

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 362

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE
BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY,
PENNSYLVANIA, REGULATING THE KEEPING OF
ANIMALS WITHIN THE BOROUGH OF ST. CLAIR**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of St. Clair, in council duly assembled, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I

Section 1 - Keeping of Wild Animals Prohibited

No wild animal of a type not commonly kept as domesticated pets shall be permitted to be housed, kept or maintained within the confines of the Borough of St. Clair, Pennsylvania.

Section 2 - Keeping of Domestic Animals

No domestic animals shall be permitted to run at large within the borough limits of the Borough of St. Clair, Pennsylvania, and all domestic pets must be kept on the property of the owner thereof or must be kept on a leash and must be maintained in a clean and sanitary condition.

Section 3 - Removal of Dead Animals

The disposition and removal of dead animals shall be under and by the authority of the Health Secretary of the Borough of St. Clair.

Section 4 - Violations and Penalties

Anyone violating any of the provisions of this chapter shall be subject to a fine of up to Three Hundred Dollars (\$300) and costs of prosecution and, upon default in payment of the fine and costs, shall be subject to imprisonment in the county jail for a term of up to thirty (30) days.

ARTICLE II

Section 5 - Running at Large

- A. Any dog running at large in violation of the provisions of the Dog Law of 1965 (3 P.S. § 460-101 et seq.¹) or any dog in violation of this chapter of the Code of the Borough of St. Clair shall be subject to seizure, detention and disposal as provided in the Dog Law of 1965.
- B. Any other domestic animal running at large in violation of the provision of this chapter of the Code of the Borough of St. Clair shall be subject to seizure, detention and disposal.

Section 6 - Disturbing the Peace

It shall be unlawful to own, harbor or keep in custody any dog or other pet which disturbs the peace by barking, howling or meowing or the making of other loud noises by such dog or other pet for more than one (1) hour of continuous barking, howling, meowing or making other loud noises for periods of less than one (1) hour but more than one-half (1/2) hour, which periods occur on two (2) or more consecutive days. Such behavior shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the Borough of St. Clair.

Section 7 - Warning to Owners

- A. Any person may request the Borough Police Department to warn any person who shall own, harbor or keep in custody any dog or other pet which disturbs the peace by barking, howling, meowing or making other loud noises to annoyance and discomfort of persons in the Borough of St. Clair.
- B. A warning by the Police Department shall consist of delivery of a copy of this chapter at the residence in the Borough of St. Clair of any such owner, keeper or custodian or by mailing the same by registered mail, if such residence shall be outside the Borough of St. Clair, together with a written notice that no further warnings shall be given and that future complaints shall be prosecuted.
- C. A violation of this chapter shall be deemed to have occurred upon a second or subsequent violation of Section 6 after the date of delivery of the warning.

Editor's Note: 3 P.S. § 460-101 was repealed 1982, Dec. 7, P.L. 784, No. 225, § 1205(a) effective Jan. 1, 1983. See now P.S. § 459-101 et seq.

- D. No warning is required in order to enforce any section of this chapter other than Section 6.

Section 8 - Injury to Humans

It shall be unlawful for the owner, keeper or custodian of any dog or other pet to permit said dog or other pet to run at large or to injure any human being by biting, jumping on, knocking down or attacking said human being. This section shall not apply to such animal behavior on the premises of the animal's owners, provided that the animal is properly fenced or secured thereon.

Section 9 - Nuisances Prohibited

No person owning, harboring, keeping or in charge of any dog or other pet shall cause, suffer or allow such dog or other pet to soil, defile, defecate on or commit any nuisance on any common sidewalk, passageway, bypath, play area, park or any other place where people congregate or walk or on any public property whatsoever or on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curb lines under the following conditions:

- A. The person who so curbs such dog or any other pet shall immediately remove all feces deposited by any dog or other such pet by any sanitary method.
- B. The feces removed from the aforementioned area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog or other such pet which is curbed in accordance with the provisions of this chapter.

Section 10 - Number Restricted; Exceptions

It shall be unlawful to keep more than four (4) dogs six (6) months of age or older or more than four (4) cats six (6) months of age or older or more than four (4) of any other pets six (6) months of age or older housed out of doors on any premises, regardless of the number of owners. It is the intention of this section to limit the number of such pets to four (4), regardless of whether they are dogs, cats or any other animals, or any combination thereof. This section shall not apply to fish or turtles kept in aquariums. This section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965 (3 P.S. § 460-208 et seq.). There shall be excepted from this section any accidental litter of dogs or cats for a period of six (6) months from the date of birth.

Section 11 - Violations and Penalties

Any person who shall be convicted of violating or failing to comply with the provisions of this chapter before any District Magistrate shall be punishable by a fine of not more than Three Hundred Dollars (\$300), together with costs of prosecution; and, in default of payment of such fine and costs, the violator shall be subject to imprisonment in the county jail for a term not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

ARTICLE III

Section 12 - Prohibition

All persons owning or keeping a dog or other domestic animal are hereby prohibited from allowing said dog or other domestic animal from defecating in any public place or on private property not owned by said owner or keeper, unless said dog owner or animal owner immediately removes the excrement from the place where it was deposited by his or her animal.

Section 13 - Responsibility of Owner

In the event of joint ownership of a dog or other domestic animal, either or both owners of said dog or animal are responsible for removing the excrement deposited by said dog or other animal in a place prohibited under the terms of this chapter.

Section 14 - Accumulation of Excrement; Time Limit for Removal

No owner of any dog or other domestic animal shall permit accumulations of animal excrement to accumulate upon his/her own property unless said owner removes and places into secure containers said excrement within twenty-four (24) hours after it is deposited by said dog or other animal.

Section 15 - Violations and Penalties

Any dog owner or animal owner violating the terms of this Article shall, upon conviction of violating same, be subject to a fine not exceeding Fifty Dollars (\$50) for each violation. Each incident of failing to clean up a dog's or other animal's excrement shall constitute a separate violation of this Article.

ARTICLE IV

Section 16 - Definitions

As used in this Article, the following words are defined as follows:

CAT - a felis libyca domestica, kept as a pet and/or for rodent control.

OWNER - Any person owning, keeping, feeding, harboring or having custody of a cat, or who allows a cat to reside or remain about his premises, shall be considered a cat "owner."

VACCINATION - The practice of inoculations with a vaccine to afford protection from rabies, as required by the Pennsylvania Department of Environmental Resources.

Section 17 - Responsibilities of Owners Keeping Cats

- A. It shall be unlawful for any owner to have any cat that becomes a nuisance in the borough. Acts of nuisance shall include, but are expressly not restricted to, the following:
- (1) The frequent raising of any disturbance between the hours of 9:00 p.m. and 7:00 a.m., prevailing time, or at extended intervals at any other time of the day or both.
 - (2) Viciousness.
 - (3) Frequent digging into flower beds, lawns, children's' sandboxes or gardens or the depositing of feces or urine and/or otherwise damaging shrubbery, trees or lawns on premises, personal property or other property not belonging to the owner of the cat.
- B. No owner shall permit a cat to enter upon any area designated as a "tot lot" in any publicly owned park or playground.
- C. Any owner of a cat shall comply with and be current with rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regard to cats.

Section 18 - Enforcement; Seizure; Redemption; Disposal

- A. The Health Inspector, Borough Police Force and/or other person or agency designated by the governing body of the borough shall enforce the provisions of this Article. Upon receipt of a complaint that a cat is a public nuisance, the Inspector will investigate said complaint and, if found to be legitimate, the Inspector shall authorize the seizure of the cat by the issuance of a humane-type cat trap to trap said cat alive. It shall be prohibited for any person other than a person authorized by the Borough of St. Clair to remove or release any animal from such a trap.
- B. The person who is issued the trap must notify the enforcement officer as soon as possible after a cat is apprehended. The enforcement officer and/or the person or agency designated by the governing body of the borough will transport and deliver the cat to the SPCA for holding. If the cat so apprehended bears any identification of ownership, the designated officer shall, on the date of apprehension, notify the owner that the animal has been apprehended and that it may be claimed at a designated location subject to the provisions of this Article.
- C. Any cat may be claimed by its owner at the SPCA during the custodial period and shall pay all costs for the care, maintenance and disposal of said cat at the prevailing SPCA rate.
- D. Any cat which has been seized pursuant to this Article and which has not been reclaimed during the custodial period may be disposed of in a humane manner in accordance with standards generally followed by the SPCA.

Section 19 - Number Restricted; Exceptions

No more than four (4) cats shall be kept, maintained or harbored for more than ninety (90) days in any residential housing unit or on its grounds.

Section 20 - Right of Entry

The Health Officer or the Inspector, Borough Police and/or authorized agent or any municipal officer or agent authorized and empowered to perform any duty under this Article is hereby authorized to enter upon any premises to enforce the provisions of this Article.

Section 21 - Violations and Penalties

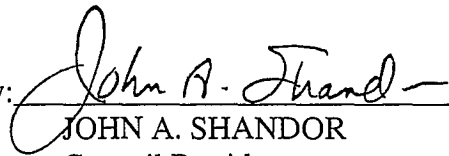
It shall be unlawful for any person to knowingly own, keep, feed or harbor any cat which has been found to violate the provisions of this Article. Any person found to violate the provisions of this Article shall, upon conviction, receive a fine not greater than One Thousand Dollars (\$1,000).

Enacted and ordained into an ordinance this 5 day of September, 2000, effective immediately.

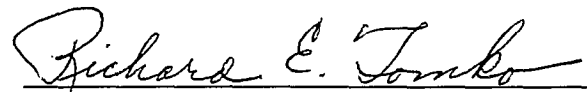
ATTEST:

**BOROUGH COUNCIL OF THE
BOROUGH OF ST. CLAIR**

By: 
ROLAND PRICE, JR.
Borough Secretary

By: 
JOHN A. SHANDOR
Council President

Approved by me this 6 day of September, 2000.


RICHARD E. TOMKO
Mayor