
- G. No domestic animal shall be permitted to bite, chase, leap or jump upon or otherwise harass a pedestrian, bicyclist, or motor vehicle on a public right-of-way.

## **SECTION 7. HARBORING ANIMALS**

- A. No person shall house, possess or board more animals than can reasonably and safely be accommodated on the property. No person shall house, board or possess a combined total of more than four (4) domestic animals on their property within the Borough. The borough shall have the right to determine whether the health and safety of the animals' and/or the community is being compromised by the number of animals on the property. The Borough has the power to order the removal of such animals to remove and impound the animals if necessary for their own health and safety or for the public safety.
  - A.1. **Exception:** This limit shall not apply to any litter of animals that has not yet reached adoptable age or which are currently available for adoption. Nothing in this exception is intended to allow "puppy Mills" or other breeding businesses without a business license issued by the Borough.
- B. No person shall feed any stray or abandoned dog or cat on public or private property within the Borough unless they clean up the area and do not leave food out for nuisance animals such as rodents and racoons.

## **SECTION 8: WILD ANIMALS**

- A. The feeding of wild animals except small birds is strictly forbidden. The feeding of birds shall be done in a manner which does not create a nuisance or attract other wild animals. Bird feeders should be located at least five (5) feet off the ground.

- B. No person shall own, harbor or maintain a wolf or coyote, or wolf or coyote hybrid or any other non-domestic canine or hybrid, nor a non-domestic feline or feline hybrid on private or public property within the Borough, except in accordance with Pennsylvania law. Any animal found in violation of Section 8.B. shall be impounded.
- C. Any person found to be in violation of Section 8A of this ordinance shall be ordered to immediately cease the feeding of any wild animals and remove any and all food, substances and feeding devices on the property for said purpose.

#### **SECTION 9: LIVESTOCK**

It shall be unlawful for any person to own, keep or maintain upon any property within the Borough any livestock such as horses, mules, cattle, sheep, pigs, goats, chickens or other barnyard fowl, pigeons or doves of any kind,

#### **SECTION 10: GENERAL PROVISIONS**

- A. Except in cases of self-defense, the harming or killing of any animal, wild or domestic is prohibited and is subject to fines and penalties provided herein in addition to such fines and penalties as may be imposed under county, state or federal laws.
- B. The firing or discharge of any firearm or deadly weapon within the Borough for the purpose or with the intention of killing or harming any wild animal, whether running or in a trap is strictly prohibited.
- C. Section 10A and 10B shall not apply to conduct under the jurisdiction and control of the Commonwealth of Pennsylvania or the United States of America.

#### **SECTION 11: PENALTIES**

- A. Any Police or Animal Control Officer observing a violation of this ordinance within his or her presence may issue a citation for such violation.
- B. Any person who Violates or permits a violation if this Ordinance is guilty of a Summary Offense and upon conviction shall be sentenced to pay a fine of ne less than one hundred dollars (\$100.00) and. No more than one thousand dollars (\$1,000.00) plus costs or be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a person is in violation of this Ordinance shall constitute a separate offense.

#### **SECTION 12: SEVERABILITY**

The provisions of this ordinance shall be construed to be severable. If any sentence, clause or section of the Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining

provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

**SECTION 13: REPLEAER**

Ordinance No.1738 and any other ordinance conflicting with this ordinance is hereby repealed and replaced by this Ordinance.

**ORDAINED AND ENACTED INTO LAW THIS \_\_\_\_\_ DAY OF AUGUST, 2020**

**ATTEST:**

**BOROUGH OF MCKEES ROCKS**

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**Ruth Pompey, Borough Manager**

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**Paul Krisby, Council President**

**EXAMINED AND APPROVED BY ME THIS \_\_\_\_\_ DAY OF AUGUST, 2020**

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**John R. Muhr, Mayor**