YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2015-3

AN ORDINANCE OF YORK HAVEN BOROUGH, YORK COUNTY, PENNSYLVANIA, ENACTING A DOG TETHERING ORDINANCE PROVIDING FOR THE MANNER IN WHICH A DOG MAY BE TETHERED OUTDOORS

WHEREAS, York Haven Borough is governed by the Borough Code; and

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

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED as follows:

SECTION 1: 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:

A. The tethering is not for a longer period of time than necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable period of time; and

B. 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 devises 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

C. The dog has easy access to (i) clean drinking water and (ii) adequate shade and/or shelter within the tethered area; and

D. The dog is periodically monitored while tethered for the aforementioned reasonable period of time; and

E. The dog is not tethered outdoors during any period in which a severe weather warning has been issued for York County by the National Weather Service; and

F. 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.

SECTION 2: 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 York County by the National Weather Service or 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. Outside, for purposes of this section, shall mean any unattended dog that is outside and subject to the weather and elements, which expressly includes, but not be 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.

SECTION 3. The York County Society for the Prevention of Cruelty to Animals ("SPCA"), as incorporated under the laws of the Commonwealth as provided in 18 Pa. C.S.A.§5511 (the "PA Animal Cruelty Law"), and the duly authorized agents thereof as designated by the SPCA are hereby appointed by the Borough, as authorized to enforce this Ordinance. Such SPCA agent(s) shall have the power and responsibility to enforce this Ordinance as provided herein along with all of these powers vested in such agent under the PA Animal Cruelty Law. The Borough expressly reserves the right to appoint by resolution any additional agents of the Borough to enforce this Ordinance.

SECTION 4: In addition to police authority having jurisdiction, the SPCA 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.

SECTION 5: Any removed dog will be held at the SPCA or other designated or authorized facility. Prior to any hearing regarding the violation, such dog owner may regain possession of any confiscated dog upon an adequate showing to the confiscating party 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 PA Animal Cruelty Law after a hearing on the matter as provided in Section 5.

SECTION 6: Any person who violates any provisions 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 $500, 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 its counsel as provided in the PA Animal Cruelty Law.

SECTION 7: This Ordinance shall be effective five (5) days after its enactment.

ORDAINED AND ENACTED this 4 day of May, 2015.

YORK HAVEN
BOROUGH COUNCIL

ATTEST:
Pamela A Billet
Secretary

By: Margaret E Malehorn
Margaret Malehorn, President

(SEAL)

Approved this 4TH day of MAY, 2015.

Keith D. Rode
Mayor