

HEIDELBERG TOWNSHIP

ORDINANCE NO. 12- 1

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

WHEREAS, Heidelberg Township, hereinafter referred to as the Township is a second class township, governed by the Second Class Township Code, which at Section 1530, 53 P.S. § 66530, authorizes the Township to regulate dogs within the Township by ordinance; and

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

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

**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 collar, a non-binding slip or choke collar sold for that specific use, 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 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 except when the dog has adequate shelter; 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 except when the dog has adequate shelter.

**SECTION 2:** A. A non binding slip or choke collar is a collar sold or bought for that specific use and shall be of appropriate size for the dog and not be homemade by owner or others.

B. Adequate shelter is a kennel, or other type of approved dog box or structure, capable of permitting a dog not to be exposed to the elements or conditions outside. Clean bedding shall be maintained and appropriate for the season or current weather conditions. The dog shall enter and exit without obstruction or entanglement and shall have food and water easily accessible at all times.

**SECTION 3:** 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, without sufficient shelter and/or food and water.

**SECTION 4:** An agent of any society or association for the prevention of cruelty to animals (“SPCA”), incorporated under the laws of the Commonwealth as provided in 18 Pa.C.S.A. § 5511 (the “PA Animal Cruelty Law”), may be appointed by resolution of the Township to enforce this Ordinance. If appointed by resolution, such SPCA agent shall have all of the powers and responsibility to enforce this Ordinance as provided herein along with all of those powers vested in such agent under the PA Animal Cruelty Law.

**SECTION 5:** In addition to police authority having jurisdiction, any officer, employee, or agent of the Township duly appointed by the Township, or SPCA agent duly appointed by resolution by the Township, 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 Township to enforce this Ordinance are hereby authorized to enter upon such premises and to temporarily remove such dog from the property.

**SECTION 6:** Any removed dog will be held at the York County Society for the Prevention of Cruelty to Animals. 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 7.

**SECTION 7:** Any person who violates any provisions of this chapter shall commit a summary offense, and shall after a hearing upon being found guilty by a Magisterial District Judge, pay a fine in accordance with the provisions of Ordinance No. 97-2, as it may be hereafter amended, 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 Township as provided by law or by a SPCA agent and its counsel as provided in the PA Animal Cruelty Law.

**SECTION 8:** This Ordinance shall be effective five (5) days after its enactment.

**ORDAINED AND ENACTED** this 5<sup>th</sup> day of Sept., 2012.

ATTEST:

HEIDELBERG TOWNSHIP  
BOARD OF SUPERVISORS

Norma A. Markle  
Norma A. Markle, Secretary

By Timothy Hansen  
Timothy Hansen, Chairman

By Larry W. Stemer  
Larry W. Stemer, Supervisor

By Matthew Bollinger  
Matthew Bollinger, Supervisor