

April 20, 2015

BOROUGH OF ELLWOOD BOROUGH, PENNSYLVANIA - ORDINANCE # 2508

WHEREAS, the Council of the Borough of Ellwood City deems it advisable for the public health and welfare of the Borough to provide prohibitions of the tethering of dogs and keeping of dogs outdoors within the Borough as further set forth below; and

WHEREAS, enactment of such an Ordinance in other jurisdictions has produced less incidents of nuisance dog barking, reduction the number of attacks on children by tethered dogs, lessened animal cruelty and promotes responsible dog ownership; and

WHEREAS, the Borough now desires to adopt the following provisions related to the tethering of dogs and keeping of dogs outdoors within the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF ELLWOOD CITY, PENNSYLVANIA, that:

(a) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause an unattended dog to be fastened, chained, tied or restrained to houses, trees, fences, garages, stakes or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are satisfied:

(1) The tethering is not for a longer period of time than reasonably necessary for the dog, owner or custodian to complete a temporary task that requires the dog to be physically restrained; and

(2) The tether is attached to the dog by a non-choke type collar and attached to the stationary object by swivel anchors, latches, or similar devices in a manner which prevents the tether from becoming entangled around any object so as to limit the dog's freedom within the tethered area, or to prevent the dog, or any of its appendages, from becoming entangled by the tether; and

(3) The tether must be of a type commonly used for the size of the dog involved and if the tether is a chain, it may not be thicker than one-eighth of an inch (1/8"); and

(4) The tether shall be at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail, but no less than ten (10) feet in length and shall allow the dog convenient access to the dog house; and

(5) The dog has easy access to:

i. potable drinking water;

ii. edible food; and,

iii. adequate shade and/or shelter within the tethered area.

(6) The dog is periodically monitored while tethered for the aforementioned reasonable period of time; and

(7) The dog is not tethered outdoors during any period in which a severe weather warning has been issued for Lawrence/Beaver County by the National Weather Service; and

(8) The dog is not tethered outdoors for a continuous period of time greater than one-half (1/2) hour if the temperature during such period remains entirely either:

- i. below thirty-two (32) degrees Fahrenheit; or
- ii. above ninety (90) degrees Fahrenheit.

(b) It shall be unlawful for any person to leave any dog outside and unattended during any period in which a severe weather warning has been issued for Lawrence/Beaver County by the National Weather Service for a continuous period of time greater than one-half (1/2) hour if the temperature during such period remains entirely either:

- (1) below thirty-two (32) degrees Fahrenheit; or
- (2) above ninety (90) degrees Fahrenheit.

(3) Outside, for purposes of this section, shall mean any unattended dog that is outside subject to the weather and elements, which expressly includes, but not limited to, a dog in securely fenced-in yard, a dog in a kennel, or a dog tethered or tied-out. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure.

(c) The duly authorized enforcement agents of the County of Lawrence and Humane Society and Commonwealth animal warden are the primary agents to enforce this Ordinance. Additionally, Ellwood City police officers and all of those vested with the authority as an enforcement officer or agent under the Pennsylvania Animal Cruelty Law are also permitted to enforce this Ordinance. The Borough expressly reserves the right to appoint by resolution any additional agents of the Borough to enforce the provisions of this Ordinance.

(d) In addition to the above agents and police authority having jurisdiction, the Humane Society agent(s), or any officer, employee, or agent of the Borough, is hereby authorized to notify any owner or occupant of any premises in violation of this Ordinance, either personally or by posting such notice upon the premises, that such owner must bring the outdoor dog tethering violation into compliance with this Ordinance within one (1) day of receipt of such notice. Upon the failure of such owner or occupant to bring his or her tethering situation into compliance with this Ordinance within such period of time, any of the foregoing individuals authorized by the Borough to enforce this Ordinance are hereby authorized to enter upon such premises and to temporarily remove such dog from the property.

(e) Any removed dog will be held at the Lawrence County Humane Society or other animal shelter. Prior to any hearing regarding the violation, such dog owner may regain possession of any confiscated dog upon an adequate showing that his or her tethering situation has been brought into compliance with this Ordinance. No confiscated dog shall be considered surrendered to the confiscating party unless expressly surrendered by the dog owner or adjudicated as forfeited as provided in the Pennsylvania Animal Cruelty Law after a hearing on the matter as provided in this Section.

(f) Any person who violates any provision(s) of this chapter shall commit a summary offense, and shall, upon being found guilty by a Magisterial District Judge, after hearing, pay a fine not to exceed Three Hundred Dollars (\$300.00), together with all enforcement and shelter costs in the event a dog must be confiscated, and all

court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such. Enforcement and prosecution of any violation of this Ordinance may be conducted by the Borough as provided by law or by its agent and counsel as provided in the Pennsylvania Animal Cruelty Law.

That this ordinance shall become effective as allowed by law.

That this Ordinance, when adopted, shall be incorporated in and made a part of the Codified Ordinances of the Borough of Ellwood Borough, Pennsylvania.

ADOPTED this 20th day of April, 2015.