
	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.10.3	
Subject:		Distribution:
Animal Incidents/Dog Law Enforcement		All Personnel
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By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish Department guidelines for the handling of domestic and wild animals, and enforcement of the State Dog Law and Township Code.

POLICY

It is the policy of this Department to ensure the safety and enhance the quality of life of the community by proactively dealing with the wide variety of animal related issues that affect the community.

Act 119 Section 302 (a), "The Dog Law" states, "It shall be the duty of every police officer to seize and detain any dog which is found running at large either upon the public streets or highways of the Commonwealth or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper."

Patrol unit personnel will be assigned to all animal incidents and complaints of dogs and cats running at large that cannot be immediately handled by the Animal Warden. The assigned Officer will investigate, and where applicable, prepare written reports and citations.

Animal Dog Law records will be retained for a period of two years.

PROCEDURE

A. MISCELLANEOUS

1. Animal Detention Center

- a. Personnel entering the Animal Detention Center shall sign the entrance log located in the Animal Detention Center Log Book. The Log Book is to remain

at the main counter. The sign in sheet will be at the front of the book.

- b. When an animal is being detained at the facility, the officer will enter the incident information into the Animal Detention Center Log. Once completed, the form is to be placed in the appropriate section of the book according to month. No form is to be removed from the Log Book for any reason. The Animal Warden will be responsible for the upkeep of the Animal Detention Center and the Log Book. Additionally, an entry shall be made in the Animal Record Book at headquarters. The person entering the information at headquarters shall sign the entry.
- c. The feeding and care of detained animals is the responsibility of the Animal Warden. When he/she is not on duty, a Utility Attendant may perform these tasks. In cases where neither the Animal Warden nor a Utility Attendant is available, patrol personnel may be assigned to feed and water any detained animals.
- d. Animals that are not claimed within 48 hours will be transported by the Animal Warden to the Montgomery County SPCA located at 19 E. Ridge Pike, Conshohocken, PA 19488. Phone 610-825-0111.
- e. The Animal Warden or his designee will utilize the AKC Companion Animal Recovery ID System Scanner on all animals that are entered into the Detention Center that do not possess identification collars or tags. The scanner will be located at the front counter of the Animal Detention Center.

2. Release of Detained Animals

- a. All releases of animals shall be handled at police headquarters. Animal releases and identification may be made at the Township Animal Detention Center during the following times:

Monday through Friday - 8:00 A.M. to 8:00 P.M.

Saturday, Sunday & Holidays - 9:00 A.M. to 3:00 P.M.

Note: Owners of detained animals must present a release form, obtained at police headquarters, to the officer making the release. Follow directions in the "Application for Release of Dog and Receipt" book located at the front counter.

- b. If the owner is known, the Records Clerk in charge of maintaining the Animal Record Book will immediately attempt to notify the person to claim the animal. If after forty-eight (48) hours, that person has not picked up the animal, or attempts to contact by telephone are unsuccessful, a registered or certified letter, with return receipt requested, will be sent informing the animal's owner of the seizure.

- c. The owner or claimant, of an animal so detained shall pay a seizure fee, plus the per day boarding fee, before receiving a release slip. Animals that have been seized, where the owner is not known, will be kept at the Animal Detention Center for a minimum of forty-eight (48) hours.
- d. Owners will be notified that in addition to the pickup and boarding fee, they will receive a citation or a criminal complaint in the mail.

3. Animal Bites

- a. All cases of animal bites received by the Police Department shall be immediately investigated. When patrol personnel investigate bite cases and the animal cannot be readily identified or apprehended, the Animal Warden shall be notified and will conduct a follow up investigation. Every effort will be made to identify the animal and its owner. The Officer shall instruct the owner that the animal must be confined for ten (10) days prior to examination by a veterinarian. If the animal is not vaccinated against rabies, the animal must be confined at a veterinarian facility immediately.
- b. The investigating Officer shall immediately send an email to the Traffic Safety distribution group to notify the Animal Warden of a bite incident. Upon reviewing the ALERT report, the approving supervisor shall also forward the incident via the ALERT Traffic Safety referral group. The Animal Warden will forward all bite incident reports to the Montgomery County Health Department. The Montgomery County Health Department will notify the owners of the animal in writing of their responsibilities for quarantine and determine if the animal has been vaccinated against rabies.

4. Removal of Animals

- a. Assigned personnel shall remove live animals that cause property damage or injury to a person. Animals that present no immediate danger may be referred to the Animal Warden.
- b. In most cases, it is the responsibility of the property owner to remove any dead animals from private property. The Animal Warden, or an officer may assist in those cases, which requires a special piece of equipment or his/her expertise, or other unusual circumstances exist to effect such removal.
- c. The Animal Warden, or patrol personnel in his/her absence, shall be dispatched to remove a sick/injured animal from the highway. If the owner of a domestic animal is identified it is the owner's responsibility to provide medical care. If the owner is unknown, the domestic animal will be transported to the Montgomery County S.P.C.A. at 19 East Ridge Pike, Conshohocken for treatment. Prior to leaving the Township notify the S.P.C.A. at 610-825-0111 with the particulars and arrival time. Injured/sick

domestic animals will not be placed in the detention center. A notification by email will be sent to the Traffic Safety distribution group.

- d. The Animal Warden, when on duty, shall be notified of any dead animals on the highway by Communications Center personnel. When the Animal Warden is not on duty, patrol personnel shall be dispatched to move the animal to the side of the highway. Communications Center personnel will email the Traffic Safety distribution group noting the exact location and type of animal to be removed. If the Animal Warden is on vacation or otherwise unavailable, it is the responsibility of the responding officer to remove the animal.
- e. In cases where patrol personnel must pick up a dead animal, the animal shall be disposed of at the Township Transfer Station.
- f. Outside services for the removal of deceased deer are available, but this function is still the ultimate responsibility of the Police Department. For deer carcasses on Township roadways or private property, the investigating officer shall notify the Communications Center and instruct them to notify the Pennsylvania Game Commission at 610-926-3136. For deceased deer in the right-of-way of State highways, PennDOT shall be notified at 610-278-2368. Communications Center personnel shall then email the notification information to the Traffic Safety distribution group. The Animal Warden or Traffic Safety Unit will follow up to ensure that the carcass is removed in a timely fashion.

5. Trapped Animals

- a. In cases of domestic nuisance animals (dogs, cats, etc.), a humane trap may be placed at the residence by the Animal Warden or the homeowner. When an animal is caught in a trap, it should be removed promptly.
- b. During the Animal Warden's absence, trapped domestic animals are to be transported by patrol personnel to the Lower Merion Animal Detention Center.
- c. Nuisance wildlife problems are the responsibility of the property owner. Where property owners choose to use their own trap, the Animal Warden will assist with removal of the animal. Property owners are to be notified that the Township will not be responsible for any damage to a privately owned trap that may occur during the disposal process.
- d. During the Animal Warden's absence, patrol personnel will be assigned to respond and dispose of the animal in a safe manner. The deceased animal shall be disposed of at the Township Transfer Station.

B. DOGS AND CATS AT LARGE

To ensure community safety, personnel who observe a dog or a cat running at large, or who respond to the complaint of a dog or a cat running at large, will make every effort to apprehend and determine the animal's owner.

1. Dogs

- a.** An apprehended dog shall be turned over to its owner and enforcement action taken. Failure to apprehend a dog will not preclude taking enforcement action unless the owner of a dog cannot be determined. In cases where the owner of an apprehended dog cannot be contacted or the owner is unknown, the dog will be transported to the Township Animal Detention Center. Upon arrival, officers will pull their vehicle into the garage adjacent to the Animal Detention Center and close the door prior to removing the animal from the vehicle.
- b.** The investigating Officer shall determine if the dog is properly licensed and include that information in the Alert report and on the citation or criminal summons. The Montgomery County Courthouse Treasurer's Office of Dog License Information - 610-278-3070 - is available Monday through Friday, 8:00 A.M. - 4:00 P.M. for license inquiries. Each incident shall be thoroughly investigated to ensure that all prosecutions for Dog Law Violations are fair, uniform and proper.

2. Cats

- a.** The procedure for an apprehended cat is the same as that of an apprehended dog with the exception that a cat is not required to be licensed. Cats shall be placed in the first available cat cage and an entry in the Animal Detention Log will be completed. Additionally, an entry shall be made in the Animal Record Book at headquarters, and a report detailing the circumstances of the apprehension are to be detailed.

C. ENFORCEMENT

1. Confinement of Dogs (Dog Law Act 119 Section 305)

It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:

- a.** Confined within the premises of the owner;
- b.** Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or

- c. Under the reasonable control of some person, or when engaged in lawful hunting, exhibition or field training.

2. Enforcement Actions for Dogs

- a. Dogs, running at large, that are seized shall be taken to the Animal Detention Center if the owner cannot be contacted. Once the owner or keeper of a licensed dog running at large has been determined and notified, enforcement actions will be taken under Section 302 (b) of the Dog Law Act with the following fine schedule.

First Offense - Summary offense \$100.00 fine and appropriate costs.

Second Offense * - Misdemeanor of the third degree. A Criminal Complaint and an Affidavit of Probable Cause shall be prepared and a Criminal Summons mailed to the violator.

***Note:** There must be one prior conviction at the District Justice level in the last twelve (12) months before a criminal complaint can be issued.

- b. In addition, any unlicensed dog will be prosecuted for Section 201 of the Dog Law Act with this escalating fine schedule.

Each Offense - \$50.00 to \$300.00 fine and appropriate costs

- c. The Dog Law Enforcement File, which is maintained in the Records Section, can be used to determine the number of enforcement actions that have been brought against a particular owner. All enforcement actions are brought against the owner of a dog regardless of how many dogs he/she owns and the grading of an offense is not dependent on the history of an individual dog. It should be noted that in order to charge the next level of the offense the owner must have been found guilty of the lesser offense. For example, if a citation for a first offense is outstanding, and another violation is committed, the owner is fined at the first offense level again. However, if the owner had previously been found guilty of a first level offense, they now can be charged with a second offense.

D. TOWNSHIP CODE VIOLATIONS

1. Barking Dogs (Peace & Good Order, Chapter 111.7 Sub. Sec. B)

The priority concern in handling a barking dog is to correct the problem. In those instances where compliance or cooperation cannot be obtained, enforcement action shall be brought against the owner or person in control of the dog.

2. Curbing of Dogs (Health & Sanitation Chapter 90 Section 53)

No person owning, harboring, keeping or in charge of any dog shall cause or allow such dog to soil, defile, or defecate upon any other person's private property without the permission of such other person or upon any public property. Where such person shall immediately remove all feces deposited by the animal and dispose of the same in a sanitary manner, the nuisance created by defecation shall be considered abated and such person shall not be in violation of this article. Guide dogs accompanying a blind person and dogs used to assist any other physically handicapped persons shall be exempt from any provisions of this article. Any assigned Officer, or the Animal Warden, who answers a complaint of, or observes a dog soil, defile or defecate on the property of another, in violation of this article may issue a citation to the owner, or person in control of that dog.

3. Cats at Large Prohibited (Health & Sanitation Chapter 90 Section 53)

No person shall allow a cat to run at large upon any public streets of this municipality or upon the property of others.

Each Offense - Up to a \$300.00 fine and appropriate costs

4. Leashed Dogs in Certain Parks (Parks and Playgrounds, Chapter 109 Section 13 Sub. Sec B-1)

Attended dogs, on leashes, are allowed in the following Township Parks:

Ashbridge Memorial Park	Merion Botanical Park
Austin Memorial Park	Merion Square Road Park Site
Black Rock Road Park Site	Mill Creek Valley Park
Cynwyd Station Park	Pencoyd Park
Cynwyd Heritage Trail	Righters Mill Road Park Site
Eco Valley Nature Park	Rolling Hill Park
Henry Lane Park	Sharpe Park & Bird Sanctuary
Kenealy Nature Park	West Mill Creek Park
Linwood Park	Williamson Road Park Site

5. Limited Areas in Certain Parks (Parks and Playgrounds, Chapter 109 Section 13 Sub. Sec. B-2)

a. Dogs, on leashes, are permitted in an area of Shortridge Park, the boundaries of which are as follows:

North Boundary	-	East Wynnewood Road
East Boundary	-	Indian Creek
West Boundary	-	65' from the west bank of Indian Creek

South Boundary - 10' paved area which enters Shortridge Park from Parkview Drive

- b. Dogs, on leashes are permitted in the area of General Wayne Park, designated as the "dog walk" located on the north side of the elevated path.
- c. Dogs on leashes are permitted in an area of Penn Wynne Park, designated as the "dog walk" located in the wooded area on the east-southeast side of the tennis courts.

6. Off Leash Dog Parks (Parks & Playgrounds, Chapter 109 Section 13 Sub. Sec. B-3)

Dogs are allowed off-leash in the following parks with a valid permit, subject to rules and regulations which are posted at each location, approved by the Board of Commissioners:

Rolling Hill Park
West Mill Creek Park

7. Prohibited Areas (Parks & Playgrounds, Chapter 109 Section 13)

- a. Dogs are prohibited in all Township parks and playgrounds unless exempted under the sections above. If the owner or person in control is present, a citation may be issued on the scene (Township Code 109-13). Dogs running at large shall be apprehended and the owners, when determined, will be cited.
- b. All the prosecutions for Township Code violations in Section "D" are sliding fines and will be set by the District Justice and will be based on past enforcement history of the owner. Citations issued for Township Code violations will be forwarded to the Records Section clerk responsible for maintaining the Animal Records. The clerk will note the enforcement history in the "Remarks" section of the citation and forward it to the District Justice.

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.