

## **CHAPTER 2**

### **ANIMALS**

#### **PART 1**

##### **PROHIBITING DOGS RUNNING AT LARGE**

- §2-101. Definitions**
- §2-102. Appointment and Duties of Dog Warden**
- §2-103. Unlawful to Allow Dogs to Run at Large**
- §2-104. Seizing of Dogs**
- §2-105. Licensed Dogs**
- §2-106. Unlicensed Dogs**
- §2-107. Threatening Dogs**
- §2-108. Penalties**

#### **PART 2**

##### **DANGEROUS DOGS**

- §2-201. Definitions**
- §2-202. Prohibited Activity**
- §2-203. Licensing of Dangerous Dogs**
- §2-204. Confinement of Dangerous Dogs**
- §2-205. Primary Enclosures**
- §2-206. Shelters**
- §2-207. Nondomestic Canine**
- §2-208. Litter Registration; Limits; Exceptions**
- §2-209. Destruction of Dangerous Dogs**
- §2-210. Penalties**

**PART 1**

**PROHIBITING DOGS RUNNING AT LARGE**

**§2-101. Definitions.**

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

**OWNER** — any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

**RUNNING AT LARGE** — being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

(Ord. 91-2, 11/4/1991)

**§2-102. Appointment and Duties of Dog Warden.**

A Dog Warden shall be appointed by Borough Council to serve during its pleasure. Such dog warden along with the police officers shall have concurrent responsibility for the enforcement of this Part and of the Dog Law of 1982, 3 P.S. §459-101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of assembly or ordinance of the Borough.

(Ord. 91-2, 11/4/1991)

**§2-103. Unlawful to Allow Dogs to Run at Large.**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of Prospect.

(Ord. 91-2, 11/4/1991)

**§2-104. Seizing of Dogs.**

The dog warden or any police officer or constable may seize any dog found at large in the Borough. Such dogs are to be impounded in a licensed kennel.

(Ord. 91-2, 11/4/1991)

## ANIMALS

### **§2-105. Licensed Dogs.**

The Chief of Police shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law.

(Ord. 91-2, 11/4/1991)

### **§2-106. Unlicensed Dogs.**

Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law.

(Ord. 91-2, 11/4/1991)

### **§2-107. Threatening Dogs.**

Dogs that, in the opinion of any police officer or dog warden, constitute a threat to public health and welfare may be killed by the police or dog warden.

(Ord. 91-2, 11/4/1991)

### **§2-108. Penalties.**

The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a Resolution of the Borough Council. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs; and in default of payment, to imprisonment for a term not to exceed 30 days.

(Ord. 91-2, 11/4/1991; as amended by A.O.)

## PART 2

### DANGEROUS DOGS

#### §2-201. Definitions.

**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.

**BOROUGH** — the Borough of Prospect.

**COMPLIANCE OFFICER** — any person employed or elected by the Commonwealth, or by any municipality, thereof, whether full-time employees and/or an authorized agent acting pursuant to oral or written agreement and 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.

**DANGEROUS DOGS** — as defined in this Part shall be defined in accordance with provisions of 3 P.S. §459-501-A, Pennsylvania's Dangerous Dog Law, as follows:

- A. The determination of a dog as a dangerous dog shall be made by the magisterial district judge upon evidence of a dog's history or propensity to attack without provocation based upon an incident in which the dog has done one or more of the following:
- (1) Inflicted severe injury on a human being without provocation on public or private property.
  - (2) Killed or inflicted severe injury on a domestic animal without provocation while off the owner's property.
  - (3) Attacked a human being without provocation.
  - (4) Been used in the commission of a crime.

**IMPOUND** — to apprehend, catch, trap, net or, if necessary, to kill any dangerous dog by the local police department and/or authorized local agency.

**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.

**OWNER** — when applied to the proprietorship of a dangerous dog, this term shall include every person having right of property in such dog, and every person who

## ANIMALS

keeps or harbors such dog or has in its care, and every person who permits such dog to remain on or about any premises by that person.

**RESTRAINT or RESTRAINED** — when a dangerous dog or other animal is controlled by leash or chain not exceeding six feet in length or when a dangerous dog or other animal is confined to the owner's property.

(Ord. 97-1, 1/6/1997, §1)

### **§2-202. Prohibited Activity.**

1. The running at large of dangerous dogs within the Borough of Prospect to the annoyance or inconvenience of residents, pedestrians, operators of motor vehicles using the streets or highways of the Borough is prohibited.
2. Dangerous dogs are considered dangerous animals and potentially hazardous to the community. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure for such dog unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraining of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal or from destroying property with its teeth. Any dangerous dog wandering or running loose in or upon the Borough of Prospect shall be subject to restraint and confinement by any police officer or other authorized person acting on behalf of the Borough. It shall be the duty of any police officer or other authorized personnel acting on behalf of the Borough to take whatever action is necessary and proper pursuant to 3 P.S. S549-505-A(6) and (c) under the circumstances to properly secure and restrain any loose dangerous dog.

(Ord. 97-1, 1/6/1997, §2)

### **§2-203. Licensing of Dangerous Dogs.**

1. No person shall own, keep or harbor any dangerous dog in any household, residence or on any property whatsoever within the Borough without first obtaining a dangerous dog license from the Borough of Prospect as provided for in this Part.
2. Owner of a dangerous dog shall file an application for a dangerous dog license with the Police Department. The application shall provide the following information:
  - A. Name of applicant.
  - B. Name of owner of dangerous dog if different from applicant.
  - C. Address where dangerous dog will be kept.

- D. Number of dangerous dogs to be kept or housed on premises.
  - E. Exact location on the property where the dangerous dog(s) will be kept.
  - F. Method to be used to secure or restrain the dangerous dog(s) on the property.
  - G. Evidence of compliance with Borough of Prospect Zoning Ordinance.
  - H. Name of the person who will be responsible for the care and confinement of the dangerous dog(s).
  - I. Evidence of \$5,000 bond.
  - J. Any other information requested by the Borough.
3. Application shall be accompanied by a \$50 application fee which is nonrefundable. The fee includes the cost of processing the application and any inspection prior to licensing.
4. Dangerous dog licenses shall be issued by the Police Department only after the appropriate fee has been paid and, if the applicant has complied fully with all applicable codes, statutes and regulations, including the Borough of Prospect Zoning Ordinance [Chapter 27] and the Pennsylvania Department of Agriculture regulations. The Borough of Prospect shall issue a permit for a dangerous dog kennel provided the requirements of the Zoning Ordinance [Chapter 27], §§2-204, 2-205 and 2-206 of this Part are fully complied with.
5. Dangerous dog license fees are due and payable on the first day of a calendar year.
- A. One dangerous dog: \$100 per calendar year.
  - B. Two dangerous dogs: \$250 per calendar year.
6. Revocation of License. If the applicant, owner or other person responsible for any dangerous dog kept within the Borough violates any provision of this Part or any other applicable code, statute or regulation, then any license issued hereunder shall be automatically revoked. The Borough of Prospect reserves the right to refuse to issue or reissue a dangerous dog license to any person who has violated any provision of this Part or other applicable code, statute or regulation.
7. Bond Requirement. Any person who owns, keeps or harbors a dangerous dog must post a \$5,000 bond with the Borough of Prospect to insure payment of any damages or injuries which might be caused by said dangerous dog.

## ANIMALS

8. Change of Address. If there is any change in the status of ownership, location where the dangerous dog is to be housed, or of any information required in §2-203, the licensee must immediately notify the Police Department of these changes. Failure to notify such changes will cause the automatic revocation of the dangerous dog license referred to above.

(Ord. 97-1, 1/6/1997, §3)

### **§2-204. Confinement of Dangerous Dogs.**

1. All dangerous dogs must be confined in a secured building or enclosure.
2. Dangerous dogs must not be kept, housed or harbored in an exterior yard without first complying with the Borough of Prospect Zoning Ordinance [Chapter 27] and obtaining approval from the Zoning Officer of the Borough of Prospect. In no case are dangerous dogs 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 Zoning Officer. Said fence must be at least six feet high and constructed with a roof and shall also require approval by the Zoning Hearing Board of the Borough of Prospect.
3. All entrances to and exits from a property where a dangerous dog is confined must be posted with a warning sign, the size and type approved by the Zoning Officer.
4. Any dangerous dog which is removed from its area of confinement into or upon the public ways of the Borough of Prospect must be kept securely leashed and muzzled at all times. The owner/licensee shall be responsible for said secure leash and muzzle of the dangerous dog.

(Ord. 97-1, 1/6/1997, §4)

### **§2-205. Primary Enclosures.**

1. Primary enclosures shall be construed and maintained so as to provide sufficient space to allow each dog to turn freely and to stand erect, sit and lie down in a comfortable, normal position. Litters of puppies, under eight weeks of age, may be kept in the same primary enclosure as long as the total weight does not exceed the provisions of this Section. The minimum of area dimensions and various sizes of dogs shall be as follows:
  - A. Dogs up to 25 pounds: five square feet per dog.
  - B. Dogs 25 to 45 pounds: eight square feet per dog.
  - C. Dogs over 45 pounds: 12 square feet per dog.

2. Runs shall be at least 36 inches wide for dogs up to 45 pounds and at least 48 inches wide for dogs over 45 pounds.
3. Any dog kept in a cage, crate or pen shall be exercised or have access to a run at least twice daily unless otherwise directed by a veterinarian.

(Ord. 97-1, 1/6/1997, §5)

**§2-206. Shelters.**

1. Dogs shall be provided access to shelter which protects them against inclement weather, keeps them dry and allows them to preserve a normal body temperature.
2. 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 times the length of the dog as measured from the tip of its nose to the base of its tail, but no less than 10 feet in length and shall allow the dog convenient access to the dog house.
3. No animal may be housed on a temporary or permanent basis in any shelter constructed of uninsulated metal.

(Ord. 97-1, 1/6/1997, §6)

**§2-207. Nondomestic Canine.**

No person or residence shall be permitted to own, harbor or maintain a nondomestic canine or hybrid within the Borough limits. This Section shall not affect any such animal owned by a person living within the Borough limits prior to the effective date of this Part. This Section shall not apply to any educational, institutional, zoological garden or circus.

(Ord. 97-1, 1/6/1997, §7)

**§2-208. Litter Registration; Limits; Exceptions.**

A licensee shall register all litters of puppies born within Borough limits with the Police Department within 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 licensee shall be limited to one litter of puppies per year. The two pet limit described shall not include litters of young under 12 weeks of age that have been registered with the Department. This



## ANIMALS

Section shall not affect kennels registered with the Pennsylvania Department of Agriculture.

(Ord. 97-1, 1/6/1997, §8)

### **§2-209. Destruction of Dangerous Dogs.**

Any dangerous dog which bites and/or attacks a person for any reason may be destroyed at the owner's expense or permanently removed from the Borough of Prospect. The destruction of the dangerous dog shall only be under the circumstance upon which a compliance officer and/or authorized agent of the Borough in their discretion believes that the immediate or future destruction of the animal is the only alternative available to ward off the dangerous dog attack. Upon directive by a compliance officer or agent of the Borough, a licensee shall remove a dangerous dog from the Borough and have it destroyed. If said dangerous dog is not removed from the Borough or destroyed, it shall thereafter be subject to seizure and/or destruction by the Borough by its duly authorized agents.

(Ord. 97-1, 1/6/1997, §9)

### **§2-210. Penalties.**

Any person violating any provision of this Part shall be subject to a fine of up to \$1,000 and/or imprisonment of up to 30 days. Any person violating the provisions of this Part shall be subject to immediate seizure of the dangerous dog. Any dangerous dog 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 dog, heretofore having been seized and turned over to the appropriate protection agency, who brings that same animal back into the Borough of Prospect, shall have committed a second offense. In addition, any person violating any provision of this Part shall be subject to the following:

- A. Forfeiture of bond.
- B. Revocation of dangerous dog license.
- C. Prohibition from obtaining another dangerous dog license.

(Ord. 97-1, 1/6/1997, §10; as amended by A.O.)