

OFFICIAL

CITY OF CLAIRTON

ORDINANCE NO. 1816

AN ORDINANCE OF THE CITY OF CLAIRTON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, REGULATING AND DEFINING DANGEROUS DOMESTIC ANIMALS; ESTABLISHING LICENSING AND FEES FOR SAID ANIMALS; PROVIDING FOR THE REGULATION, CONFINEMENT AND DESTRUCTION OF SAID ANIMALS; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED By the Council of the City of Clairton, County of Allegheny, and Commonwealth of Pennsylvania, and it is hereby ORDAINED and ENACTED by authority of the same, that:

Section 1. - Definitions

A. "Dangerous Domestic Animals" as defined in this Ordinance shall be defined as any animal bred for fighting or any animal which will attack or which has the propensity to attack an individual or individuals or any animal which displays the traits of a reptile, including but not limited to alligators and crocodiles or those of a Straffordshire terrier, American pit bull, pit bull or rottweiler. The aforesaid list naming certain reptiles and dogs shall not limit the definition of dangerous domestic animals for purposes of this ordinance to reptiles and dogs.

B. "Owner" when applied to the proprietorship of a Dangerous Domestic Animal shall include every person having right of property in such animal, and every person who keeps or harbors such animal or has it in its care, and every person who permits such animal to remain on or about any premises owned by that person.

C. "Police Officer" shall mean any person employed or elected by the City of Clairton, the Commonwealth, or by any municipality thereof, whether full time employee and/or an authorized agent acting pursuant to oral or written agreement whose duty it is to preserve peace and/or make arrests or to enforce the law. This term shall specifically include state constabulary, dog, game, fish, and forest wardens.

Section 2. Prohibited Activity

A. The running at large of "Dangerous Domestic Animals" within the City of Clairton to the annoyance or inconvenience of residents, pedestrians, or operators of motor vehicles using the streets or highways of the City is strictly prohibited.

B. Dangerous Domestic Animals are considered dangerous animals and potentially hazardous to the community. Dangerous Domestic Animals shall at no time or under any circumstances be permitted to wander or run loose in or upon the City of Clairton. Any Dangerous Domestic Animal wandering or running loose in or upon the City of Clairton shall be subject to restraint, confinement, impoundment, and/or destruction by any police officer or other authorized persons acting on behalf of the City. It shall be the duty of any City Police Officer or other authorized personnel acting on behalf of the City to take whatever action is necessary under the circumstances to properly secure and restrain any loose Dangerous Domestic Animal including the immediate destruction of said animals, and the within Ordinance shall authorize said officer to do so.

Section 3. Licensing of Dangerous Domestic Animals

A. No person shall own, keep or harbor any Dangerous Domestic Animal in any household, residence or on any property whatsoever within the City without first obtaining a License from the City of Clairton.

B. Applications for a License shall be filed with the City Manager and shall provide the following information:

- (i) Name of applicant;
- (ii) Name of owner of the Dangerous Domestic Animal if different from applicant;
- (iii) Address where the Dangerous Domestic Animal will be kept;
- (iv) Number of Dangerous Domestic Animals to be kept or housed on premises;
- (v) Exact location on the property where the Dangerous domestic Animal(s) will be kept;
- (vi) Method to be used to secure or restrain the Dangerous Domestic Animal(s) on the property;
- (vii) Name of the person who will be responsible for the care and confinement of the Dangerous Domestic Animal(s);
- (viii) Any other information requested by the City.

C. All applications shall be accompanied by a Fifty (\$50) Dollar application fee per Dangerous Domestic Animal per year, which is nonrefundable. The fee includes the cost of processing the application and any inspection prior to licensing.

D. Dangerous Domestic Animal Licenses shall be issued by Council for the City of Clairton or its duly authorized agent only after the appropriate fees have been paid and if the applicant has complied fully with all applicable codes, statutes and regulations, including the City's Zoning Code and the Pennsylvania Department of Agriculture regulations.

E. Revocation of License. If the applicant, owner or other person responsible for any Dangerous Domestic Animal kept within the City violates any provision of this Ordinance or any other applicable code, statute or regulation, then any license issued hereunder shall be automatically revoked. City Council reserves the right to refuse to issue or reissue a Dangerous Domestic Animal License to any person who has violated any provision of this Ordinance or other applicable code, statute or regulation.

F. Change of Address. If there is any change in the status of ownership, location where the Dangerous Domestic Animal is to be housed, or of any other

information required in Section 3, subparagraph B, paragraphs I through VII, the licensee must immediately notify the Code Enforcement Officer of these changes. Failure to notify the Code Enforcement Officer of any such change will cause the automatic revocation of the Dangerous Animal License referred to above.

Section 4. Confinement of Dangerous Domestic Animals

A. All Dangerous Domestic Animals must be confined in a secure building or enclosure.

B. Dangerous Domestic Animals may not be kept, housed or harbored in an exterior yard without first obtaining approval from the Code Enforcement Officer of the City of Clairton. In no case are Dangerous Domestic Animals permitted to be kept, housed or harbored in an exterior yard unless the area is secured by a fence, the material and dimensions thereof having been approved by the Code Enforcement Officer or his/her authorized agent. Said fence must be at least six (6) feet high if not constructed with a roof and shall also require approval by the Code Enforcement Officer.

C. All entrances to and exits from a property where a Dangerous Domestic Animal is confined must be posted with a warning sign, the size and type of which thereof having been approved by the Zoning Enforcement Officer.

D. Any Dangerous Domestic Animal which is removed from its area of confinement into or upon the public ways of the City of Clairton must be kept securely leashed and muzzled at all times.

Section 5. Destruction of Dangerous Domestic Animals

Any Dangerous Domestic Animal which bites and/or attacks a person for any reason may be destroyed at the owner's expense or permanently removed from the City of Clairton. The destruction of the Dangerous Domestic Animal shall only occur when a police officer and/or authorized agent of the City in their discretion believes that the destruction of the animal is the only alternative available to stop an attack by a Dangerous Domestic Animal. If said Dangerous Domestic Animal is not removed from the City or destroyed, it shall thereafter be subject to seizure and/or destruction by the City or its duly authorized agents.

Section 6. Penalties

A. Any person violating any provision of this Ordinance shall be subject to a fine of up to \$500 and/or imprisonment of up to thirty (30) days.

B. In addition, any person violating the provisions of this Ordinance shall be subject to immediate seizure of the Dangerous Domestic Animal. Any Dangerous Domestic Animal having been seized shall be thereafter transferred to the appropriate animal protection agency to be held in custody. Any person recovering possession of any Dangerous Domestic Animal, heretofore having been seized and turned over to the appropriate protection agency, who brings that same animal back into the City of Clairton shall have committed a second offense.

In addition, any person violating any provision of this Ordinance shall be subject to the following:

- (i) Revocation of Dangerous Domestic Animal Kennel License and retention of the License by the City; and
- (ii) Prohibition from obtaining another Dangerous Domestic Animal Kennel License for up to five (5) years.

Section 7. Repealer

All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability

The provisions of this Ordinance are severable and, if any portion is held by a Court of competent jurisdiction to be in violation of federal or state constitutional or statutory law, that portion is hereby repealed, and the decision of the Court will not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the Council's intention that this Ordinance would have been adopted had such unconstitutional or ultra vires provision not been included.

Section 9. Effective Date

This Ordinance shall be immediately effective.

ORDAINED AND ENACTED by the Council of the City of Clairton, County of Allegheny and Commonwealth of Pennsylvania, meeting in regular and public session, this 9th day of December, 2008.

CITY OF CLAIRTON

Domenic V. Virgona
Domenic V. Virgona, Mayor

ATTEST:

Ralph D. Imbrogno
Ralph D. Imbrogno, Municipal Manager

APPLICATION FOR LICENSING OF DANGEROUS DOMESTIC ANIMALS

As per Ordinance No. 1816, Section 3.A. & B. / No person shall own, keep or harbor any Dangerous Domestic Animal in any household, residence or on any property whatsoever within the City without first obtaining a License from the City of Clairton.

1. Name of Applicant: _____
Address of Applicant: _____
Phone No. of Applicant: _____
2. Name of Owner of Dangerous Domestic Animal(s) (if different from applicant): _____
3. Address where the Dangerous Domestic Animal(s) will be housed: _____

4. Number of Dangerous Domestic Animal(s) to be kept or housed on premise: _____
5. Type of Animal(s) and Breed(s): _____

6. Exact location on the property where the Dangerous Domestic Animal(s) will be kept: _____
7. Method to be used to secure or restrain the Dangerous Domestic Animal(s) on the property: _____
8. Name of the person who will be responsible for the care and confinement of the Dangerous Domestic Animal(s): _____

9. List dates and type of immunization shots given: _____
