

TOWNSHIP OF WASHINGTON
ANIMAL CONTROL ORDINANCE

NO. O-04-09

AN ORDINANCE OF WASHINGTON TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, PROHIBITING DOGS RUNNING AT LARGE; CREATING THE POSITION OF ANIMAL CONTROL OFFICER; ESTABLISHING PROCEDURES FOR THE CONTROL, REMOVAL AND/OR TRANSPORTATION OF DOGS OR OTHER ANIMALS IN WASHINGTON TOWNSHIP; AND PROHIBITING FECES OR URINE TO BE DISTRIBUTED AND PRESCRIBING PENALTIES FOR VIOLATION.

AND NOW, it is ORDAINED and ENACTED by the Board of Supervisors of Washington Township, Fayette County, Pennsylvania; and

THIS ORDINANCE is hereby ENACTED and ORDAINED by the authority of same as follows:

SECTION 1. Definitions. As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context and all definitions shall be interpreted and consistent with the definitions set forth in Pennsylvania Dog Law at 3 P.S. §459-102.

ANIMALS - Domesticated animals, wild animals or animals of all species, including dogs, cats, other household pets, domestic normally and ordinarily kept in or permitted to be at large in the dwelling or any wild or domesticated animal which is owned by a person, firm, partnership, association, business entity or corporation.

OWNER - Every person having a interest or property right in a dog, a cat or any household pet or any other animal, whether a large animal, a small animal or wild animal and every person or any person who keeps or harbors a dog or a cat or any other animal, or has said animal under his or her care, and every person who permits such dog, or cat, or other animal to remain on or about any premises occupied by said owner.

RUNNING AT LARGE - Being upon any public highway, street, alley, park or any other public land or upon property of another person, partnership, corporation, business entity or limited liability corporation, other than the owner and not being accompanied by or under the control of the owner or any other person having custody or the responsibility for custody of said dog, cat or other animal.

In this Ordinance the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION 2. Animal Control Officer. An Animal Control Officer may be appointed by the Board of Supervisors or hired pursuant to a contract approved by the Board of Supervisors to serve at the pleasure of the Board of Supervisors as an employee at will. The Board of Supervisors may designate and hereby designate the Code Enforcement Officer, along with the Police Officers of Washington Township, and shall have concurrent responsibility and authority for the enforcement of this Ordinance and of the Pennsylvania Dog Law at 3 P.S. §459.101 et seq., which specific provisions of the Dog Law are incorporated herein by reference and made a part hereof, as the same may be amended, revised or up-dated from time to time by the Legislature of the Commonwealth of Pennsylvania. The Animal Control Officer shall not have the power to make arrests under the provisions of this Ordinance or under the statutory provisions of Pennsylvania law; however, the Code Officer and the Animal Control Officer shall have authority and responsibility to issue non-traffic citations for violation of any provision of this Ordinance. Police Officers shall have the power to make arrests pursuant to Pennsylvania law, the Dog Law at 3 P.S. §459.101 et seq., in accordance with the laws of Pennsylvania.

SECTION 3. Running at large. It shall be unlawful for the owner or person charged with the responsibility of any animal to allow or permit any animal, including dogs, cats, household pets or any animal defined within this Ordinance or within Pennsylvania Dog Law, to permit such animal to run at large within Washington Township, except if the animal is confined within areas that are owned by or occupied by the owner of said animal.

SECTION 4. Voiding Animal Excrement. No person having possession, custody or control of any animal or the owner of an animal over which no person exercises possession, custody or control shall allow or permit any dog or other animal to void urine or excrement on any public or private property other than the property of the owner of such dog or other animal.

Violation of this Section shall constitute a nuisance.

SECTION 5. Offense Defined. Any person or entity having ownership, possession, custody or control of any dog or any other animal which commits a violation of Section 4, a nuisance, of this Ordinance, shall be required to immediately remove said excrement/feces from any such surface and immediately either:

- a. carry the same away for disposal in a toilet, or sanitary sewage system; or
- b. place the same in a tightly sealed, non-leaking container for immediate disposal in a trash or litter receptacle, which is owned by or provided for the service of the owner or custodian of said animal.

SECTION 6. Exception. The provisions of this Ordinance shall not apply to a guide dog accompanying any person who is legally blind, or to a dog used to assist any physically handicapped person, or to animals used in any police activity or fire activities within Washington Township.

SECTION 7. Animal Control Procedures.

A. The Animal Control Officer and the Code Enforcement Officer responsible for enforcement of this Ordinance, together with the Washington Township Police, shall be available for duty at reasonable hours to enforce this Ordinance.

B. Transportation of Animals. If it is determined that the transportation of an animal is necessary, the individual arriving at said conclusion shall make appropriate arrangements for transportation of said animal in an appropriately secured vehicle.

C. Seizure of Animals. The appropriate officer enforcing this Ordinance may seize any animal and cause that animal to be held as required pursuant to the provisions of this Ordinance.

D. Injured or Dead Animals. Upon the report of an injured or dead animal in Washington Township, the appropriate enforcement officer will be notified and will report to the scene and assume responsibility for the animal. If it is determined that charges should be placed or filed before the local district judge for incidence of injury, death or mistreatment of the animal in violation of this Ordinance or in violation of the Pennsylvania Dog Law, the Officer may file a citation with the local district judge. A dead animal located on Township property or Township roadways, where the owner is unavailable or unknown, will normally be removed by the Township Highway Department after notification by the Officer. PennDOT will be notified to remove dead animals from State roadways within Washington Township. Washington Township Supervisors reserve the right to execute a contract with a local organization to provide for the removal of dead or injured animals from the Township roadways.

E. Dangerous or Vicious Animals. A dangerous dog or dangerous animal is an animal that has done any of the following:

- i) inflicted severe injury upon a human being without provocation on public or private property;
- ii) killed or inflicted severe injury on a domestic animal, dog or cat, without provocation while off the owners property;
- iii) attacked a human being without provocation;
- iv) been used in the commission of a crime;
- v) has a history of attacking human beings and/or domestic animals, dogs or cats without provocation;
- vi) has a propensity to attack human beings and/or domestic animals, dogs or cats, without provocation; and
- vii) a propensity to attack may be proven by a single incident of the conduct described herein.

Upon the report of a vicious animal, the Officer will respond to the scene promptly. If the owner or person responsible for the control of said animal is unavailable or unknown, the Officer may utilize a tranquilizer gun, fatal force or other approved methods to subdue the animal and/or take appropriate action to ensure the safety of the people of Washington Township which action shall be in the sole discretion of the Officer after taking into consideration the entirety of the circumstances in existence at the time it becomes necessary to make a decision. The decision of the Officer in emergency situations shall be deemed to be reasonable.

F. Suspected Rabid Animals. Upon receipt of complaints of suspected rabid animal or animals, the Officer shall be notified immediately. If the Officer determines that the destruction of a suspected rabid animal is deemed necessary, such destruction will be accomplished in the least public manner possible, as humanely as possible, so that the head of said animal is not damaged more than is necessary so that analysis can be conducted to confirm the existence of rabies. Actions of the Officer shall be deemed to be reasonable under the circumstances whether or not final determination reveals the existence of rabies.

G. Release to the Society for the Prevention of Cruelty to Animals (SPCA). When an animal is detained by the Officer, said animal will be released to the SPCA where possible and the Officer must inform the SPCA personnel of the specific period of time for which the animal is to be held, conditions under which the animal is to be restrained or held and to whom the animal is to be released.

H. Wild Animals. For complaints involving wild animals and protected animals, the Officer shall be notified and shall respond to the complaint unless the Officer determines that a Pennsylvania State Game Official is better suited to respond to the complaint and the Officer notifies the Pennsylvania State Game Official of the complaint/incident.

SECTION 8. Penalties.

A. On the first occasion that an owner or person in control of an animal violates Section 4 of this Ordinance, or when a dog or other animal is seized, the owner or person in control of said animal shall receive a written notice of the violation. On the second occasion that an owner or person in control of an animal violates Section 4 of this Ordinance, the owner or person in control of said animal shall receive a citation from the Officer and the local district judge shall impose a fine of not less than \$100.00 nor more than \$300.00, together with reasonable fees and attorneys fees for prosecution, together with any costs that may have been incurred by the Township in enforcing the provision of Section 4, payable to the Township Supervisors. For each and every violation of Section 4 of this Ordinance, subsequent to the first two violations, the owner or person in charge of controlling the animal involved, shall upon conviction by the local district judge, be sentenced to pay a fine of not less than \$600.00, or in default of payment to imprisonment/incarceration for a term not to exceed thirty (30) days.

SECTION 9. Severability. The provisions of this Ordinance are severable. If any sentence, clause, word or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any

of the remaining provisions, sentences, clauses, words or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Washington Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, word or section not been included therein.

SECTION 10. Incorporation. This Ordinance incorporates by reference the statutory provisions of the Pennsylvania Dog Law at 3 P.S. §459.101 et seq., as though the same were fully set forth herein. If the Ordinance should be inconsistent with the Pennsylvania Dog Law, then it is understood that the statutory provisions of the Dog Law shall control and prevail for any enforcement citations which may be issued under the provisions of this Ordinance.

SECTION 11. Effective Date. This Ordinance shall become effective five (5) days after enactment.

SECTION 12. Repeals. All ordinances or parts of ordinances, inconsistent with this Ordinance, are hereby repealed insofar as they may be inconsistent with herewith.

ENACTED AND ORDAINED into law this 9th day of December, 2009.

WASHINGTON TOWNSHIP SUPERVISORS

By: Charles E Yusko
Charles Yusko, Chairman

By: Jamie Miller
Jamie Miller, Vice-Chairman

ATTEST:

Amy B Naulty
Amy B. Naulty, Secretary

(SEAL)

I hereby certify the foregoing Ordinance was advertised in *The Valley Independent* on the 13th day of November, 2009, a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth at a regular meeting of the Washington Township Supervisors held on the 9th day of December, 2009.

Amy B Naulty
Amy B. Naulty, Secretary