



Legislation Details (With Text)

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On agenda:	3/24/2021	Final action:	3/23/2021
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Effective date:	3/26/2021		
Title:	Ordinance amending Ordinance No. 36 of 2019, amending and supplementing the Pittsburgh Code, Title 6: Conduct, Article III: Dogs, cats and other animals, by repealing Chapter 639: Crocodilians and Venomous Snakes in its entirety and adding a new Chapter 639: Crocodilian Species and Red-Eared Sliders, prohibiting the keeping, sale, exchange, adoption, exchange or transfer of such animals in the city of Pittsburgh.		
Sponsors:	Bruce A. Kraus		
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Attachments:			

Date	Ver.	Action By	Action	Result
3/26/2021	1	Mayor	Signed by the Mayor	
3/23/2021	1	City Council	Passed Finally	Pass
3/17/2021	1	Standing Committee	Affirmatively Recommended	Pass
3/17/2021	1	Standing Committee	Waived under the Rules of Council	Pass
2/24/2021	1	Standing Committee	Held in Committee	Pass
2/10/2021	1	Standing Committee	Held in Committee	Pass
1/13/2021	1	Standing Committee	Held in Committee	Pass
11/18/2020	1	Standing Committee	Held in Committee	Pass
8/26/2020	1	Standing Committee	Held in Committee	Pass
7/8/2020	1	Standing Committee	Held in Committee	Pass
6/10/2020	1	Standing Committee	Held in Committee	Pass
5/13/2020	1	Standing Committee	Held in Committee	Pass
4/15/2020	1	Standing Committee	Held in Committee	Pass
3/18/2020	1	Standing Committee	Held in Committee	Pass
3/11/2020	1	Standing Committee	Held in Committee	Pass
3/4/2020	1	Standing Committee	Held in Committee	Pass
2/25/2020	1	City Council	Read and referred	

Ordinance amending Ordinance No. 36 of 2019, amending and supplementing the Pittsburgh Code, Title 6: Conduct, Article III: Dogs, cats and other animals, by repealing Chapter 639: Crocodilians and Venomous Snakes in its entirety and adding a new Chapter 639: Crocodilian Species and Red-Eared Sliders, prohibiting

the keeping, sale, exchange, adoption, exchange or transfer of such animals in the city of Pittsburgh.

Whereas, the proliferation of red eared slider turtles and crocodilian species, including alligators, crocodiles, caimans and gharials in the City of Pittsburgh constitutes a safety risk to the public and these animals should not be kept outside their natural environment.

Whereas, the Council of the City of Pittsburgh finds that to protect the health, safety and welfare of the people of Pittsburgh, and to protect animals that are not in their natural environment, it is in the interest of the City to prohibit the keeping of red-eared sliders and crocodilian species, including alligators, crocodiles, caimans and gharials in the City of Pittsburgh.

Whereas, the Council of the City of Pittsburgh also finds that to protect the health, safety and welfare of the people of the City of Pittsburgh and to protect animals that are not in their natural environment it is in the interest of the City to prohibit members of the public from coming into direct contact of red-eared sliders and crocodilian species, including alligators, crocodiles, caimans and gharials in the City of Pittsburgh.

Now, Therefore, the Council of the City of Pittsburgh enacts as follows:

Section 1: Chapter 639 of the Code of Ordinances of the City of Pittsburgh is enacted and shall provide as follows:

CHAPTER 639 - CROCODILIAN SPECIES AND RED-EARED SLIDERS

§ 639.01 DEFINITIONS:

- a. "Crocodilian species" means any member of the families Alligatoridae, Crocodylidae, or Gavialidae, including but not limited to alligators, crocodiles, caimans and gharials;
- b. "Red-eared slider" means the species of semi-aquatic turtle known as Trachemys Scripta Elegans, belonging to the family Emydidae;
- c. "Direct Contact" means physical contact or proximity where physical contact between the public (excluding a trained full-time employee or the owner or facility, or a licensed veterinarian) and an exotic animal is possible, including, but not limited to, allowing a photograph to be taken without a permanent physical barrier designed to prevent physical contact between the public and an exotic animal.
- d. "Keep" means to possess or have physical custody or otherwise to exercise dominion and control.
- e. "Educational Institution" means a Pennsylvania community college or an accredited university or college that confers bachelors, masters or doctorate degrees in Pennsylvania.
- f. "Medical Institution" means a hospital authorized to conduct business in Pennsylvania by the

Commonwealth of Pennsylvania.

- g. "Temporary" means no longer than a total of 10 continuous days and no more than once a year in all of the City of Pittsburgh.
- h. "Owner" means possessor.

§ 639.02 KEEPING OF CROCODILIAN SPECIES AND RED-EARED SLIDERS

Except as otherwise provided in Sections 639.03 and 639.04, no person or entity shall keep any Crocodilian species or any Red-eared slider, or allow a member of the public to come into Direct Contact with a Crocodilian species or Red-eared slider, regardless of the age of the animal.

§ 639.03 EXCEPTIONS

Section 639.02 shall not apply to the keeping of a Crocodilian species or Red-eared slider by the following institutions, businesses, or individuals, or to any person transporting such an animal directly to any of the following institutions, businesses or individuals:

- a. An Educational Institution or Medical Institution, if the Crocodilian species or Red-eared slider is kept for the primary purpose of instruction, study or research;
- b. A veterinarian employed by the federal government or currently licensed by the Pennsylvania State Board of Veterinary Medicine, if the Exotic Animal is kept for the primary purpose of diagnosis or treatment;
- c. A properly maintained zoological park or facility currently accredited or certified by the Association of Zoos and Aquariums (AZA) or which has submitted an application for accreditation or certification from the AZA and the AZA has not made a decision on accreditation or certification. If an application has been submitted but not yet acted upon by the AZA, this exception is only valid for one year from the date the application is submitted. If accreditation or certification is denied or removed by the AZA at any time, this exception shall not apply.
- d. A 501(c)(3) nonprofit reptile rescue or sanctuary.

§ 639.04 PREVIOUSLY OWNED ANIMALS

Section 639.02 shall not apply to any person or entity who has continuously owned a Crocodilian species or Red-eared slider for a period of six months prior to the effective date of this Ordinance, provided the person or entity can meet the following requirements to the satisfaction of the City of Pittsburgh Bureau of Animal Care & Control:

- a. The person or entity must provide adequate proof of continuous ownership for at least six months prior to the effective date of this Ordinance; and
- b. The person or entity must register the animal and pay an annual registration fee in an amount to be determined by the City of Pittsburgh. The minimum registration fee shall be in an amount sufficient to provide for payment of all administrative expenses required in enforcing and administering the provisions of this Ordinance. Nothing shall restrict the City of Pittsburgh from setting a fee in a greater amount; and
- c. In the event the animal escapes from captivity the person or entity must notify the City of Pittsburgh Bureau of Animal Care & Control within 24 hours of the escape; and
- d. The person or entity must have at least six months of experience caring for the species.
- e. If the person or entity owns a Crocodilian species, the person or entity must carry liability insurance coverage in the minimum amount of \$1 million, for any property damage or personal injury caused by the animal; and
- f. Any person owning a Crocodilian species or Red-eared slider must be at least 21 years of age, or under the direct supervision of a person of at least 21 years of age.

Subsequent to the satisfaction of the conditions within this subsection, if any person or entity fails to maintain compliance with these conditions, that person or entity's right to own a crocodilian species or Red-

eared slider shall be immediately revoked and that person or entity shall be permanently ineligible to own any crocodilian species or Red-eared slider at any point in the future.

§ 639.05 ENFORCEMENT AND PENALTIES

Designated agents of the City of Pittsburgh Bureau of Animal Care & Control, , Pittsburgh Police officers, Humane Society agent(s), or any officer, employee, or agent designated of the City are are authorized and have jurisdiction to enforce this Chapter. The City expressly reserves the right to appoint by resolution any additional agents of the City to enforce the provisions of this Section. Nothing herein shall limit all available enforcement methods or charges pursuant to applicable state law and local anti-cruelty provisions.

Any person who violates the provisions of this Chapter shall be subject to an enforcement action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The City of Pittsburgh may assume charges of the prosecution without the consent of the District Attorney. Any person convicted of violating this Ordinance shall be subject to the maximum penalties allowable by law, including, without limitation, penalties prescribed under the State Costs of Care of Seized Animals Act and/or criminal fines not to exceed \$1,000 per violation and/or imprisonment for a term allowed by law for the punishment of summary offenses and/or forfeiture of said animals. In addition, the City of Pittsburgh may enforce this Chapter through an action in equity brought in the Court of Common Pleas of Allegheny County and said court may order the forfeiture of said animals. A separate offense shall arise for each day or portion of a day in which a violation is found to exist and for each section of the Chapter which is found to have been violated. Any person found guilty of violating this Chapter shall be assessed court costs and reasonable attorney fees incurred by the City in the enforcement proceedings, including fees paid to the City's solicitor.

§ 639.06 SEVERABILITY

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Chapter which can be given effect without the invalid provision or application, and for this purpose the provisions of this Chapter are declared severable.

SECTION 2:

All ordinances and code sections and parts of ordinances and code sections in conflict herewith are repealed to the extent of any such conflict.

SECTION 3:

This Ordinance shall be effective upon the Mayor's signature or, if the Mayor does not sign the Ordinance, it shall be effective eleven (11) days after its enactment by Council.

~~CHAPTER 639: CROCODILIANS AND VENOMOUS SNAKES~~

~~§ 639.01 – DEFINITIONS.~~

As used in this Chapter, crocodilian ~~or venomous snake~~ means any of following reptiles, including their taxonomic species, subspecies, or hybrids thereof, whether or not the animal was bred or reared in captivity:

- (a) ~~_____~~ All species of crocodilians:
 - (1) ~~_____~~ All members of the scientific Order *Crocodylia*. (alligators, crocodiles, caiman, etc.).
- (b) ~~_____~~ All venomous snakes in the following scientific groups:
 - (1) ~~_____~~ Family *Atractaspididae* (Burrowing asps, mole vipers, stiletto snake, etc.).
 - (2) ~~_____~~ Family *Elapidae* (Sea snakes, taipans, coral snakes, mambas, cobras, etc.).
 - (3) ~~_____~~ Family *Viperidae* (vipers, puff adders, rattlesnakes, lanceheads, copperheads, etc.).
 - (4) ~~_____~~ Boomslangs (Genus *Disopholidus*).
 - (5) ~~_____~~ Twig snakes (Genus *Thelotornis*).

~~§ 639.02 – POSSESSION OF CROCODILIANS AND VENOMOUS SNAKES.~~

No person under eighteen years of age may own or possess any crocodilian or venomous snake. No person shall possess any crocodilian or venomous snake in the City of Pittsburgh unless the following safety precautions are met:

- (a) ~~_____~~ Any crocodilian or venomous snake must be housed in a sturdy and secure enclosure.
- (b) ~~_____~~ Enclosures shall be designed to be escape proof, bite proof, and have an operable lock or secure latch.
- (c) ~~_____~~ Each enclosure shall be clearly and visibly labeled appropriately with either “Venomous Snake” or “Live Crocodilian” with the scientific name, common name, and number of specimens posted on the enclosure.
- (d) ~~_____~~ Any room or building housing crocodilians or venomous snakes must be escape-proof as to provide sufficient secondary containment. Escape-proof means all potential escape routes, to include but not limited to doors, windows, vents, gaps, and cracks, are secured in a manner to prevent escapes.
- (e) ~~_____~~ Enclosures shall allow for unrestricted movement of any animals contained within.
- (f) ~~_____~~ Enclosures and environment must allow for the general well-being and welfare of the reptiles.
- (g) ~~_____~~ The main entry into any building housing crocodilians or venomous snakes must be clearly posted with “Caution – Regulated Reptiles.”
- (h) ~~_____~~ Any room housing crocodilians or venomous snakes must be clearly posted with “Live Crocodilians Inside” or “Venomous Snakes Inside.”

- (i) A written bite protocol as well as an escape recovery plan must be within sight of permanent housing.

§ 639.03 - NOTIFICATION REQUIRED FOR POSSESSION OF CROCODILIANS AND VENOMOUS SNAKES.

Any person possessing crocodilians or venomous snakes must notify the City of Pittsburgh Bureau of Animal Care and Control with the following information:

- (a) Address of the facility at which the reptiles shall be maintained and location at said address where the reptiles are housed.
- (b) List of species including both scientific and common names.
- (c) Number of each species held at the location.
- (d) Updates within one week (7 days) of any changes to the number of crocodilians or venomous snakes housed at said facility.
- (e) Updates within one week (7 days) of any facility or reptile relocations.

§ 639.04 - TRANSPORTATION OF CROCODILIANS AND VENOMOUS SNAKES.

No person shall transport any crocodilian or venomous snake in the City unless the following safety precautions are met:

- (a) Transport containers shall be designed to be escape proof, bite proof, and shall be clearly and visibly labeled "Venomous Snake" or "Live crocodilian" with scientific name and common name noted on the container.
- (b) A written bite protocol as well as an escape recovery plan must accompany the transport of any crocodilian or venomous snake.

In the event of an escape of a crocodilian or venomous snake, any possessor or owner must immediately initiate his/her best effort to collect any escaped reptile. Additionally, the owner or possessor of the escaped reptile must immediately notify 911 and the City of Pittsburgh Bureau of Animal Care and Control. At the discretion of the City of Pittsburgh Bureau of Animal Care and Control, an escape may warrant a facility inspection.

§ 636.05 - EXHIBITION OF CROCODILIANS AND VENOMOUS SNAKES.

No person, firm, association or corporation, or agent thereof, can exhibit a crocodilian or venomous snake before the public in a public setting unless the following safety precautions are met:

- (a) The animal is transported in accordance with this Chapter.
- (b) A qualified trainer is present at all times.
- (c) Venomous snakes must remain in escape proof and bite proof locked enclosures unless a suitable and secure barrier is erected between the animal being exhibited by a qualified handler and the public.
- (d) The City of Pittsburgh Bureau of Animal Care and Control must be notified of any exhibition of venomous snakes at least forty-eight (48) hours in advance of the event.

~~§ 639.06 – PROHIBITED HANDLING OF CROCODILIANS AND VENOMOUS SNAKES.~~

It shall be unlawful for any person to intentionally mishandle any reptile of a species named in this ordinance in a way or manner that intentionally or negligently exposes another individual to unsafe contact with such reptile. It shall also be unlawful for any person to intentionally suggest, challenge, or otherwise induce or aid any person to handle or expose himself to any reptile of a species named in this ordinance in a way or manner that intentionally or negligently exposes another individual to unsafe contact with such reptile. Safe and responsible handling of regulated reptiles for purposes of animal husbandry, training, transport, exhibition, and education is permitted.

~~§ 639.07 – INVESTGATION OF SUSPECTED VIOLATIONS.~~

In any case in which any law enforcement officer or City of Pittsburgh Bureau of Animal Care and Control officer has probable cause under the law to believe that any of the provisions of this ordinance have been violated, it shall be the duty of such officer and he is hereby authorized, empowered, and directed to immediately investigate such violation or impending violation. The investigating officer has authority to order the immediate remediation of any violations or to seize the reptile or reptiles involved if deemed necessary.

In the event that the reptiles covered under this Chapter are not properly housed, personnel shall report the situation to the person possessing such reptiles. Failure of the possessor to correct the situation within twenty-one (21) days after such notice shall be grounds for temporary or permanent prohibition from possessing the reptiles. If extreme human or animal welfare conditions are found, immediate seizure of all animals may occur.

~~§ 639.08 – VIOLATION AND PENALTY.~~

Any person violating any provision of this Chapter may be fined three hundred dollars (\$300.00) for each reptile plus costs if it is the first offense. Persons violating any provision of this Chapter may be fined one thousand dollars (\$1,000.00) plus costs for each reptile for subsequent offenses.

The provision of this ordinance do not apply to the following:

1. **An institution or facility which is accredited by the Association of Zoos & Aquariums or the Zoological Association of America.**
2. **A Class “C” licensee, as defined in 9 C.F.R. § 1.1, including, without limitation, a circus or zoological park.**