

**CHAPTER 2**

**ANIMALS**

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**PART 1**

**SHENANGO VALLEY ANIMAL CONTROL ORDINANCE**

**§101. Short Title.**

This Part shall be known and cited as the “Shenango Valley Animal Control Ordinance.”

(Ord. 28-66, 11/9/1966, §1; as amended by Ord. 19-99, 7/28/1999, §1)

**§102. Purpose and Intent.**

It is the purpose and intent of this Part, under the authority granted to municipalities by the Intergovernmental Cooperation Law (P.L. 1158, No. 177, 53 Pa. C.S.A. §2301 et seq., commonly referred to as “Act 177 of 1997,” or its predecessors relative to the original dog ordinance), and the Dog Law of 1982, as amended, 3 P.S. §459-101 et seq., and such other provisions of Pennsylvania law as may be necessary for a proper regulation of animals to promote public health and welfare in the communities.

(Ord. 28-66, 11/9/1966, §2; as amended by Ord. 11-98, 9/23/1998; as and by Ord. 19-99, 7/28/1999, §2)

**§103. Administration.**

This Part and its provisions shall be administered and enforced on behalf of the City of Farrell, the City of Hermitage, the City of Sharon, the Borough of Sharpsville, the Borough of West Middlesex and the Borough of Wheatland by the Shenango Valley Animal Control Board as authorized by the ordinance creating, establishing and approving the Board. This Part shall also be administered and enforced on behalf of such other municipalities as may hereafter become a participating municipality of the Shenango Valley Animal Control Board, hereinafter referred to as the “Board.” The Board is empowered to adopt from time to time such rules, regulations and fees for animal control services as are necessary to administer the provisions of this Part in conformance with the stated purpose and intent. All fees regulated by the Shenango Valley Animal Control Board are subject to change.

(Ord. 28-66, 11/9/1966, §3; as amended by Ord. 18-83, 12/22/1983; and by Ord. 19-99, 7/28/1999, §3)

**§104. Definitions.**

For the purpose of this Part, the following terms shall mean unless the context indicates otherwise:

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**ABANDON** — to forsake entirely or to neglect or refuse to provide or perform the legal obligations for the care and support of an animal by the owner or his/her agent. [Ord. 19-99]

**ABANDONMENT** — the relinquishment of all rights and claims to an animal by its owner. [Ord. 19-99]

**ANIMAL SHELTER** — facilities from which the Shenango Valley Animal Control Board operates to enforce this Part.

**ANIMAL WARDEN** — person or persons employed by the Shenango Animal Control Board as its enforcement officer and/or shelter operator.

**AT LARGE** — any dog is at large when it is off the property of its owner and not under the immediate control of a competent person.

**BOARD** — the Shenango Valley Animal Control Board.

**BITE** — any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by a dog.

**COLLAR** — a band, chain, harness or other suitable device worn around the neck of a dog to which a current rabies vaccination, registration tag and a license tag can be affixed.

**DOG LAW OF 1982** — Act of December 7, 1982, P.L. 784, No. 255, as amended, 3 P.S. §459-101 et seq. [Ord. 11-98]

**EXECUTIVE DIRECTOR** — the chief administrative officer of the Shenango Valley Animal Control Board operates to enforce this Part.

**KENNEL** — any establishment wherein dogs are kept for the purposes of breeding, boarding, sale or show purposes from which the dog cannot stray.

**OFFICER** — any person employed or elected by the Commonwealth, a political subdivision, or the Animal Control Board whose duty is to preserve peace, make arrests, or enforce the Dog Law of 1982 and/or this Part. [Ord. 11-98]

**OWNER** — any person who has a right of property in such dog; who owns, harbors, keeps or causes or permits to be harbored, kept or has in his care a dog on or about any premises occupied by said person.

**PERSON** — any individual, corporation, partnership, association or State and local officers or employees.

**RESTRAINT** — a dog is under restraint if it is controlled by a leash, at “heel” beside a competent person and obedient to that person’s commands, on or within a

vehicle being driven or parked on the streets or within the property limits of the owner or keeper.

SHENANGO VALLEY — the City of Farrell, the City of Hermitage, the City of Sharon, the Borough of Sharpsville, the Borough of Wheatland and such other municipalities as may hereafter become a participating member of the Shenango Valley Animal Control Board. [Ord. 18-83]

VACCINATION — inoculation of a dog with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the dog against rabies.

VETERINARIAN — a doctor of veterinary medicine who holds a valid license to practice his profession.

(Ord. 28-66, 11/9/1966, §4; as amended by Ord. 18-83, 12/22/1983; by Ord. 11-98, 9/23/1998; and by Ord. 19-99, 7/28/1999, §4)

**§105. At-Large.**

Any person who owns, keeps, harbors or cares for a dog is subject to a notice of violation and penalty or the impoundment of the dog, or both, if the dog is permitted to be at-large. A dog will be considered at-large in the following instances:

- A. All Dogs. Any dog that is off the property of the owner or the person keeping or harboring him; unless said dog shall be on a leash, at “heel” beside a competent person and obedient to that person’s command, under the immediate control of a competent person, or otherwise humanely restrained.
- B. School Grounds and Recreation Areas. Any dog that is upon any school premises or grounds or upon any public recreation area when an organized activity is being conducted unless the dog is controlled by a leash or similar device.
- C. Public Places. Any dog, whether on leash or not, which shall be or which shall enter upon any church premises, any public meeting or gathering place, restaurants, food markets, eating establishments, department and dry goods stores, and rest rooms open to the public during the time that said place is open for business; provided, however, these provisions do not apply to dogs leading visually handicapped persons.
- D. Muzzling Vicious Dogs. Any dog of fierce, dangerous or vicious propensity off the property of the owner or the person keeping or harboring said dog unless said dog is wearing a muzzle of sufficient strength to prevent its biting any person or another animal. Said muzzle shall be worn even though the dog is controlled by a leash, at “heel” beside a competent person and obedient to

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that person's command, under the immediate control of a competent person, or otherwise humanely restrained.

(Ord. 28-66, 11/14/1966, §6)

### **§106. Notice to Owner of Impoundment of Dog.**

The animal warden or his duly authorized representative shall, immediately upon impounding any dog, make a complete registry, entering the breed, color and sex of such dog, and whether licensed, if known; and if licensed, shall enter the name and address of the owner and the number of the license tag, if known; and if bearing an inoculation tag, the number of such tag shall be recorded. When any licensed animal shall be impounded, the animal warden or his duly authorized representative shall give immediate notice, either by registered or by certified mail, return receipt requested, to the owner of said licensed dog, informing such owner of the impounding of his dog and the reason therefor.

(Ord. 28-66, 11/9/1966, §7; as amended by Ord. 11-98, 9/23/1998)

### **§107. Impoundment, Redemption and Disposition of Dogs Other Than Rabies Cases.**

1. **Unlicensed Dogs.** The owner shall be entitled to resume possession of any impounded unlicensed dog upon payment of the at-large penalties or the impoundment penalties, or both, and the daily board fees and compliance with the rabies vaccination and licensing requirements provided that application for such possession, with payment of all required penalties and fees, is made within 72 hours after impoundment.
2. **Licensed Dogs.** The owner shall be entitled to resume possession of any impounded licensed dog upon payment of at-large penalties or impoundment penalties, or both, daily board fees and compliance with rabies vaccination requirements provided that application for such possession, with payment of all required penalties and fees, is made within 10 days after impoundment and notice thereof pursuant to the requirements of the Dog Law of 1982. [Ord. 11-98]
3. **Disposition of Dogs.** Any unlicensed dog impounded and not reclaimed by the owner after being held at least 72 hours after impoundment and any licensed dog impounded and not reclaimed by the owner after being held 10 days after impoundment and notice as required by subsection (2), may be destroyed in some humane manner.
4. **Adoption Authorized.** If the animal warden or his duly authorized representative determines that any unclaimed dog is reasonably healthy, currently vaccinated against rabies and should not constitute a threat to the public health or welfare of

the Shenango Valley, the animal warden may retain said dog for a reasonable period of time to attempt to put the animal up for adoption.

5. Injured or III Animals. Any animal detained and/or impounded and suffering from serious injuries, in great pain with probability of recover remote, or having a communicable or infectious disease which would endanger the health of people or other animals may be destroyed in a humane manner after reasonable efforts to determine ownership have failed.
6. Written Release. Any licensed dog may be destroyed in some humane manner or put up for adoption any time within 10 days from the date of impoundment if, upon notification of impoundment of said dog, the owner states that he does not wish to redeem the impounded dog and subsequently, in writing, releases the dog to the sole jurisdiction of the Board.

(Ord. 28-66, 11/9/1966, §8; as amended by Ord. 11-98, 9/23/1998)

#### **§108. Confinement.**

1. Vicious Dogs. Dogs of fierce, dangerous or vicious propensity, whether licensed or not, shall not be allowed to run at-large upon the premises of one other than the owner's. If any such dog is found running at-large in violation of this provision, it shall be taken up and impounded and shall not be released except upon the approval of the animal warden after payment of the penalties; provided, however, that if any dangerous, fierce or vicious dog so found at-large cannot be safely taken and impounded, such dog may be destroyed by a duly authorized representative of the Shenango Valley Animal Control Board.
2. Securing Vicious Dogs. Dogs of fierce, dangerous or vicious propensity, when on the property of the owner of a person keeping or harboring said dog shall be secured in such a way that the dog cannot reach mailmen, delivery personnel, newspaper boys or any others who may have occasion to enter the owner's premises in the course of their work.
3. Dogs in Heat. Female dogs "in heat" shall be confined by the owner in a closed building so that the dog cannot come into contact with another except for planned breeding.
4. The owner(s) of a dog, or such other persons as may cause, allow or permit any animal (not necessarily limited to dogs) to engage in animal fighting for amusement or gain or engages in activity which fosters same, shall be charged with a criminal offense under the Pennsylvania Crimes Code, 18 Pa.C.S.A. §5511(h.1), "Animal Fighting," a felony of the third degree or such other sections of the criminal law as may be applicable in a given case. [Ord. 19-99]

(Ord. 28-66, 11/9/1966; §9; as amended by Ord. 12-77, 6/8/1977, §1; by Ord. 11-98, 9/23/1998; and by Ord. 19-99, 7/28/1999, §6)

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### **§109. Restriction of Movement of Guide Dog of Blind.**

It shall be lawful for any dog trained to guide any blind person to be admitted when actually accompanying such blind person to any public place or vehicle which said blind person may have the lawful right to enter, if the dog is currently vaccinated and registered.

(Ord. 28-66, 11/9/1966, §11)

### **§110. Impoundment, Daily Board, Pick-up, Euthanasia and Vaccination.**

1. The Board is hereby empowered to establish penalties and fees from time to time by resolution of Board of Commissioners. [Ord. 11-98]
2. Any dog to be redeemed by or released to an owner shall be required to meet the vaccination and/or licensing requirements of this Part prior to resuming full possession. If vaccination and/or licensing is performed at the shelter, the current fees for such services shall be paid prior to said release.

(Ord. 28-66, 11/8/1966, §13; as amended by Ord. 11-98, 9/23/1998)

### **§111. Nuisance.**

1. Any dog or cat which by frequent or habitual barking, howling, screeching, yelping or baying or in any way or manner injures or disturbs the quiet or 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.
2. Any dog or cat which is molesting passersby, chasing vehicles and/or attacking other domestic animals is hereby declared a nuisance.
3. Any dog or cat 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 or such animal is hereby declared to be a nuisance.
4. Where the owner or person in charge or control of such dog or cat immediately removes all feces deposited on private or public property and disposes of same in a sanitary manner, such nuisances shall be considered abated.
5. It shall be unlawful for any owner or person having custody of such a dog or cat to harbor or permit it to commit such nuisances.

6. It shall be the responsibility of the person or persons aggrieved by such nuisances to file the complaint with the District Justice. [Ord. 11-98]

(Ord. 28-66, 11/9/1966, §14; as amended by Ord. 12-77, 6/8/1977, §2; by Ord. 16-78, 8/9/1978; and by Ord. 11-98, 9/23/1998)

**§112. Humane Care.**

1. No person shall keep or harbor any dog or cat in the Shenango Valley as so to create offensive odors or unsanitary conditions which are a menace to the health, comfort or the safety of the public and that of the dog or cat.
2. Every dog or cat that is kept outdoors must be provided with adequate shelter or dog house. The dog house must be large enough for the dog to assume all normal positions; also be draft free with a good floor and sound roof. It should contain straw, hay or shavings.
3. No dog or cat shall be kept in a filthy, unsanitary condition. It shall not have to walk, eat or sleep in its own urine or fecal matter.
4. Every dog or cat shall be given food placed in containers and not just thrown on the ground, fresh water shall also be provided.
5. Any person found not providing humane care for their dog or cat will be considered in violation of this Part.
6. No person shall poison or ill-treat a dog or cat, or deny a dog or cat veterinary care when needed to prevent suffering, nor may a dog or cat be abandoned in the Shenango Valley and such acts shall be considered in violation of this Part.

(Ord. 28-66, 11/8/1966, §15; as amended by Ord. 12-77, 6/8/1977, §3)

**§113. Stray Cats.**

The animal warden or his duly authorized representative is hereby authorized to receive any cat which is deemed to be without ownership and/or any cat surrendered to the animal warden by its owner to be destroyed in some humane manner or to be put up for adoption.

(Ord. 28-66, 11/9/1966, §16)

**§114. Adoption.**

Upon the adoption of a dog or cat from the Shenango Valley Animal Shelter, a contract shall be signed between said animal shelter and the adoptive owner, consistent with

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applicable Pennsylvania law, which calls for the payment to the animal shelter by the adoptive owner(s) of a “Board” approved mandatory adoption fee, in addition to a mandatory sterilization deposit of \$30 for a dog and \$20 for a cat; whereupon the animal shelter will release the animal into the care of the adoptive owner and, in turn, apply the adoptive owner’s sterilization deposit to the total cost of the sterilization procedure performed by a licensed Doctor of Veterinary Medicine, provided that:

- A. To have the animal sterilized by a licenced Doctor of Veterinary Medicine by an agreed to compliance date.
- B. The return of the accompanying voucher form signed by the veterinarian will verify compliance with this agreement and the new owner agrees to submit same to the releasing agency (animal shelter).
- C. Noncompliance with this agreement may result in removal of the animal from the possession of the adoptive owner and others whom it binds, and, further, it shall result in said forfeiture of the deposited sterilization funds to said agency.
- D. Noncompliance is a summary offense and can result in a fine, as determined by applicable law.

(Ord. 28-66, 11/9/1966; as added by Ord. 19-99, 7/28/1999, §7)

### **§115. Animal Bites.**

An investigating officer (employee of the Pennsylvania Department of Health, a State Dog Warden or employee of the Department of Agriculture, the Animal Warden or Board representative or a police officer) shall, upon verified report of a victim of a dog or cat bite, and upon a determination of necessity, swear out an affidavit of probable cause before the district justice in the relevant jurisdiction and obtain, upon establishing said probable cause, a search warrant of the premises where the offending animal is harbored.

(Ord. 28-66, 11/9/1966; as added by Ord. 19-99, 7/28/1999, §8)

### **§116. Notice of Violation.**

The animal warden or any other employee duly authorized by the Board or any Valley municipal police officer shall have the authority to issue to any owner of a licensed dog found at large without seizing and/or detaining said dog a notice of violation in lieu of impoundment. A notice of violation shall be a printed form similar in design to a traffic and/or parking ticket in use by police departments and in sufficient duplicates so as to afford a copy for the violator, the Board and for any other authorized records.

(Ord. 28-66, 11/9/1966, §17; as amended by Ord. 11-98, 9/23/1998)

**§117. Enforcement, Right of Entry of Officers and Interference with Officer.**

For the purpose of discharging the duties imposed by this Part and the Dog Law of 1982, and enforcing the provisions of same any officer duly authorized by the Board or a Shenango Valley municipal police officer is hereby empowered to enter upon any private property for the purpose of enforcing this Part and to ascertain whether any dog is present, kept, harbored, or cared for thereon; whether owner has secured a current calendar year Pennsylvania dog license and tag; and to issue notices of violation to owners of dogs found running at large and/or to impound dogs found to be in violation of this Part and said officers are hereby authorized to be vested with all powers, duties, responsibilities authorized in the Dog Law of 1982 to be delegated to said officers by the Secretary, Pennsylvania Department of Agriculture. Nor shall any person interfere, hinder or molest any officer in the performance of his duties.

(Ord. 28-66, 11/9/1966, §18; as amended by Ord. 11-98, 9/23/1998)

**§118. Incorporated by Reference.**

In addition to the “Dog Law of 1982,” with amendments, the Shenango Valley Animal Control Ordinance, as amended, incorporates by reference, as if more fully set forth herein, but not necessarily limited to the following: the Rabies Prevention and Control in Domestic Animals and Wildlife Act; Humane Society Police Officer Enforcement Act, all relevant provisions of Pennsylvania law pertaining to domestic animals, strays (animals running at-large), stallions and jacks and the Crimes Code of the Commonwealth of Pennsylvania and if any section of the existing Part is not in compliance with the above-referenced law, said Section or portion thereof, shall be void and deemed replaced by the applicable current valid law.

(Ord. 28-66, 11/9/1966; as added by Ord. 19-99, 7/28/1999, §9)

**§119. Violations; Penalties.**

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Board as well as reasonable fees for keeping the animal in a kennel as fixed by the Board, with the prior approval of Council, by resolution.
2. Any person allowing a dog to run at large a third time in violation of this Part or violating any other provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which an offense shall occur shall be deemed a separate offense.
3. Exception. Any owner who permits a licensed dog to be at large and receives a notice of violation for permitting his dog to be at large may discharge the penalty in-

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curred by depositing the notice of violation together with the sum of \$5 within 10 days subsequent to said violation at the animal shelter.

(Ord. 28-66, 11/9/1966; §19; as amended by Ord. 11-98, 9/23/1998)