



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed Finally

**File created:** 2/21/2020      **In control:** Committee on Public Safety Services

**On agenda:** 2/25/2020      **Final action:** 3/10/2020

**Enactment date:** 3/10/2020      **Enactment #:** 8

**Effective date:** 3/13/2020

**Title:** Ordinance supplementing Ordinance No. 36 of 2015 relative to the Pittsburgh City Code at Title 6: Conduct, Article III: Dogs, Cats and Other Animals, Chapter 636: Wild Animals, Section 636.06: prohibiting the capture and harm of any wild birds, to prohibit the sale of native or indigenous birds, to eliminate any permit or license allowing individuals to trap wild birds and to completely prohibit trapping wild birds other than by a properly qualified and trained employee of the Pittsburgh Bureau Of Animal Care and Control when the wild bird is injured, resides within a building, or poses an imminent risk of property damage or physical harm.

**Sponsors:** Bruce A. Kraus

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/13/2020	1	Mayor	Signed by the Mayor	
3/10/2020	1	City Council	Passed Finally	Pass
3/4/2020	1	Standing Committee	Affirmatively Recommended	Pass
2/25/2020	1	City Council	Read and referred	

Ordinance supplementing Ordinance No. 36 of 2015 relative to the Pittsburgh City Code at Title 6: Conduct, Article III: Dogs, Cats and Other Animals, Chapter 636: Wild Animals, Section 636.06: prohibiting the capture and harm of any wild birds, to prohibit the sale of native or indigenous birds, to eliminate any permit or license allowing individuals to trap wild birds and to completely prohibit trapping wild birds other than by a properly qualified and trained employee of the Pittsburgh Bureau Of Animal Care and Control when the wild bird is injured, resides within a building, or poses an imminent risk of property damage or physical harm.

**WHEREAS**, the Council of the City of Pittsburgh enacted Ordinance Number 36-2015, effective on September 25, 2015, which was codified, in whole or in part, at Pittsburgh City Code Section 636.06: Prohibiting the Capture and Harm of Any Wild Birds; and

**WHEREAS**, Ordinance Number 36-2015 prohibits any person from harming a wild bird, but also allows any person to capture or trap a wild bird upon obtaining the appropriate permit or license, or if for the purpose of rescuing an injured wild bird; and

**WHEREAS**, the Council of the City of Pittsburgh finds that allowing members of the public to capture or trap wild birds may result in injury to birds or injury to members of the public; and

**WHEREAS**, the Council of the City of Pittsburgh finds that employees of the City of Pittsburgh Bureau of Animal Care & Control, licensed veterinarians, licensed wildlife rehabilitators, wildlife capture and transportation permittees, and the Pennsylvania Game Commission have the requisite skill and experience to safely and humanely capture or trap wild birds; and

**WHEREAS**, the Council of the City of Pittsburgh finds that allowing individuals to sell wild birds will increase the number of wild birds that are trapped and held in captivity; and

**WHEREAS**, the Council of the City of Pittsburgh finds that widespread capture or trapping of wild birds throughout the City is likely to have a deleterious impact on flora, fauna and the natural environment; and

**WHEREAS**, in order to protect the health, safety and welfare of the city's residents, the Council of the City of Pittsburgh finds that it is necessary to amend Ordinance Number 36-2015 to state that only employees of the City of Pittsburgh Bureau of Animal Care & Control licensed veterinarians, licensed wildlife rehabilitators, wildlife capture and transportation permittees, and the Pennsylvania Game Commission shall be authorized to capture or trap wild birds; and

**WHEREAS**, in order to protect the health, safety and welfare of the city's residents, the Council of the City of Pittsburgh finds that it is necessary to amend Ordinance Number 36-2015 to limit the circumstances in which wild birds may be captured or trapped to the following: 1) when the wild bird is injured; 2) when the wild bird resides within a building and

**WHEREAS**, in order to protect the health, safety and welfare of the city's residents, the Council of the City of Pittsburgh finds that it is necessary to amend Ordinance Number 36-2015 to prohibit the sale of wild birds that are native or indigenous to Pennsylvania.

**NOW, THEREFORE, the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1:**

City of Pittsburgh Ordinance Number 36-2015, codified at Pittsburgh City Code Section 636.06: Prohibiting the Capture and Harm of Any Wild Birds, which currently states:

**§ 636.06 - PROHIBITING THE CAPTURE AND HARM OF ANY WILD BIRDS.**

- a. No person shall harm any wild bird.
- b. No person shall capture or trap any wild bird unless they possess the proper permits and/or licenses, or it is for the purpose of rescuing an injured bird.

Is hereby amended to state as follows:

**§ 636.06 - PROHIBITING THE CAPTURE AND HARM OF ANY WILD OR NON-DOMESTICATED BIRDS.**

§ 636.06 DEFINITIONS:

“Wild or non-domesticated bird”: The term “wild or non-domesticated bird” means any bird, including a pigeon, that lives in the wild or in an undomesticated state.

“Pigeon”: The term “pigeon” is defined as any bird of the family Columbidae, order Columbiformes, including, but not limited to, the rock dove and rock pigeon.

“Approved entity or person”: An “ approved entity or person” is defined as an employee of the City of Pittsburgh Bureau of Animal Care & Control who has been trained in safe and humane bird handling; holders of wildlife rehabilitator permits; wildlife capture and transportation permittees; and the PA Game Commission Regulations for Wildlife Rehabilitation.

a. No person or entity shall harm any wild or non-domesticated bird.

b. No person or entity, other than a properly qualified and trained employee of the City of Pittsburgh Bureau of Animal Care & Control, licensed veterinarians, licensed wildlife rehabilitators, wildlife capture and transportation permittees, and the Pennsylvania Game Commission shall capture or trap any wild or non-domesticated bird.

c. The City of Pittsburgh Bureau of Animal Care & Control (“Bureau”), licensed veterinarians, licensed wildlife rehabilitators, wildlife capture and transportation permittees, and Pennsylvania Game Commission shall only capture or trap a wild or non-domesticated bird if the Bureau believes, in its sole discretion, that removal of the wild or non-domesticated bird is necessary and if one or more of the following circumstances apply:

1. The wild or non-domesticated bird is injured; or
2. The wild or non-domesticated bird is located within the interior portion of a building

Exempt persons: To any person attempting to rescue a wild or non-domesticated bird that appears to be injured or endangered for the sole purpose of rescuing the bird and immediately transporting it to an approved entity under Section 1 of this ordinance.

d. No person or entity shall, for any reason, sell a wild or non-domesticated bird that is native or indigenous to Pennsylvania.

## **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.