

## CHAPTER 2

### ANIMALS

#### PART 1

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#### PART 1

##### SHENANGO VALLEY ANIMAL CONTROL

###### **§ 2-101. Short Title. [Ord. No. 10-2020, 12/16/2020<sup>1</sup>]**

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

###### **§ 2-102. Purpose and Intent. [Ord. No. 10-2020, 12/16/2020]**

It is the purpose and intent of this Part, under the authority granted to municipalities by the Intergovernmental Cooperation Law (53 Pa.C.S.A. § 2301 et seq.), and the Dog Law of 1982, as amended, 3 P.S. § 459-101 et seq., and such

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1. **Editor's Note:** This ordinance also provided for the repeal of former Part 1, Shenango Valley Animal Control Ordinance, adopted 11/9/1966 by Ord. No. 28-66, as amended.

other provisions of Pennsylvania law as may be necessary, to properly regulate animals to promote public health and welfare in the member communities. It is specifically acknowledged that some of the member municipalities entered into an intermunicipal agreement for the purpose of incorporating Shenango Valley Animal Shelter, Inc. ("SVAS"), as incorporated on February 16, 2018.

**§ 2-103. Administration and Enforcement. [Ord. No. 10-2020, 12/16/2020]**

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, the Borough of Wheatland, and the Township of Shenango, or any other such municipalities that shall become members, from time to time, by SVAS, as authorized by the ordinance creating, establishing and approving each municipality's membership in SVAS. This Part shall also be administered and enforced on behalf of other municipalities as may hereafter become a member municipality of SVAS. SVAS 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 SVAS are subject to change.

**§ 2-104. Definitions. [Ord. No. 10-2020, 12/16/2020]**

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

**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.

**ABANDONMENT** — The relinquishment of all rights and claims to an animal by its owner.

**ANIMAL CONTROL OFFICER** — The person or persons employed by SVAS or a member municipality as its enforcement officer. Said officer shall also be qualified and empowered, in accordance with Pennsylvania law, to enforce the Dog Law and other laws within the jurisdiction of said officer.

**ANIMAL SHLETER** — Facilities from which SVAS operates to enforce this Part.

**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.

**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** — Act of December 7, 1982, as amended, 3 P.S. § 459-101 et seq.

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

**MANAGER** — The chief administrative officer of the SVAS.

**MEMBER MUNICIPALITY** — A municipality which has entered into the intermunicipal agreement of February 16, 2018, by which the municipalities created SVAS, for the time that each said municipality remains a member in SVAS, and any other municipality that shall later adopt the terms of the intermunicipal agreement and be admitted as a member of SVAS.

**OFFICER** — Any person employed or elected by the commonwealth, a political subdivision, or SVAS whose duty is to preserve peace, make arrests, or enforce the Dog Law and/or this Part.

**OWNER** — Any person who has a right of property in such dog; who owns, harbors, keeps or causes or permits to be harbored, has 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, the Borough of West Middlesex, the Township of Shenango, and such other municipalities as may hereafter become a member municipality of SVAS.

**SVAS** — Shenango Valley Animal Shelter, Inc., the nonprofit corporation created by the member municipalities via an intermunicipal agreement and incorporated as of February 16, 2018.

**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.

#### **§ 2-105. Dogs at Large. [Ord. No. 10-2020, 12/16/2020]**

Any person who owns, keeps, harbors, or cares for a dog is subject to 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:

1. 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.
2. School Grounds or 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.
3. 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 that person's command, under the immediate control of a competent person, or otherwise humanely restrained.

**§ 2-106. Impoundment Registry; Notice to Owner of Impounding of Dog. [Ord. No. 10-2020, 12/16/2020]**

The animal control officer or manager shall, immediately upon impounding any dog, make a complete registry, entering the breed, color and sex of such dog, and whether it is licensed, if known; and shall enter all information for those dogs that are licensed; and if bearing an inoculation tag, entering such information. When a licensed animal is impounded, the animal control officer or manager shall give immediate notice, by certified mail, return receipt requested, to the owner of said licensed dog, informing the owner of the dog of its impoundment and the reason for the impoundment.

**§ 2-107. Impoundment, Redemption and Disposition of Dogs Other Than Rabies Cases. [Ord. No. 10-2020, 12/16/2020]**

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 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.

3. Adoption Authorized. If the animal control officer, manager, or their duly authorized representative determines that any unclaimed dog is reasonably healthy, currently vaccinated, and should not constitute a threat to the public health or welfare of the Shenango Valley, the dog shall be placed up for adoption.
4. Injured or Ill Animals. Any animal detained and/or impounded and suffering from serious injuries, in great pain with probability of recovery 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. An animal shall be destroyed only as a last resort, and only after determining that no reasonable alternative measure is possible.
5. Written Release. Any licensed dog may be placed 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 or she does not wish to redeem the impounded dog and subsequently, in writing, releases the dog to the sole jurisdiction of the Board.

**§ 2-108. Dangerous Dogs and Dog Bites. [Ord. No. 10-2020, 12/16/2020]**

1. Applicable Law. Pursuant to 3 P.S. § 459-507-A, local municipalities are prohibited from adopting any ordinances regulating dangerous dogs, as defined by statute, in any manner inconsistent with Pennsylvania law. All matters pertaining to dangerous dogs and/or dog bites shall be enforced pursuant to the Dog Law.
2. Enforcement. The Police Department, in addition to any animal control officer employed by SVAS, shall be empowered to enforce the dangerous dog provisions of the Dog Law.

**§ 2-109. Fees; Redemption Requirements. [Ord. No. 10-2020, 12/16/2020]**

1. SVAS is hereby empowered to establish fees from time to time for various services and costs.
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.

**§ 2-110. Nuisances. [Ord. No. 10-2020, 12/16/2020]**

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 a nuisance.

2. Any dog or cat which chases or harasses passersby, chases vehicles and/or attacks other domestic animals is hereby declared a nuisance.
3. Any dog or cat which scratches, digs or defecates, without the owner immediately retrieving and disposing of said defecation, 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 such animal, is hereby declared to be a nuisance.
4. 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.
5. This section shall be enforceable by the Police Department, the animal control officer, or through aggrieved persons filing a private criminal complaint at the Magisterial District Court.

**§ 2-111. Humane Care. [Ord. No. 10-2020, 12/16/2020]**

1. No person shall keep or harbor any dog or cat in the Shenango Valley so as 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 a dog house. The dog house must be large enough for the dog to assume all normal positions and also be draft-free with a good floor and sound roof. It should contain straw, hay or shavings. It is further noted that Pennsylvania law provides further restrictions for the housing of animals outside during times of intense heat or cold.
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 fresh water shall also be provided.
5. 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.
6. Any person violating any of these provisions shall be in violation of this Part.

**§ 2-112. Stray Cats. [Ord. No. 10-2020, 12/16/2020]**

1. The animal control officer, manager or his or her duly authorized representative is hereby authorized to receive any cat which is deemed to be without ownership and/or any cat surrendered to the shelter or animal control officer by its owner to be put up for adoption. To the extent able, based on capacity, SVAS will accept said cats.
2. It shall be a violation of this Part for any person to feed a stray or feral cat.

**§ 2-113. Single Household Limit for Dogs and Cats. [Ord. No. 10-2020, 12/16/2020]**

For all persons residing in a household that is located on a property lot of less than five acres, there shall be a household limitation of no more than four dogs, cats, or any combination thereof. This limitation shall not apply to any of the following:

1. Animals that have been spayed or neutered;
2. Litters of newborn animals that are 90 days old or less;
3. Duly licensed and accredited breeders, trainers, or border kennels pursuant to state and local laws or regulations.

**§ 2-114. Adoption. [Ord. No. 10-2020, 12/16/2020]**

Upon the adoption of a dog or cat from the Shenango Valley Animal Shelter, a contract shall be signed between animal shelter and adoptive owner, consistent with applicable Pennsylvania law, which calls for the payment to the animal shelters by the adoptive owner(s) of a "Board" approved mandatory adoption fee, along with fees for sterilization, as applicable.

**§ 2-115. Notice of Violation. [Ord. No. 10-2020, 12/16/2020]**

The animal control officer or any municipal police officer shall have the authority to issue any owner of a licensed dog found at large without seizing and/or detaining said dog a notice of violation in lieu of impoundment and/or imposition of a fine. A notice of violation shall be a printed form in a manner to be determined by SVAS and shall provide adequate notice to the violator as to the elements of the violation, including, date, time, and the nature of the violation.

**§ 2-116. Enforcement. [Ord. No. 10-2020, 12/16/2020]**

1. A duly qualified and sworn animal control officer, hired and selected by SVAS, shall have full authority to enforce this Part and all other powers bestowed upon an animal control officer under the Dog Law.
2. For the purpose of discharging the duties imposed by this Part and the Dog Law, and enforcing the provisions of same, any animal control officer or municipal police officer is hereby empowered to enter upon any private property to determine whether a violation has occurred or is occurring; to issue notices of violation to owners of dogs running at large; and/or to impound dogs found to be in violation of this Part. Said officers are hereby authorized to be vested in all powers, duties, and responsibilities authorized under the Dog Law or this Part to be delegated to said officers.

**§ 2-117. Violations and Penalties. [Ord. No. 10-2020, 12/16/2020]**

1. Dogs at Large. For dogs running at large, an owner found to be in violation shall pay a fine as follows:

- A. For a first offense, a fine of not less than \$25 nor more than \$600;
- B. For a second offense, a fine of not less than \$50 nor more than \$600;
- C. For a third or subsequent offense, a fine of not less than \$100 nor more than \$1,000, and/or imprisonment not to exceed 30 days.

2. Other Offenses. For all violations not related to dogs at large, a person found to be in violation shall pay a fine of not less than \$25 nor more than \$1,000 and/or be sentenced to a term of imprisonment not to exceed 30 days.

3. Disposition of Fine Money. All fine revenues collected from enforcement action of an animal control officer employed by SVAS shall be remitted by the municipality to SVAS. All fine revenues collected through any other enforcement officer shall be retained by the municipality.