



Text File

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Bill No: 2007-1501, **Version:** 2

Committee: Committee on Public Works &
Environmental Services

Status: Defeated

Presented by Mr. Motznik

NEGATIVE RECOMENDATION

Ordinance Amending and Supplementing the Pittsburgh Code, Title Six, Conduct, Article III Dogs, Cats and Other Animals, Chapter 633, Dogs and Cats, by providing for the licensure of cats.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Six, Conduct, Article III Dogs, Cats and Other Animals, Chapter 633, Dogs and Cats, is hereby amended and supplemented as follows:

CHAPTER 633: DOGS AND CATS

- § 633.01 Definitions.
- § 633.02 Dog **and Cat** license required; exemption and term.
- § ~~[633.03 Cat identification required by owner.]~~
- § [633.04] 633.03 Information required.
- § [633.05] 633.04 Rabies vaccination.
- § [633.06] 633.05 License fee; exceptions.
- § [633.07] 633.06 Tag and collar; nontransferable or lost.
- § [633.08] 633.07 Dogs at large prohibited.
- § [633.09] 633.08 Harboring a nuisance; exceptions.
- § [633.10] 633.09 Shelters.
- § [633.11] 633.10 Nondomestic canine, nondomestic feline and hybrids.
- § [633.12] 633.11 Number of pets permitted in City limits; exceptions.
- § [633.13] 633.12 Litter registration; limits; exceptions.
- § [633.14] 633.13 Impounding; notice, redemption and charges.
- § [633.15] 633.14 Disposition of unclaimed animals.
- § [633.16] 633.15 Reserved.
- § [633.17] 633.16 Reserved.
- § [633.18] 633.17 Animal control informational service and duties.
- § [633.19] 633.18 Penalty and violation.
- § [633.20] 633.19 Dangerous dogs.
- § [633.21] 633.20 Animal fighting reward program.
- § [633.22] 633.21 Off-leash exercise areas.

§ 633.01 DEFINITIONS.

As used in this Chapter, certain terms are defined as follows:

- (a) **OWNER.** When applied to the proprietorship of a dog or cat, includes every person having a right of property in the dog or cat and every person who keeps or harbors the dog or cat or has it in his or her care, and every person who permits the dog or cat to remain on or about any premises occupied by him or her.
- (b) **KENNEL.** Any indoor housing facility wherein dogs are kept for the purpose of breeding, hunting, training, leasing, buying, boarding, sale, show, exchange or placement as pets or other similar purpose and is so constructed that dogs cannot stray therefrom.
- (c) **CATTERY.** Any indoor housing facility wherein cats are kept for the purpose of leasing, buying, sale, boarding, show, breeding, exchange or placement as pets or other similar purpose and is so constructed that the cats cannot stray therefrom.
- (d) **CAT.** Any member of the genus and species known as *Felis domesticus*, male, female or alter.
- (e) **IMPOUND.** To apprehend, catch, trap, net or if necessary to kill any animal by the local police department or authorized local agency.
- (f) **AT LARGE.** Any dog or other animal when it is off the property of its owner and not restrained by the owner, keeper or another competent person.
- (g) **RESTRAINT or RESTRAINED.** When a dog or other animal is controlled by leash or chain not exceeding six (6) feet in length or when a dog or other animal is confined to the owners property.
- (h) **VETERINARIAN.** A doctor of veterinary medicine who is graduated from an accredited and recognized school of veterinary medicine, and possesses a license to practice veterinary medicine.
- (i) **MAMMAL.** Any of the mammalia class of higher vertebrates comprising animals that nourish their young with milk secreted by mammary glands and have the skin more or less covered with hair. For purposes of this Chapter, man is excluded from the term mammal.
- (j) **DOG.** Any member of the genus and species known as *Canis Familiaris*, male, female or alter.
- (k) **IMPOUNDING FACILITIES.** Any premises for the purpose of impounding and caring for animals.
- (l) **NONDOMESTIC CANINE.** Any species of the genus *canis* other than *Canis Familiaris*.
- (m) **NONDOMESTIC FELINE.** Any species of the genus *Felis* other than *Felis Domesticus*.

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(n) HYBRID. Any canine whose known ancestry includes a species other than *Canis Familiaris* or any feline whose known ancestry includes a species other than *Felis Domesticus*.
(Ord. 29-1992, eff. 7-16-92)

§ 633.02 DOG LICENSE REQUIRED; EXEMPTION AND TERM.

(a) No person shall keep, harbor or maintain a dog or cat over the age of three (3) months unless the owner obtains a license from the City Treasurer or his or her authorized agent.

(b) The provisions of this section shall not apply to dogs or cats whose owners are within the City for sixty (60) days or less or to dogs or cats brought into this City for the purpose of participating in ~~[a dog]~~ an animal show or similar event.

(c) The license year shall be from January 1 to December 31 of each year. License year shall become effective January 1, 1993. (Ord. 29-1992, eff. 7-16-92)

~~**§ 633.03 CAT IDENTIFICATION REQUIRED BY OWNER.**~~

~~No person shall keep, harbor or maintain a cat that roams freely unless the owner identifies the cat or cats with an identification collar or tag that shall clearly and legibly state the cat owner's name, address and telephone.~~

~~(Ord. 29-1992, eff. 7-16-92)}~~

§ 633.04 633.03 INFORMATION REQUIRED.

The owner shall state at the time the application is made for a license, and upon printed forms provided for the purpose, his or her name, address, telephone number and the name, breed, color and sex of each dog or cat for which a license is acquired.

(Ord. 29-1992, eff. 7-16-92)

§ 633.05 633.04 RABIES VACCINATION.

Proof of a dog or cat's current rabies vaccination shall be provided to an employee of the City Animal Control Department upon request.

(Ord. 29-1992, eff. 7-16-92)

§ 633.06 633.05 LICENSE FEE; EXCEPTIONS.

(a) Before a license is issued, fees shall be paid to the City Treasurer or his or her authorized agent according to the following schedule:

- (1) Twelve dollars (\$12.00) for unspayed female or unneutered male dogs or cats; and
- (2) Seven dollars (\$7.00) for spayed female or neutered male dogs or cats or those that are certified by a veterinarian to be incapable of breeding or being bred or those less than six (6) months of age. Proof of the animal being spayed, neutered or unable to breed or be bred, in certificate form from a veterinarian, shall be required to receive this reduced fee.

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(b) Licenses are to be issued without charge to guide dogs, service dogs or hearing dogs which are properly trained to assist blind or deaf persons.

(c) All kennels shall be required to have the owner purchase and place a license on every dog or cat placed from that kennel.

(d) The City Treasurer or his or her authorized agent shall provide licenses, effective for the remainder of the license year, to nonprofit shelters located within the City limits to be distributed free of charge to the dogs and cats placed with City residents.

(Ord. 29-1992, eff. 7-16-92; Am. Ord. 32-1999, eff. 12-1-99)

§ 633.07 633.06 TAG AND COLLAR; NONTRANSFERABLE OR LOST.

(a) Tag and collar. Upon payment of the license fee, there shall be issued to the owner a tag for each dog or cat licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued. Every owner shall be required to provide each dog or cat which ventures upon the public streets, sidewalks or other public places with a collar to which license tag shall be affixed. The tag number, preceded by the letters "PGH" and the license year, written clearly and legibly upon the collar, shall be regarded as an acceptable substitute for the presence of the tag upon the collar.

(b) Nontransferable and nonrefundable. License tags or numbers shall not be transferable from one (1) dog or cat to another and no refunds shall be made on license fee because of the death of dog or cat or the owner leaving the City before expiration of the licensed period.

(c) Lost or stolen tags. Tags that are lost or stolen may be reissued for the same dog or cat upon payment of a fee of two dollars (\$2.00). (Ord. 29-1992, eff. 7-16-92)

(d) Alternative ways to identify licensed cats may be used. These alternatives may include tattooing the ear of a licensed cat, the placement of a scan-able identification chip under the cats' skin, or a reasonable identification substitute. These alternatives may be used in lieu of a tag and collar.

§ 633.08 633.07 DOGS AT LARGE PROHIBITED.

No person, whether as owner or person in possession, shall permit his or her dog to run at large upon the public streets, sidewalks or other public places, or upon the property of another. A dog shall be restrained by the use of a leash, or a chain not exceeding six (6) feet in length, at all times when upon public places, streets and park.

(a) Exceptions. It is not a violation of this section to have a dog off-leash in a specific area designated by the Director of Parks & Recreation to be an Off Leash Exercise Area (OLEA) (see City Code at 633.21).

(Ord. 29-1992, eff. 7-16-92; Am. Ord. 33-1999, eff. 12-1-99)

§ 633.09 633.08 HARBORING A NUISANCE; EXCEPTIONS.

(a) No person shall keep or harbor any dog, cat or other animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or

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otherwise permit the commission or existence of a nuisance as defined herein.

(b) Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, or in any way or manner 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. No owner or person having custody of the animal shall harbor or permit it to commit a nuisance.

(c) 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 the animal, is hereby declared to be a nuisance.

(d) No person being the owner or in charge or control of any dog, cat or other animal shall permit the animal to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge or control of the dog, cat or other animal without the permission of the owner of the property. Where the owner or person in charge or control of the animal immediately removes all feces deposited by the animal and disposes of same in a sanitary manner, the type of nuisance shall be considered abated.

(e) Persons with physical handicaps, defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with subsections (c) and (d) hereof.

(f) Any female dog or cat in season shall be kept properly confined indoors.
(Ord. 29-1992, eff. 7-16-92)

§ ~~633.10~~ 633.09 SHELTERS.

(a) Dogs and cats shall be provided access to shelter which protects them against inclement weather, keep them dry and allows them to preserve a normal body temperature.

(b) If dog houses with chains are used as shelters for dogs kept outside, the chains used shall contain a swivel or be attached to a swivel and shall be placed and attached so that they cannot become entangled with the chains of other dogs or another object. The chains shall be a type commonly used for the size and type of dog involved and shall be attached to the dog by means of a well-fitted buckle-type collar. The chains shall be at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail, but no less than ten (10) feet in length and shall allow the dog convenient access to the dog house.

(c) No animal may be housed on a temporary or permanent basis in any shelter constructed of uninsulated metal.
(Ord. 29-1992, eff. 7-16-92)

§ ~~633.11~~ 633.10 NONDOMESTIC CANINE, NON-DOMESTIC FELINE AND HYBRIDS.

No person or residence shall be permitted to own, harbor or maintain a nondomestic canine, a nondomestic feline or hybrid within the City limits. This section shall not affect any animal owned by a person living within

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the City limits prior to the effective date of this section. This section shall not apply to any educational, institutional, zoological garden or circus.

(Ord. 29-1992, eff. 7-16-92)

§ 633.12 633.11 NUMBER OF PETS PERMITTED IN CITY LIMITS; EXCEPTIONS.

No person or residence shall be permitted to own, harbor or maintain more than five (5) dogs or cats or any combination thereof within City limits. This section shall not affect any person or residence whose number of dogs, cats or any combination thereof exceeds the limit of five (5) prior to the effective date of this section and upon elimination of dogs or cats by adoption, death or any permanent removal from that person or residence, owners exceeding the limit of five (5) are not permitted to obtain additional dogs or cats. This section shall not affect kennels and catteries that have been granted a kennel/cattery permit by the City Animal Control Department nor shall it affect kennels registered with the Pennsylvania Department of Agriculture.

(Ord. 29-1992, eff. 7-16-92)

§ 633.13 633.12 LITTER REGISTRATION; LIMITS; EXCEPTIONS.

All litters of puppies and kittens born within City limits are required to be registered with the City Animal Control Department within ten (10) working days of birth. There shall be no fee to register the first litter born between January 1 and December 31 of any year. Each household excluding those holding a current kennel/cattery permit shall be limited to one (1) litter of puppies or kittens per year. The five (5) pet limit described in § 635.03 shall not include litters of young under twelve (12) weeks of age that have been registered with the Department. This section shall not affect kennels registered with the Pennsylvania Department of Agriculture.

(Ord. 29-1992, eff. 7-16-92)

§ 633.14 633.13 IMPOUNDING; NOTICE, REDEMPTION AND CHARGES.

(a) Every police officer or other authorized agency shall impound every dog at large.

(b) After the impounding of any animal, if the animal is licensed, the owner shall be notified and the animal shall be held for ten (10) days from the date of the impounding notice. The owner of any impounded animal may reclaim the animal upon payment of all costs and charges incurred by the City for impounding and maintenance of the animal.

(Ord. 29-1992, eff. 7-16-92)

§ 633.15 633.14 DISPOSITION OF UNCLAIMED ANIMALS.

(a) Unlicensed dogs, cats and other animals. Any unlicensed dog, cat or other animal may be adopted or euthanized in some humane manner if not redeemed or claimed within three (3) days after impounding.

(b) Licensed dogs and cats. Licensed dogs and cats may be adopted or euthanized in some humane manner if not redeemed within ten (10) days from the date of an impounding notice to the owner of the licensed dog.

(c) No animal shall be provided by the City to any person or institution for the purposes of medical research.

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(Ord. 29-1992, eff. 7-16-92)

~~§ 633.16~~ 633.15 RESERVED.

Editor's note: Ord. 21-2004, § 30, effective December 2, 2004, repealed § 633.16, which pertained to the spaying and neutering program. See also the Code Comparative Table.

~~§ 633.17~~ 633.16 RESERVED.

Editor's note: Ord. 21-2004, § 30, effective December 2, 2004, repealed § 633.17, which pertained to program limitation; funding. See also the code Comparative Table.

~~§ 633.18~~ 633.17 ANIMAL CONTROL INFORMATIONAL SERVICE AND DUTIES.

In addition to the other duties set forth in this Title, the City Animal Control Department shall:

- (a) Provide informational service for the public on all mammal inquiries, including licensing and identification requirements, control, City regulations, maintenance and health, disposal, selection, training and instruction, nuisance report referrals, abuse and cruelty;
- (b) Provide a central mammal lost and found service in conjunction with Animal Control Officers; and
- (c) Provide referrals of humane programs to schools and concerned organizations utilizing voluntary assistance from the local humane groups.

(Ord. 29-1992, eff. 7-16-92)

~~§ 633.19~~ 833.18 PENALTY AND VIOLATION.

(a) An owner or keeper whose cat, nondomestic feline or hybrid is found to have bitten someone without provocation while running at large shall be fined three hundred fifty dollars (\$350.00), plus costs, if it is a first offense. The penalty shall be one thousand dollars (\$1,000.00), plus costs, for each subsequent offense, and in default thereof, imprisonment not exceeding seventy-two (72) hours.

(b) Whoever violates § 633.12 or makes false representations under § 633.12 shall be fined three hundred fifty dollars (\$350.00), plus costs, if it is a first offense. The penalty shall be six hundred dollars (\$600.00) for each subsequent offense, and in default thereof, imprisonment not exceeding seventy-two (72) hours.

(c) Whoever violates any other provision of this Chapter shall be fined one hundred dollars (\$100.00), plus costs, if it is a first offense. The penalty shall be five hundred dollars (\$500.00), plus costs, for each subsequent offense, and in default thereof, imprisonment not exceeding seventy-two (72) hours.

(Ord. 29-1992, eff. 7-16-92; Am. Ord. 8-2000, eff. 4-12-00)

~~§ 633.20~~ 633.19 DANGEROUS DOGS.

(a) Enforcement of the Dangerous Dog Law shall be pursuant to 3 P.S. § 459-501 et seq., and any amendments thereto.

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(b) The City Treasurer is hereby authorized and directed to collect and retain all fees and fines associated with the determination and registration of a dangerous dog, issue the appropriate certificates of registration and dangerous dog warning signs and carry out all other duties and functions of the Treasurer of a City of the second class prescribed by the Dangerous Dog Law, Act 45 Sec. 2 of 1990, May 31, P.L. 213, as amended (3 P.S. Sec. 459-507-A et seq.) whenever a dangerous dog determination from the Bureau of Dog Law Enforcement has been received by the Treasurer.

(Ord. 35-1993, eff. 12-31-93; Am. Ord. 8-2000, eff. 4-12-00)

§ ~~633.21~~ 633.20 ANIMAL FIGHTING REWARD PROGRAM.

(a) For purposes of this section, animal fighting is defined by the Crimes Code of Pennsylvania under the Cruelty to Animals section as follows:

ANIMAL FIGHTING. A person commits a felony of the third degree if he:

- (1) For amusement or gain, causes, allows or permits any animal to engage in animal fighting;
- (2) Receives compensation for the admission of another person to any place kept or used for animal fighting;
- (3) Owns, possesses, keeps, trains, promotes, purchases or knowingly sells any animal for animal fighting;
- (4) In any way knowingly encourages, aids or assists therein;
- (5) Wagers on the outcome of an animal fight;
- (6) Pays for admission to an animal fight or attends an animal fight as a spectator; or
- (7) Knowingly permits any place under his control or possession to be kept or used for animal fighting . . . (18 P.S. Sec. 5511(h.1)).

(b) The Director of the Department of Public Safety shall grant rewards up to the sum of five hundred dollars (\$500.00) to individuals, organizations or other entities who provide information that leads to the arrest and conviction or any individual for violation of 18 P.S. Sec. 5511(h.1). Such convictions must be felonies of the third degree.

(c) In setting the reward amount, the Director of the Department of Public Safety will establish a reward committee made up of the Director of the Department of Public Works, or his or her designee, and the Chief of Police, or his or her designee, the Chairman of City Council's Public Safety Services Committee, and two (2) representatives from an animal shelter that operates in the city. The Committee will make a recommendation on the amount of the reward based on the circumstances of the incident.

(d) Individuals who are agents or employees of animal shelters, animal rights organizations, etc. are not eligible to receive a reward under this section. Entities and organizations whose primary function is the promotion of animal rights; placement of homeless animals, humane law enforcement; veterinary care; or other activities that promote responsible animal treatment are not eligible for rewards.

(e) Such rewards shall be granted from the Department of Public Safety Animal Fighting Trust Fund or such other Trust Fund or General Fund account within the Department of Public Safety, as the Director of Public Safety shall deem appropriate.

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(f) The Bureau of Police will develop an Animal Fighting Awareness/Training component for police in service and recruit training. This curriculum should be implemented as soon as feasible.

(Ord. 7-1998, eff. 4-29-98)

§ ~~633.22~~ 633.21 OFF-LEASH EXERCISE AREAS.

A. PILOT PROGRAM ESTABLISHMENT. A pilot off-leash program shall be established under the administration of the Department of Parks and Recreation and the Department of Public Works, Bureau of Environmental Services. The pilot off-leash program shall continue in effect for a period of three (3) years or, in the alternative, for a period ending sixty (60) days after the revocation of the program by a majority vote of City Council. At the end of the three (3) year period the program shall be reviewed and the Council shall take action to either rescind this Chapter or take no action and allow the OLEA program to become a permanent part of the City Code.

B. OLEA SITES. Dogs may be allowed to run at large only in the following areas hereby designated as Off-Leash Exercise Areas (OLEA):

1. Upper Frick Park
2. Lower Frick Park
3. West Park
4. Highland Park

C. CONDUCT IN AN OLEA.

1. Any person who takes a dog into an off-leash area must have physical control of the dog by means of an adequate leash when entering and leaving the off-leash area;
2. Must maintain voice control over the dog at all times while in the off-leash area.
3. All dogs in an off-leash area must be licensed and must display valid license tags attached to the dog collar.
4. Dangerous dogs, as defined in Section 633.20 of the Pittsburgh Code, are not permitted to use the off-leash areas.
5. Any person with a dog in their possession or under their control in any OLEA shall be responsible and liable for the conduct of the animal, shall carry equipment for removing feces, and shall place feces deposited by such animal in an appropriate receptacle.

D. ADMINISTRATION.

1. The Director of Parks and Recreation is authorized promulgate regulations governing conduct and behavior within any OLEA and place appropriate signage deemed necessary for the orderly operation of and OLEA.
2. The Director of Parks and Recreation is authorized to close to off-leash dog use any area described under subsection B. on a temporary or permanent basis if significant problems arise which cannot be resolved jointly by the Department of Parks and Recreation and the Department of Public Work's Bureau of Environmental Service-Animal Control Division.
3. The Director of Parks and Recreation is authorized to close any OLEA described under subsection B. on a temporary basis in order to perform maintenance at the site.

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4. The Director of Parks and Recreation is authorized close any OLEA if a determination is made that such closure is necessary for the preservation and protection of the natural environment, public health or safety.
 5. Prior to closing any off-leash area, the Director shall consult with the Director of Public Works. The Director of Parks and Recreation shall state in writing the reasons for closure to the Mayor and City Council.
 6. The Director shall review the impacts of off-leash activities at OLEA sites after three (3) months of operations at each site. If, based on this review, the Director finds significant problems that can not be practically corrected; the Director may close the site to off-leash use.
 7. Prior to any permanent closure, the Director shall give thirty (30) days written notice, to be posted at the site, stating the reason(s) for the closure.
 8. The Director is authorized to manage all OLEA sites and this authority shall include, but not be limited to, the authority to make minor alterations to site boundaries after reasonable notice to the public, impose operating hours and curtail use at sites as necessary for renovation, repair or for other operational reasons. (Ord. 34-1999, eff. 12-1-99)