

ORDINANCE NO. 28

AN ORDINANCE REGULATING THE KEEPING OF DOGS, PROVIDING FOR THE IMPOUNDMENT OF DOGS, PROHIBITED THE RUNNING AT-LARGE OF DOGS, REGULATING TO SOME EXTENT THE KEEPING OF CATS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Monaghan, and it is hereby enacted and ordained by and with the authority of the same, as follows:

Section 1: SHORT TITLE

This Ordinance shall be known and may be cited as the Monaghan Township Dog Ordinance.

Section 2: DEFINITIONS

Dog Law. Dog Law shall mean the act relating to dogs, 3 Pa. C.S.A. Sec. 459 et. seq. as amended.

Animal Shelter. Animal shelter shall mean any facility operated by a licensed or recognized Humane Society, or any licensed kennel, and approved by Monaghan Township.

Enforcement Officer. The term Dog Law Enforcement Officer, Animal Enforcement Officer, Animal Warden, Game Warden, Enforcement Officer, etc., shall mean the person or persons appointed

by the Monaghan Township Board of Supervisors or assigned by its Police Department as its enforcement officer.

At-Large. With reference to a dog, at-large shall mean one that is off the property of its owner and not in immediate control of a competent person.

Restraint. The term restraint with reference to a dog shall mean that the dog is controlled by a leash, at heel, beside a competent person and obedient to that person's command, or within a vehicle being driven or parked on the streets on or within the property limits of its owner or keeper.

Owner of a Dog. Any person who has the 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 such person.

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

Officer. Any person employed, appointed, or otherwise authorized, by the Commonwealth of Pennsylvania, the County of

York, or the Township of Monaghan, whose duty it is to preserve peace, make arrests or enforce the Dog Law, 3 Pa. C.S.A. Sec. 459 et. seq., as amended.

Person. Any individual, person, firm or corporation.

Veterinarian. A doctor of veterinary medicine who holds a valid license to practice his profession.

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 license tag can be affixed.

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.

Exposed to Rabies. A dog has been exposed to rabies if it has been bitten by any other animal or if it has been in contact with any animal known to be, or suspected of being, infected with rabies.

Bite. Any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by a dog.

Section 2: DOGS 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. The 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 it, unless such dog is 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 a leash or not, which shall be or 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 such place is open for business; provided, however, that 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 the dog is wearing a muzzle of sufficient strength to prevent its

biting any person or other animal, and the muzzle requirement shall exist 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.

Section 3: NOTICE TO OWNER OF IMPOUNDMENT OF DOG

The Animal Warden or his duly authorized representative is hereby authorized upon the impounding of any dog to make a complete registry, entering the breed, color and sex of such dog and whether licensed, if known; and if licensed, to 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 may be recorded. When any licensed animal shall be impounded, the Animal Warden or his authorized representative shall give immediate notice, either by personal or by certified mail, to the owner of such licensed dog, informing such owner of the impounding of the dog and the reason therefor.

Section 5. IMPOUNDMENT, REDEMPTION AND DISPOSITION OF DOGS OTHER THAN RABIES CASES.

- (a) **Unlicensed Dogs.** The owner shall be entitled to resume possession of any impounded 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 the application for such possession, with payment of all required penalties and fees, is made within seventy-two (72) hours after impoundment.

- (b) **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 fee is made within ten (10) days after impoundment and notice thereof given in accordance with the requirements of the Dog Law of 1965.
- (c) **Disposition of Dogs.** Any unlicensed dog impounded and not reclaimed by the owner after being held at least seventy-two (72) hours after impoundment, and any licensed dog impounded and not reclaimed by the owner after being held ten (10) days after impoundment and notice given as required by Section 4, may be destroyed in a humane manner.
- (d) **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 general public, the Animal Warden may retain said dog for a reasonable period of time to attempt to put the animal up for adoption.
- (e) **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 after reasonable efforts to determine ownership have failed.

- (f) **Written Release.** Any licensed dog may be destroyed in some humane manner or put up for adoption any time within ten (10) days from the date of impoundment if, upon notification of impoundment of said dog, the owner states he does not wish to redeem the impounded dog and subsequently, in writing, releases the dog to the sole jurisdiction of the Monaghan Township Board or its law enforcement officer.

Section 6. CONFINEMENT OF DOGS

- (a) **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. 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 Monaghan Township Board.
- (b) **Securing Vicious Dogs.** Dogs of fierce, dangerous or vicious propensity when on the property of the owner or 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.
- (c) **Dogs in Heat.** Female dogs "in heat" shall be confined by the owner in an enclosed area so

that the dog cannot come in contact with another except for planned breeding.

- (d) **Suspected Rabies Cases.** Dogs suspected of having rabies shall be confined by the owner in and at a place designated by the Animal Warden or his duly authorized representative at the owner's expense, in such a way so as to prohibit such rabies-suspected dog to come in contact with any other animal or person and/or from escaping. Such rabies-suspected dog shall be confined until such time as a veterinarian has authorized in writing its release or non-confinement. Veterinarian examination must be made between the 10th and 15th day after the date of the dog bite occurred.

Section 7. RABIES - VACCINATION

- (a) **Current Vaccination.** No person shall own, keep, harbor, care for or have on or about the premises occupied by said person within the Township of Monaghan any dog six (6) months of age or older unless such dog has a current rabies vaccination. A dog will have a current vaccination for the remainder of the month during which it was vaccinated and for the following twelve (12) calendar months if injected with a dead virus, and/or for the following thirty-six (36) calendar months if injected with a live virus vaccine. The dog must be re-vaccinated before the expiration of the first and each subsequent current vaccination.
- (b) **Exception.** Vaccination will not be required of any dog when a certificate from a veterinarian that such dog should not be inoculated with rabies vaccine and the valid medical reasons therefor have been filed with the Dog Enforcement Officer at the Township Office.

- (c) **Registration.** No owner shall have within the Township of Monaghan any dog six (6) months of age or older unless such dog is currently vaccinated. No dog shall be considered vaccinated unless it has a current vaccination or an exemption under Subsection 7(b).

SECTION 8. RESTRICTION OF MOVEMENT FOR GUIDE DOGS OF BLIND:
ALLOWANCE FOR HUNTING OR RECREATIONAL DOGS.

- (a). It shall be lawful for any dog trained to guide a blind person to be admitted, when actually accompanying such blind person, to any public place or vehicle to which such blind person may have the right to enter, if such dog is currently vaccinated and licensed.
- (b). It shall be lawful for any dog to be trained for hunting or recreational purposes upon the land or property of the owner of the animal, or if legal permission is obtained for the owner of said dog and dog to use the land and property of another for said training or recreational purposes, provided the dog is currently vaccinated and licensed.

Section 9. DOG BITING

- (a) **Reporting Animal Bites.** It shall be the duty of every physician or other medical practitioner, owner of the dog involved, and/or the victim to report to the Board the names and addresses of persons treated for bites inflicted by dogs, together with such other information as is pertinent to rabies control. It shall be the duty of any person having knowledge of a dog bite to notify the Board of such incident and provide such information upon request of the Animal Warden or any officer as is pertinent to rabies control.
- (b) **Confinement.** Any dog that bites a person shall be confined by the owner in and at a place designated by the Animal Warden or his duly authorized representative in such a way so as to prohibit such dog from coming in contact with another animal or person and/or from escaping, at the owner's expense. Such dog shall be confined ten (10) days from the

date of the dog bite incident or until such time as a veterinarian has authorized in writing its release or non-confinement.

- (c) Rabies Test. It shall be the duty of the owner and/or veterinarian to forward the head of any dog to the Pennsylvania Department of Health that dies within ten (10) days of biting any person with the cost to be borne by the owner.

Section 10. IMPOUNDMENT.

The Monaghan Township Animal Control Board, its officers and employees, as well as any police officer of the Township of Monaghan, is authorized to impound or cause to be impounded at the Animal Shelter any dog found running at-large in the Township of Monaghan.

Section 11. IMPOUNDMENT, DAILY BOARD, PICK-UP, EUTHANASIA AND VACCINATION

The Board is hereby empowered to establish the following penalties and fees:

- (a) Impoundment penalty for a licensed or unlicensed dog shall be Fifteen (\$15.00) Dollars.
- (b) A daily board fee of Two (\$2.00) Dollars shall be charged for every day or fraction thereof that an animal shall be confined to the shelter.
- (c) A fee of Ten (\$10.00) Dollars may be charged for distemper shots administered to dogs

impounded at the Animal Shelter.

- (d) A fee of Five (\$5.00) Dollars may be charged for animal pick-up service requested by the owner of the animal.
- (e) A fee of Five (\$5.00) Dollars may be charged for euthanasia service requested by the owner of the animal provided that the owner resides within the Township of Monaghan.
- (f) Any dog to be redeemed by or released to an owner shall be required to meet the vaccination and/or licensing requirements of this ordinance prior to resuming full possession. If vaccination and/or licensing is performed at the Animal Shelter, the current fees for such service shall be paid prior to such release.

Section 12. NUISANCE.

- (a) 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 of 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.
- (b) Any dog or cat which is molesting passersby, chasing vehicles and/or attacking other domestic animals, is hereby declared to be a nuisance.
- (c) 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 of such animal,

is hereby declared to be a nuisance.

- (d) 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 nuisance shall be considered abated.
- (e) It shall be unlawful for any owner or person having custody of such dog or cat to harbor or permit it to commit such nuisances.
- (f) It shall be the responsibility of the person or persons aggrieved by such nuisances to file a complaint with the District Justice. The District Justice shall have the power to determine the disposition of any dog or cat which shall be declared to be a nuisance.
- (g) Any dog or cat which shall attack and/or bite one or more persons may be declared a nuisance, and any District Justice is authorized to order that such dog or cat shall not be kept in the Township of Monaghan, be destroyed, or such other procedure be adopted that will eliminate the dog or cat as a nuisance.

Section 13. HUMANE CARE

- (a) No person shall keep or harbor any dog or cat in the Township of Monaghan so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public and that of the dog or cat.
- (b) Every dog or cat that is kept out doors must be provided with adequate shelter or dog house. The dog house must be large enough for the dog to assume all normal positions and be

draft-free with a good floor and sound roof. It should contain straw, hay or shavings.

- (c) 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.
- (d) Every dog or cat shall be given food placed in containers and not just thrown on the ground. Fresh water shall also always be provided.
- (e) Any person found not providing humane care for his dog or cat will be considered in violation of this ordinance.
- (f) 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, and such acts shall be considered in violation of this ordinance.

Section 14. STRAY CATS

The Animal Warden or his duly authorized representative is hereby authorized to receive any cat which is deemed to be without ownership 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.

Section 15. NOTICE OF VIOLATION

The Animal Warden or any other employee duly authorized by the Board or any police officer of the Township of Monaghan shall have the authority to issue to any owner of a licensed dog found at-large without

seizing and/or detaining such dog a Notice of Violation in lieu of impoundment. A Notice of Violation shall be a printed form similar in design to a traffic or parking ticket in use by police departments with sufficient copies so as to afford a copy for the violator and the Board.

Section 16. ENFORCEMENT, RIGHT OF ENTRY OF OFFICERS AND INTERFERENCE WITH OFFICERS.

For the purpose of discharging the duties imposed by this ordinance and enforcing the provisions of the same, any officer or employee duly authorized by the Board as well as any police officer of the Township of Monaghan is hereby empowered to enter upon any private property for the purpose of enforcing this ordinance and to ascertain whether any dog is present, kept, harbored or cared for thereon; whether the owner has secured a current calendar year Pennsylvania dog license and tag; to issue notices of violation to owners of dogs found running at-large and to impound dogs found to be in violation of the ordinance. No person shall interfere, hinder or molest any officer in the performance of his duties under this ordinance.

Section 17. VIOLATIONS - PENALTIES

Any person violating any of the provisions of this ordinance shall, upon conviction, be sentenced to pay a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars to be collected as fines and penalties are now collected, and in default of payment to undergo imprisonment in the County Jail for a period not to exceed thirty (30) days, except that 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 incurred by depositing the Notice of Violation together with the sum of Five (\$5.00) Dollars within ten (10) days subsequent to the violation to the Dog Enforcement Officer at the Township Office. All costs of prosecution shall be imposed upon the person convicted of violating any of the provisions of this ordinance.

Section 18. CONFLICTING ORDINANCES


Any ordinance inconsistent with the provisions of this ordinance is hereby repealed to the extent of the conflict.

Section 19. SEVERABILITY OF PROVISIONS

If any paragraph, sentence or part of this ordinance is found to be invalid, such invalidity shall not affect the remaining provisions of this ordinance.

ENACTED AND ORDAINED this 13th day of July,
1987.

TOWNSHIP OF MONAGHAN



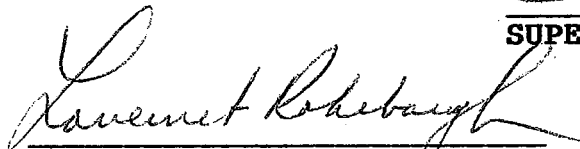
CHAIRMAN, JACOB J. COTTENHAM



**VICE CHAIRMAN
R. WAYNE MILLER, JR.**



SUPERVISOR, G. THOMAS MILLER



**LAVERNE F. ROHRBAUGH
SECRETARY, MANAGER**