Text File

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Committee: Committee on Public Safety Services **Status:** Passed Finally

Ordinance amending the Pittsburgh City Code at Title 6: Conduct, Article III: - Dogs, Cats And Other Animals, Chapter 633 Dogs and Cats, by adding a new section at 633.23, providing for the manner by which a dog may be tethered; and, kept outdoors in severe weather conditions.

WHEREAS, the Council of the City of Pittsburgh deems it advisable for the public health and welfare of the City to provide prohibitions of the tethering of dogs and keeping of dogs outdoors within the City 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 City now desires to adopt the following provisions related to the tethering of dogs and keeping of dogs outdoors within the City.

Now, Therefore, the Council of the City of Pittsburgh enacts as follows:

§ 633.23 TETHERING OF DOGS; PROHIBITION OF KEEPING DOGS OUTDOORS IN EXTREME WEATHER

(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 reasonably necessary for the dog, owner or custodian to complete a temporary task that requires the dog to be physically restrained; 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 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,
(c) 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,

(d) 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

(e) The dog has easy access to
(1) potable drinking water;
(2) edible food; and,
(3) adequate shade and/or shelter within the tethered area.

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

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

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

(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 Allegheny 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:

(a) below thirty-two (32) degrees Fahrenheit; or
(b) above ninety (90) degrees Fahrenheit.
(c) 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.

(3) The duly authorized enforcement agents of the city's Bureau of Animal Care &Control are the primary agents to enforce this Ordinance. Additionally, Pittsburgh 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 City expressly reserves the right to appoint by resolution any additional agents of the City to enforce the provisions of this Ordinance.

(4) In addition to the city's Animal Care & Control agents and police authority having jurisdiction, the Humane Society agent(s), or any officer, employee, or agent of the City, 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 City to enforce this Ordinance are hereby authorized to enter upon such premises and to temporarily remove such dog from the property.

(5) Any removed dog will be held at the Animal Rescue League 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 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 5.

(6) 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 $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 City as provided by law or by its agent and counsel as provided in the Pennsylvania Animal Cruelty Law.

(7) Upon providing a city dog license to a city resident, the license officer shall provide a summary of all applicable ordinances and/or statutes pertaining to keeping dogs in the city of Pittsburgh. The same information shall also be provided for the benefit of the public on the appropriate city internet web pages.

Effective Date: This Ordinance shall be effective upon the Mayors signature or, if the Mayor does not sign the Ordinance, it shall be effective eleven (11) days after its enactment by Council.