

CHAPTER 21. GENERAL PROVISIONS; KENNELS; LICENSURE; DOG-CAUSED DAMAGES

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Authority

The provisions of this Chapter 21 issued under the Dog Law (3 P. S. § § 459-101—459-1205), unless otherwise noted.

Source

The provisions of this Chapter 21 adopted April 1, 1966; amended October 11, 1985, effective October 12, 1985, 15 Pa. 3638, unless otherwise noted. Immediately preceding text appears at serial pages (1442) to (1447) and (38148).

Cross References

This chapter cited in 7 Pa. Code § 25.5 (relating to facilities and conditions); and 28 Pa. Code § 27.162 (relating to special requirements for animal bites).

GENERAL PROVISIONS

§ 21.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Account—The Dog Law Restricted Account under section 1001 of the act (3 P. S. § 459-1001).

Act—The Dog Law (3 P. S. § § 459-101—459-1205).

Agent—A district justice or other person within the county authorized by the county treasurer or the Department to process and issue dog license certificates and tags, as set forth under section 200(a) of the act (3 P. S. § 459-200(a)).

Attending veterinarian—A person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education or has a Certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, and who is either a licensed doctor of veterinary medicine in accordance with the Veterinary Medicine Practice Act (63 P. S. § § 485.1—485.33) or the holder of a valid temporary permit to practice veterinary medicine issued under authority of that act, and who has received training or experience in the care and management of dogs, and who is familiar with the relevant aspects of the kennel or kennel procedures with respect to which that person renders an opinion.

Department—The Department of Agriculture of the Commonwealth.

Domestic fowl—Chickens, turkeys, ducks, geese and guinea fowl.

Employee of the Department—An employee of the Department who is assigned responsibility in regard to enforcement of the act, including a State dog warden.

Housing facility—Any land, premises, shed, barn, building, trailer or other structure or area housing or intended to house dogs.

Licensed veterinarian—A licensed doctor of veterinary medicine as defined in section 901-A of the act (3 P. S. § 459-901-A).

Microchip—A passive transducer encapsulated in a biocompatible material activated by a 125-kilohertz scanner, or any similar device approved by the Department.

Primary conveyance—The main method of transportation used to convey dogs from origin to destination, such as a motor vehicle.

Primary enclosure—A structure used to immediately restrict a dog to a limited amount of space, such as a room, pen, run, cage, crate or compartment.

Rest board—A waterproof or water resistant platform that dogs may use to recline on, positioned off the floor of the kennel.

Sanitize—To make physically clean and to remove and destroy, to a practical minimum, agents injurious to the health of a dog.

Secretary—The Secretary of the Department or a person to whom authority has been delegated by the Secretary.

Veterinary Medicine Practice Act—63 P. S. § § 485.1—485.35.

Authority

The provisions of this § 21.1 amended under sections 101 and 201 of the Dog Law (3 P. S. § § 459-101 and 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

Source

The provisions of this § 21.1 amended through November 1, 1985, effective November 2, 1985, 15 Pa.B. 3928; amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161; amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329; amended November 5, 2004, effective November 6, 2004, 34 Pa.B. 6031. Immediately preceding text appears at serial pages (296103) to (296104).

Cross References

This section cited in 7 Pa. Code § 21.51 (relating to lifetime dog license issuance).

§ 21.2. Scope.

The standards for operation of all classes of kennels in this Commonwealth are detailed in this chapter. These standards are in addition to requirements for kennels detailed in the act. Each type of kennel and the restrictive licensing fee are set forth in section 206 of the act (3 P. S. § 459-206).

Source

The provisions of this § 21.2 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103173).

§ 21.3. Enforcement and compliance.

Unless otherwise stated, only employees of the Department shall be authorized to enforce this chapter. Noncompliance with any section of the act or of this chapter or the conviction for violation of any statute relating to cruelty to animals may result in prosecution, revocation of the kennel license or nonapproval of the kennel license application.

§ 21.4. Penalties.

The act establishes penalties for violations of the various articles of the act and this part. The Department may impose the following penalties individually or in combination. Section 903 of the act (3 P. S. § 459-903) provides the penalty for illegal or unlawful activities enumerated in the act or violations of the act for which specific criminal penalty provisions have not been enumerated. It may be applied in addition to civil penalties provided for in the act.

(1) *Article II penalty provisions.* Article II of the act (3 P. S. § § 459-200—459-219) contains provisions regarding licensure of dogs and kennels and provides the following penalties:

(i) *Agent violation.* Consistent with section 200(j) of the act (3 P. S. § 459-200(j)), an agent who violates section 200 of the act commits a summary offense and upon conviction shall be sentenced to pay a fine of not less than \$300 nor more than \$500 and in addition may have his agency recalled at the discretion of the Secretary. Each day of violation or each illegal act constitutes a separate offense.

(ii) *Failure of an individual to comply with licensure provisions.* Consistent with section 201(c) of the act (3 P. S. § 459-201(c)), an individual who violates section 201 of the act commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than \$25 nor more than \$300 for each unlicensed dog.

(iii) *Failure of a kennel to comply with licensure provisions.* Consistent with section 207(a.1) of the act (3 P. S. § 459-207(a.1)), it is unlawful for a kennel to operate without first obtaining a license. The Secretary may file suit in Commonwealth Court to enjoin the operation of a kennel that violates any of the provisions of the act or this part and may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or regulations.

(iv) *Revocation, suspension or denial of a kennel license.* Consistent with section 211 of the act (3 P. S. § 459-211), the Secretary may revoke, suspend or refuse to issue a kennel license or an out-of-State dealer license if the person holding or applying for a license has done any of the following:

(A) Made a material misstatement or misrepresentation in the license application.

(B) Made a material misstatement or misrepresentation to the Department or its personnel regarding a matter relevant to the license.

(C) Been convicted of any violation of the act.

(D) Failed to comply with any regulation promulgated under the act.

(E) Been convicted of any law relating to cruelty to animals.

(v) *Seizure of dogs.* Consistent with section 211(c) of the act (3 P. S. § 459-211(c)), the Department may seize and impound, and direct forfeiture of ownership of a dog for the following reasons:

(A) Upon revocation, suspension or denial of a kennel license or an out-of-State dealer license, the Department may seize and impound any dog in the possession, custody or care of the person whose license is revoked, suspended or denied if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered. The person from whom the dog was seized and impounded shall pay for reasonable costs of transportation, care and feeding of the dog.

(B) The Department will not take physical possession or custody of the dog when there are no reasonable grounds to support the belief that the health, safety or welfare of the dog is endangered or when the person whose license is revoked, suspended or denied has provided satisfactory evidence or assurances the dog will receive adequate care.

(C) Upon proper notice and opportunity for an administrative hearing, as set forth in section 211(c)(5) of the act (3 P. S. § 459-211(c)(5)), the Secretary may direct the forfeiture of ownership of a dog which has been seized and impounded.

(2) *Article V and V-A penalty provisions.* Articles V and V-A of the act (3 P. S. §§ 459-501—459-507-A) contains provisions regarding offenses of dogs and provides the following penalties:

(i) *Harboring a dangerous dog.* A person found guilty of harboring a dangerous dog, as set forth in section 502-A of the act (3 P. S. § 459-502-A), shall be guilty of a summary offense.

(ii) *Control of dog during dangerous dog court proceedings.* A person that violates section 502-A(d) of the act, regarding disposition of a dog during court proceedings, shall be guilty of a summary offense and shall pay a fine of at least \$200.

(iii) *Failure to register and restrain a dangerous dog.* Consistent with section 505-A(a) of the act (3 P. S. § 459-505-A(a)), a person that fails to properly register a dangerous dog, secure and maintain the liability insurance coverage required under section 503-A of the act (3 P. S. § 459-503-A), maintain the dog in the proper enclosure or fails to have the dog under proper physical restraint when the dog is outside the enclosure or dwelling of the owner shall be guilty of a misdemeanor of the third degree. In addition, a State dog warden or a police officer shall immediately confiscate a dangerous dog upon the occurrence of any of these violations.

(iv) *Attacks by a dangerous dog.* Consistent with section 505-A(b) of the act, when it is found that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacked a human or a domestic animal, the dog's owner shall be guilty of a misdemeanor of the second degree and the dangerous dog shall be immediately confiscated by a State dog warden or police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(v) *Attacks by a dangerous dog causing severe injury or death.* Consistent with section 505-A(c) of the act, when it is found that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, aggressively attacked and caused severe injury to or death of a human, the dog's owner shall be guilty of a misdemeanor of the first degree. The dangerous dog shall be immediately confiscated by a State dog warden or a police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(3) *Article VI penalty provisions.* Article VI of the act (3 P. S. §§ 459-601—459-603) contains provisions regarding injury to dogs and provides the following penalties:

(i) *Poisoning of a dog.* Consistent with section 601(b) of the act (3 P. S. § 459-601(b)), a person convicted of placing poison or a harmful substance of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by a dog, shall be guilty of a summary offense.

(ii) *Intentional poisoning of a dog.* Consistent with section 601(b.1) of the act, a person

convicted of placing poison or a harmful substance of any description in any place, on his own premises or elsewhere, with the intent that the poison or substance be eaten by a dog, shall be guilty of a misdemeanor of the second degree and shall be sentenced to pay a fine of not less than \$1,000 nor more than \$2,000 or imprisonment for not more than 2 years, or both. A subsequent conviction under this subsection shall constitute a felony of the third degree.

(iii) *Abandonment of a dog.* Consistent with section 601(c) of the act, a person convicted of abandoning or attempting to abandon a dog within this Commonwealth shall pay a fine of not less than \$300 dollars and not more than \$1,000, plus costs.

(iv) *Taunting law enforcement dogs.* Consistent with section 602(a) of the act (3 P. S. § 459-602(a)), it is unlawful for a person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog, including a search and rescue or accelerant detection dog, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of the department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with a dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or the officer or member or supervised handler. A person convicted of violating any of the provisions of this subsection shall be guilty of a felony of the third degree.

(v) *Torturing certain dogs.* Consistent with section 602(b) of the act, it is unlawful for a person to willfully and maliciously torture, mutilate, injure, disable, poison or kill any dog, including a search and rescue or accelerant detection dog used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of the department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with a dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or the officer or member or supervised handler. A person convicted of violating any of the provisions of this subsection shall be guilty of a felony of the third degree.

(vi) *Dental of facilities or service due to police dog use.* Consistent with section 602(c) of the act, it is unlawful for the proprietor, manager or employee of a theatre, hotel, motel, restaurant or other place of entertainment, amusement or accommodation to, either directly or indirectly, refuse, withhold from or deny, any of the accommodations, advantages, facilities or privileges of those places to a person due to the use of a working police dog used by any State or county or municipal police or sheriff's department or agency. A person convicted of violating any of the provisions of this subsection shall be guilty of a misdemeanor of the third degree.

(4) *Article VII penalty provisions.* Article VII of the act (3 P. S. § § 459-701—459-706) contains provisions regarding dog caused damages. Section 704 of the act (3 P. S. § 459-704) provides that the owner or keeper of a dog found to be causing damages and which is the subject of an order from the Secretary shall have 10 days to comply with the order. Failure of the owner or keeper to comply with the order, upon summary conviction, shall result in a fine of not less than \$100 and not more than \$500.

(5) *Article IX penalty provisions.* Article IX of the act (3 P. S. § § 459-901—459-907) contains general enforcement and penalty provisions and provides the following penalties:

(i) *Catch all criminal penalty provision.* Consistent with section 903 of the act (3 P. S. § 459-903), unless specifically provided for, a person found to be in violation of any provision of Article II—Article VIII of the act (3 P. S. § § 459-201—459-802), or this chapter shall be guilty of a summary offense for the first violation and for a second and subsequent violation, of any provision, which occurs within 1 year of sentencing for the first violation shall be guilty of a misdemeanor of the third degree.

(ii) *Alteration of permanent identification.* Consistent with section 904 of the act (3 P. S. § 904), a person convicted of defacing or altering any form of permanent identification of a dog shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of \$300 or to imprisonment for not less than 90 days, or both.

(b) *Article IX-A penalty provisions.* Article IX-A of the act (3 P. S. § § 459-901-A—459-911-A) relates to the sterilization of dogs and cats. Failure to comply with Article IX-A or the related regulations shall, consistent with section 911-A of the act (3 P. S. § 459-911-A), constitute a summary offense.

Authority

The provisions of this § 21.4 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

Source

The provisions of this § 21.4 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (209434).

§ 21.5. [Reserved].

§ 21.6. [Reserved].

§ 21.7. [Reserved].

§ 21.8. [Reserved].

§ 21.9. [Reserved].

§ 21.10. [Reserved].

§ 21.11. [Reserved].

§ 21.12. [Reserved].

KENNELS—PRIMARY ENCLOSURES

§ 21.21. Dog quarters.

- (a) Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury and to contain the dogs.
- (b) The interior building surfaces of housing facilities shall be constructed and maintained so that they are water resistant and may be readily sanitized.
- (c) Adequate drains shall be provided to rapidly eliminate excess water from housing facilities.

Source

The provisions of this § 21.21 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103174).

§ 21.22. Housing.

- (a) Dogs that display ferocious or aggressive behavior shall be kept inaccessible to other dogs.
- (b) Dogs under quarantine shall be maintained separately from susceptible species of animals and humans according to conditions described in the quarantine notice.
- (c) Adult dogs shall be segregated by sex except for health, welfare or breeding reasons.
- (d) Dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained, breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort (such as short-haired breeds in cold climates), and sick, infirm, aged or young dogs may not be kept in outdoor facilities unless that practice is specifically approved by the attending veterinarian.

Source

The provisions of this § 21.22 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103174).

§ 21.23. Space.

- (a) Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position.
- (b) Each dog housed in a primary enclosure shall be provided with a minimum amount of floor space, which shall be calculated according to the following procedure:
 - (1) Measure the length of the dog, in inches, from the tip of its nose to the base of its tail.
 - (2) Add 6 inches to that number.

- (3) Square that sum.
- (4) Divide that product by 144.
- (5) That quotient equals the minimum required floor space for that dog, in square feet.

Example: A dog measures 24 inches from the tip of its nose to the base of its tail (Step 1). Adding 6 inches to that number (Step 2) gives a sum of 30 inches. Squaring that sum (Step 3) gives a product of 900 square inches. Dividing that product by 144 (Step 4) gives a quotient of 6.25. 6.25 square feet is the minimum amount of floor space which must be provided to that particular dog.

(c) Each bitch with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than 5% of the minimum requirement for the bitch, the housing shall be approved by the attending veterinarian.

(d) The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the primary enclosure when it is in normal standing position.

(e) Subsections (b) and (c) do not apply if all of the following conditions are met:

(1) The dog is located in a kennel that is licensed under the act solely as a pet shop-kennel Class I, II, III or IV.

(2) The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner.

(3) The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the pet shop-kennel during its normal business hours.

(4) The primary enclosure meets one of the following conditions:

(i) Affords each dog sheltered therein at least 5 square feet for a dog weighing 25 pounds or less, 8 square feet for a dog weighing more than 25 pounds but not more than 45 pounds, and 12 square feet for a dog weighing more than 45 pounds.

(ii) Has been approved by the attending veterinarian, in advance and in writing, as being of adequate size to protect the health and well-being of the particular dog or dogs sheltered therein.

Source

The provisions of this § 21.23 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140185).

§ 21.24. Shelters.

(a) Dogs shall be provided access to shelter which protects them against inclement

weather, preserves their body heat and keeps them dry. Housing facilities for dogs shall be constructed to provide for the health and comfort of the animals.

(b) Shelter shall be provided for dogs kept outdoors. Sufficient clean bedding material or other means of protection from the weather shall be provided.

(c) If dog houses with tethers are used as primary enclosures for dogs kept outdoors, the tethers used shall be placed or attached so that they cannot become entangled with other objects or come into physical contact with other dogs in the housing facility, and to allow the dog to roam to the full range of the tether. The tether shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted collar that will not cause trauma or injury to the dog. The tether shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and allow the dog convenient access to the dog house and food or water container.

(d) A dog may be sheltered in a primary enclosure having metal strand flooring provided the following conditions are met:

(1) The metal strand flooring is coated with a vinyl type coating.

(2) The coated metal strand flooring shall be kept in good repair.

(3) The coated metal strand flooring shall be made of mesh construction that does not allow the dog's feet to pass through any opening in the floor and does not otherwise cause injury to the dog.

(4) The coated metal strand flooring shall be constructed of sufficient diameter (gauge) to provide a completely rigid floor area sufficient to support the weight of dogs housed in the enclosure so that the metal strand floor does not bend or sag from the weight of the dogs.

(5) The dogs shall be provided with a draft free area that protects the dogs from inclement weather and is large enough to hold all the occupants of the primary enclosure at the same time comfortably.

(e) Coated metal strand flooring shall be installed by June 29, 2001. Coated metal strand flooring shall be installed prior to the removal of a solid resting surface. If a solid resting surface is provided, the solid resting surface shall be constructed of material that is impervious to water or moisture and shall be kept in a sanitary condition in accordance with § 21.29 (relating to sanitation).

(f) A dog may not be housed on a temporary or permanent basis in a drum or barrel dog house, regardless of the material of which the drum or barrel is constructed.

Source

The provisions of this § 21.24 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161; amended March 30, 2001, effective March 31, 2001, 31 Pa.B. 1682. Immediately preceding text appears at serial page (209437).

§ 21.25. Temperature control.

(a) The kennel temperature shall be maintained at a level to protect the health and comfort of the type of dogs housed.

(b) Shade shall be provided to protect the dogs from the direct rays of the sun.

§ 21.26. Ventilation in indoor housing facilities.

Indoor housing facilities for dogs shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and moisture condensation. Ventilation shall be provided by means of windows, doors, vents or air conditioners. Auxiliary ventilation from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.

Source

The provisions of this § 21.26 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

§ 21.27. Lighting in indoor housing facilities.

Indoor housing facilities in kennels shall have ample lighting by natural or artificial means. Lighting in indoor housing facilities shall be sufficient to allow observation of the physical condition of the dogs so housed, and to allow observation of the sanitary condition of the indoor housing facility. Dogs housed in these facilities shall be provided a regular diurnal lighting cycle.

Source

The provisions of this § 21.27 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

§ 21.28. Food, water and bedding.

(a) Dogs kept in kennels shall be fed at least once each day unless otherwise directed by a veterinarian. The food shall be free from contamination or disease, and shall be of sufficient quantity and nutritive value to maintain the health of the dogs.

(b) If potable water is not accessible to the dogs in their primary enclosures, potable fluids shall be offered to the dogs at least 6 hours daily unless otherwise directed by a veterinarian. The Department may require that a kennel licensee have samples of the water that it provides to dogs analyzed to confirm potability, and may require a licensee to submit the results of the water analysis to the Department. The analysis shall be conducted at the licensee's expense. The Department may also sample and analyze the water.

(c) Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta. The receptacles shall be durable and shall be kept clean. Self-feeders and waterers may be used but shall be sanitized regularly to prevent molding, deterioration or caking of feed.

- (d) If bedding is used in primary enclosures, it shall be kept clean.

Source

The provisions of this § 21.28 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

§ 21.29. Sanitation.

- (a) Excreta shall be removed from the primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis.
- (b) Primary enclosures for dogs shall be sanitized a minimum of once daily, and as often as is necessary to prevent an accumulation of debris or excreta or a disease hazard. A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized.
- (c) The buildings and grounds of kennels shall be maintained, kept clean and in good repair to protect the animal from injury and to facilitate practices required by this chapter. Kennels shall have an effective program that controls ingress by insects, ectoparasites and avian and mammalian pests. Evidence of insects, ectoparasites and avian and mammalian pests or conditions that would allow or encourage infestation in a kennel are indicative of an ineffective program and unsanitary environmental sanitation in the kennel.

Source

The provisions of this § 21.29 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (140186).

Cross References

This section cited in 7 Pa. Code § 21.24 (relating to shelters); 7 Pa. Code § 21.31 (relating to general requirements); and 7 Pa. Code § 28a.8 (relating to flooring).

§ 21.30. Condition of dog.

An employee of the Department may visually observe the physical condition of a dog sheltered at a kennel. A dog sheltered at a kennel shall be free of infectious and contagious diseases, and shall be in general good health. If a dog exhibits signs of poor health, the kennel owner shall have proof of adequate veterinary care for the dog.

Source

The provisions of this § 21.30 adopted January 12, 1996, effective April 12, 1996, 26 Pa.B. 161.

KENNELS—PRIMARY CONVEYANCES

§ 21.31. General requirements.

(a) The animal cargo space of primary conveyances used in transporting dogs shall be constructed to ensure the health, safety and comfort of the dogs contained therein and shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during the transportation.

(b) The animal cargo space of a primary conveyance shall be large enough to ensure that each dog contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

(c) A dog may not be placed in an animal cargo space that does not have adequate ventilation for each dog contained therein, and the primary enclosures shall be positioned in a manner so each dog has access to sufficient air for normal breathing. Unless the primary enclosure is permanently affixed to the conveyance, there shall be ventilation openings on two opposing walls of the primary enclosure. These openings shall be at least 16% of the surface area of each wall, and the total combined surface area of the ventilation openings shall be at least 14% of the total combined surface area of the walls of the primary enclosure. At least 1/3 of the ventilation area shall be located on the upper half of the primary enclosure.

(d) Primary enclosures used to transport dogs shall have a solid bottom to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 21.29 (relating to sanitation).

(e) Primary enclosures used to transport dogs shall contain clean, absorbent bedding material, which is safe and nontoxic.

(f) Puppies—dogs 7 weeks of age or under—shall be separated from adult dogs, other than their dams, when being transported.

(g) The number of dogs in a primary enclosure shall be limited to assure each dog sufficient space to turn about freely, to stand erect and to lie down in a natural position.

Source

The provisions of this § 21.31 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103177).

§ 21.32. Food and water.

(a) Dogs being transported shall be fed at least once in every 24-hour period. Dogs under 6 months of age shall be fed at least once every 12 hours.

(b) Dogs being transported shall be offered fresh water for at least 10-consecutive minutes at intervals of no more than 6 hours. Dogs under 6 months of age shall be offered fresh water for at least 10 consecutive minutes at intervals of no more than 4 hours.

Source

The provisions of this § 21.32 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103177).

§ 21.33. Care in transit.

(a) The driver or other employe shall visually observe dogs being transported as often as circumstances dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, and if any of the dogs are in obvious physical distress, to provide needed veterinary care as soon as possible.

(b) Dogs may not be transported in a manner which may cause contact with a material, substance or device which may be injurious to the health and well-being of the dogs.

KENNELS—RECORDS

§ 21.41. General requirements.

(a) Complete records shall be kept on dogs within a kennel or being transported in a primary conveyance as prescribed by section 207 of the act (3 P. S. § 459-207), and the records shall be kept at the kennel location or, when applicable, shall accompany dogs being transported.

(b) Kennels shall maintain records as required by section 207 of the act. Records shall be maintained on forms issued or approved by the Department.

Source

The provisions of this § 21.41 amended January 12, 1996, effective April 12, 1996, 26 Pa.B. 161. Immediately preceding text appears at serial page (103178).

§ 21.42. Bills of sale.

Bills of sale required in section 210 of the act (3 P. S. § 459-210) shall accompany dogs at the kennel location and when the dogs are being transported. It is the intent of this section that the bill of sale can be immediately produced when requested by an employe of the Department or police officer as defined by the act. Bills of sale shall contain the following information:

- (1) Previous owner of the dog.
- (2) Address of previous owner of the dog.
- (3) Date of sale or transferral.
- (4) Name and address of the purchaser of the dog.
- (5) Description of the dog (sex, age, breed, and identifying marks).

§ 21.43. Research facilities reporting.

Under section 218 of the act (3 P. S. § 459-218), research facilities in this Commonwealth that are currently under Federal Government inspection shall be exempt from State inspection if they have undergone at least one Federal Government inspection within the past 12 months and have submitted to the Bureau of Dog Law Enforcement Central Office the federal inspection reports within 30 days of receipt.

LICENSURE

§ 21.51. Lifetime dog license issuance.

(a) *Eligibility.* The owner of a dog 3 months of age or older may apply to the county treasurer or agent, on a form prescribed by the Department for a lifetime license.

(b) *Lifetime license requirement.* A lifetime license shall consist of the following:

(1) A lifetime license number issued by the county treasurer or agent and a tag bearing that lifetime license number.

(2) A tattoo or microchip permanently identifying the dog.

(c) *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the dog. The person applying for a lifetime license is responsible for having the dog tattooed or a microchip implanted to permanently identify the dog. Application of a tattoo or implantation of a microchip must be done in a manner consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 (relating to State Board of Veterinary Medicine).

(d) *Tattoo as permanent identification.* If the applicant chooses to have the dog tattooed as a means of permanent identification, the following rules and procedures apply:

(1) Prior to having the dog tattooed, the dog owner shall obtain and complete a lifetime license application from the county treasurer or agent of his respective county. The dog owner shall obtain and complete the lifetime license application in person or by mail and shall return the completed lifetime license application to the county treasurer or agent. The dog owner shall include the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act (3 P. S. § 459-200(b) and 459-201(b)), with the completed lifetime license application.

(2) Upon receipt of a completed lifetime license application the county treasurer or agent shall follow the procedures in subsection (g). If the lifetime license application is determined to be complete, the county treasurer or agent shall issue a lifetime license number as set forth in subsection (g) and issue a verification of permanent identification form, prescribed by the Department.

(3) Upon receiving the lifetime license number and verification of permanent identification form issued by the county treasurer or agent, the dog owner shall have the dog

tattooed in accordance with this chapter.

(4) The tattoo number applied to the dog must be the same number as the lifetime license number issued by the county treasurer or agent.

(5) The tattoo must be applied on the right hind leg on the inner part of the upper thigh of the dog. The dog owner may have the letters "PA" tattooed on the dog immediately preceding the tattoo number:

(6) The dog owner and the person applying the tattoo shall complete, date and sign the verification of permanent identification form for the dog receiving the tattoo and return it to the county treasurer or agent that issued the lifetime license number and tag. The verification of permanent identification form must set forth the exact number tattooed on the dog, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it must contain the name, address and phone number of the dog's owner and the name, address and phone number of the person applying the tattoo.

(7) The dog owner shall have 30 days from receipt of a lifetime license number and verification of permanent identification form to have the dog tattooed and return the verification of permanent identification form to the county treasurer or agent that issued the lifetime license number.

(8) Upon receiving the completed verification of permanent identification form, the county treasurer or agent shall issue the lifetime license and tag to the dog owner.

(9) A dog owner who fails to have the dog tattooed and return the completed verification of permanent identification form to the issuing county treasurer or agent within 30 days after receiving a lifetime license number and verification of permanent identification form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52 (relating to recordkeeping for lifetime dog licenses). The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(e) *Microchip as permanent identification.* If the applicant chooses to have a microchip implanted in the dog as a means of permanent identification, the following rules and procedures apply:

(1) The dog owner shall have a microchip implanted in the dog in a manner consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31. The microchip implanted shall be of a type consistent with the definition of "microchip" in § 21.1 (relating to definitions) and shall be implanted in accordance with the manufacturer's specifications.

(2) The dog owner shall obtain and complete both a lifetime license application and a verification of permanent identification form prescribed by the Department.

(3) The dog owner shall obtain a lifetime license application from the county treasurer or

agent of his respective county. The dog owner may obtain the lifetime license application in person or by mail.

(4) The lifetime license application may be obtained and completed either prior to or after implantation of a microchip in the dog. The application and a verification of permanent identification form must be completed and signed prior to the issuance of a lifetime license and tag. The final packet submitted by the dog owner to the county treasurer or agent must contain the properly completed lifetime license application and verification of permanent identification form and the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(5) If the dog owner obtains a lifetime license application prior to having a microchip implanted in the dog, the dog owner may request and the county treasurer or agent shall issue a verification of permanent identification form along with the lifetime license application. If the dog owner has not yet applied for a lifetime license prior to implantation of the microchip, the licensed veterinarian implanting the microchip shall supply the verification of permanent identification form. A licensed veterinarian shall obtain the verification form from the Department. When the dog owner, consistent with the provisions of the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31, personally implants the microchip in his own dog the dog owner may obtain the verification of permanent identification form from the county treasurer or agent and shall fill out the required information.

(6) The dog owner and when the dog owner does not implant the microchip himself but, instead has a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 implant the microchip, the licensed veterinarian shall complete, date and sign the verification of permanent identification form for the dog in which the microchip is implanted. The completed verification of permanent identification form must set forth the identifying number of the microchip implanted, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it shall contain the name, address and phone number of the dog's owner and when a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 has implanted the microchip, the name, business address and phone number of the licensed veterinarian. If a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 implants the microchip, the licensed veterinarian shall set forth his veterinary practice license number on the verification of permanent identification form.

(7) The dog owner shall complete the lifetime license application and take or mail the completed lifetime license application and verification of permanent identification form to the county treasurer or agent of his respective county.

(8) Upon receiving a properly completed lifetime license application and verification of permanent identification form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(9) A dog owner who fails to have the dog microchipped and return the completed verification of permanent identification form to the issuing county treasurer or agent within

30 days after receiving a lifetime license number and verification of permanent identification form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(f) *Dog previously microchipped.* If a person has already had a microchip implanted in his dog and seeks to obtain a lifetime license for the dog, the applicant is not required to have a new microchip implanted in the dog as a means of permanent identification. Instead the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of permanent identification form prescribed by the Department. The lifetime license application may be obtained and completed either prior or subsequent to having the dog scanned for a microchip as set forth in this subsection. The verification of permanent identification form must be filled out at the same time the dog is scanned.

(2) Have a licensed veterinarian or kennel owner scan the dog to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The dog owner and the licensed veterinarian or kennel owner shall complete, date and sign the verification of permanent identification form for the dog in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it must contain the name, address and phone number of the dog's owner and the name, business address and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his veterinary practice license number on the verification of permanent identification form.

(4) The dog owner or licensed veterinarian may obtain a verification of permanent identification form.

(i) The dog owner may obtain a verification of permanent identification form, along with a lifetime license application, from the county treasurer or agent in his respective county of residence prior to scanning of the dog for an existing microchip. If the dog owner takes his dog to a licensed veterinarian for implantation of the microchip and has not yet applied for a lifetime license, the licensed veterinarian shall supply the verification of permanent identification form.

(ii) A licensed veterinarian shall obtain verification of permanent identification forms from the Department.

(5) The dog owner shall deliver to the county treasurer or agent, in person or by mail, the properly completed lifetime license application and verification of permanent identification form and the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(6) Upon receiving a properly completed lifetime license application and verification of permanent identification form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(g) *County treasurer or agent procedure for issuance of lifetime license.*

(1) *General.*

(i) *One lifetime license per lifetime license application.* A lifetime license application must be completed for each dog for which a lifetime license is requested. The county treasurer or agent shall issue only one lifetime license and tag for each properly completed lifetime license application. The county treasurer or agent shall collect the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, for the lifetime license before issuing the lifetime license and tag.

(ii) *Assignment of lifetime license number.* The lifetime license must list a number. The county treasurer or agent shall assign a lifetime license number for each dog for which a properly completed lifetime license application has been submitted and approved. The county treasurer or agent shall issue the lifetime license number on the lifetime license certificate and tag. The number shall be at least six digits with the first two digits designating the county. For example, Adams County number must begin with 01; York County, with 67. The county number must be followed by at least four digits assigned by the county treasurer or his agent. For example, the lifetime license number assigned by York County for the first dog licensed would be 670001.

(2) *Tattoo procedure.* If the dog owner intends to tattoo the dog as the means of permanent identification the dog owner shall complete a lifetime license application and pay the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing a lifetime license and tag. The county treasurer or agent, upon receipt of a properly completed lifetime license application and the applicable fees, shall complete the lifetime license from information on the lifetime license application. The county treasurer or agent shall assign a lifetime license number as set forth in paragraph (1)(ii) and issue a verification of permanent identification form, prescribed by the Department, to the dog owner. The dog owner shall have 30 days from receipt of a lifetime license number and verification of permanent identification form to have the dog tattooed and return a completed verification of permanent identification form to the issuing county treasurer or agent. If the dog owner fails to return the verification of permanent identification form within the 30-day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

(3) *Microchip procedure.* If the dog owner intends to use a microchip as the means of permanent identification, the dog owner may have a microchip implanted in the dog prior to completing an application for a lifetime license. The dog owner shall complete a lifetime license application and verification of permanent identification form and pay the applicable fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing the lifetime license and tag. The county

treasurer or agent shall, upon request of the dog owner, issue a lifetime license application and a verification of permanent identification form. Upon receiving a completed lifetime license application, verification of permanent identification form and the applicable fees, the county treasurer or agent shall complete the lifetime license from information on the lifetime license application and verification of permanent identification form, assign a lifetime license number as set forth in paragraph (1)(ii) and issue the lifetime license and tag. The county treasurer or agent may not issue a lifetime license and tag until the dog owner has properly completed both the lifetime license application and the verification of permanent identification form. The county treasurer or agent shall record both the lifetime license number issued and the microchip number set forth on the verification of permanent identification form. The dog owner shall have 30 days from receipt of a verification of permanent identification form to have a microchip implanted in the dog or have a currently microchipped dog scanned and return a completed verification of permanent identification form to the issuing county treasurer or agent. If the dog owner fails to return the verification of permanent identification form within the 30 day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

Authority

The provisions of this § 21.51 amended under sections 101 and 201 of the Dog Law (3 P. S. § § 459-101 and 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

Source

The provisions of this § 21.51 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329; amended November 5, 2004, effective November 6, 2004, 34 Pa.B. 6019. Immediately preceding text appears at serial pages (296112) to (297117).

§ 21.52. Recordkeeping for lifetime dog licenses.

The county treasurer or agent shall record each lifetime license issued or voided. The county treasurer or agent shall mail or electronically transmit a monthly record of lifetime licenses information to the Department. The county treasurer or agent shall keep a record of all lifetime dog licenses issued or voided for 20 years.

Authority

The provisions of this § 21.52 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-801, 459-802, 459-901—459-907 and 459-901-A—459-911-A).

Source

The provisions of this § 21.52 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial pages (276688) to (276689).

Cross References

This section cited in 7 Pa. Code § 21.51 (relating to lifetime dog license issuance); and 7 Pa. Code § 21.53 (relating to transfer of lifetime dog licenses).

§ 21.53. Transfer of lifetime dog licenses.

(a) *General.*

(1) *Change of address or ownership within the issuing county.* The issuance of a new lifetime license and tag is not required when transferring a lifetime dog license to a new owner within the same county or when the owner changes his residence within the same county. If the change of address or transfer of possession or ownership of the dog is within the county where the lifetime license was issued and is permanent, the dog owner shall notify the county treasurer or agent of the change of address or ownership. The notice shall be given either prior to or within 10 days of the actual change of address or transfer of ownership of the dog. The county treasurer or agent shall record, in accordance with § 21.52 (relating to recordkeeping for lifetime dog licenses), the change of address or transfer of ownership or both. The issuing county treasurer or agent may charge and retain \$1 for recording the change of address or transfer.

(2) *Change of address or ownership outside the issuing county.* If the change of residence or transfer of ownership or possession of the dog is permanent and outside the county in which the lifetime license was issued the transfer or change in residence shall be recorded by the dog owner with the issuing county treasurer or agent and by the county treasurer or agent in the county to which the dog is being moved or transferred. The notice shall be given by the dog owner either prior to or within 10 days of the actual change of address or transfer of ownership of the dog. The county treasurer or agent that issued the original lifetime license may charge and retain \$1 for the transfer. The county treasurer or agent issuing the new lifetime license in the county to which the dog is moved shall, upon payment of a \$1 fee by the dog owner, issue a new lifetime license number and tag for that county and record the lifetime license number and cross-reference it to the existing tattoo or microchip number in accordance with this section and § 21.52.

(3) *Temporary change of address or possession.* When the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, boarding and training, trial or show in this Commonwealth, neither notice nor a new lifetime license, or the transfer of a lifetime license already secured, is required.

(b) *Transfer process and information required.*

(1) *Transfer of ownership within the issuing county.* Whenever the ownership of a dog is permanently transferred from one person to another within the same county, the lifetime license of the dog shall be transferred. The dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by a bill of sale or affidavit from

the dog owner stating that ownership of the dog is to be transferred. The bill of sale or affidavit shall set forth the breed, sex, age, color and markings of the dog being transferred, the lifetime license number and microchip or tattoo number of the dog, year of issuance of the lifetime license, and the name, address and telephone number of the person transferring ownership of the dog and the person to which ownership of the dog is being transferred.

(2) *Transfer of ownership outside the issuing county.* Whenever the ownership of a dog is permanently transferred from one person to another outside the issuing county, the lifetime license number of the dog shall be voided in the issuing county and a new lifetime license number and tag issued by the county treasurer or agent in the county to which the dog is moved. The dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by a bill of sale or affidavit from the dog owner stating that ownership of the dog is to be transferred. The bill of sale or affidavit shall set forth the breed, sex, age, color and markings of the dog being transferred, the lifetime license number and microchip or tattoo number of the dog, the year of issuance of the lifetime license, and the name, address and telephone number of the person transferring ownership of the dog and the person to which ownership of the dog is being transferred. Upon receiving the application the issuing county treasurer or agent shall certify the lifetime license to the county treasurer or agent in the county to which the dog is being moved and shall void the lifetime license number originally issued. The original lifetime license number may not be reissued to future applicants. The county treasurer or agent in the county to which the dog is being moved, upon receiving certification from the county treasurer or agent of the issuing county and payment of a fee of \$1 from the owner of the dog, shall issue a new lifetime license number and tag, for that county. The new lifetime license number and tag shall be issued in the manner set forth in § 21.51(g) (relating to lifetime dog license issuance) except that if the dog has been permanently identified by means of a tattoo, the existing tattoo number of the dog shall be cross referenced to the new lifetime license number issued.

(3) *Change of residence within the same county.* Whenever, the owner of a dog with a lifetime license changes residence within the county which issued the lifetime license, the dog owner shall apply to the issuing county treasurer or agent. The application shall be accompanied by an affidavit from the dog owner stating the dog will be moved to a new residence and setting forth the address of the new residence. The affidavit shall identify the breed, sex, age, color and markings of the dog and the lifetime license number and microchip or tattoo number.

(4) *Change of residence to another county.* Whenever a dog licensed in one county is permanently moved to another county, the dog owner shall apply to the county treasurer or agent where the dog license was issued. The application shall set forth the name and address of the dog owner and the address of the residence to which the dog will be moved. Upon receiving the application the issuing county treasurer or agent shall certify the lifetime license to the county treasurer or agent in the county to which the dog is being moved and shall void the lifetime license number originally issued. The original lifetime license number may not be reissued to future applicants. The county treasurer or agent in the county to which the dog is being moved, upon receiving certification from the county treasurer or agent of the issuing county and payment of a \$1 fee from the owner of the dog, shall issue a new lifetime license number and tag, for that county. The new lifetime license number and tag shall be issued in the manner set forth in § 21.51(g) except that if the dog has been permanently identified by means of a tattoo, the existing tattoo number of the dog shall be cross referenced to the new lifetime license number issued.

(c) *Recordkeeping and reporting.* The issuing county treasurer or agent shall record the transfer of ownership or change in residence and where applicable the voiding of the lifetime license number. The county treasurer or agent in the county to which a dog is being transferred shall, upon receipt of the proper certification of transfer from the county treasurer or agent of the issuing county and payment of a \$1 fee from the owner of the dog, issue a new lifetime license number and tag, for that county and record the new lifetime license number issued and the cross-referenced tattoo or microchip number of the dog, in the manner set forth in this section and § 21.52. The county treasurer or agent in both counties shall mail or electronically transmit a record of the transfer or change in residence, and if applicable, the new lifetime license number issued and cross-referenced tattoo or microchip number of the dog to the Department. Both county treasurers and agents shall keep a record of the transfer or change in residence for 20 years.

Authority

The provisions of this § 21.53 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. §§ 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-901—459-907 and 459-901-A—459-911-A).

Source

The provisions of this § 21.53 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (276689).

§ 21.54. Dog and kennel license issuance date.

All classes of individual dog licenses and kennel licenses shall be issued by the County Treasurer beginning December 1 for the following calendar year.

§ 21.55. [Reserved].

Source

The provisions of this § 21.55 reserved March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (276689).

§ 21.56. Profit oriented dog control agencies.

For the purposes of enforcing the act, an animal control agency under contract to political subdivisions for animal control work, that does not fall into the nonprofit kennel classification, shall apply for and, if approved, be licensed as a boarding kennel. If the animal control agency buys, sells or breeds dogs, it shall also obtain an additional appropriate license.

§ 21.57. Kennel tags.

The Department will issue a maximum of ten kennel tags to a kennel owner or operator unless the State dog warden for the county recommends that a higher quantity is required.

Authority

The provisions of this § 21.57 amended under section 201 of the Dog Law (3 P. S. § 459-201); and Articles II—IX-A of the Dog Law (3 P. S. § § 459-201—459-219, 459-301—459-305, 459-401, 459-402, 459-501, 459-502, 459-501-A—459-507-A, 459-601—459-603, 459-701—459-706, 459-901—459-907 and 459-901-A—459-911-A).

Source

The provisions of this § 21.57 amended March 14, 2003, effective March 15, 2003, 33 Pa.B. 1329. Immediately preceding text appears at serial page (276689).

DOG-CAUSED DAMAGES

§ 21.61. Conditions and limitations for payments.

(a) For the purposes of administering Article VII of the act (3 P. S. § § 459-701—459-705), no claim for dog-caused damages will be investigated, nor will an application for reimbursement be approved by the Department unless the claimant reports the loss to an employee of the Department within 5 days of the occurrence of the damage or loss.

(b) No payment will be made for a loss under this chapter unless the injured, killed livestock or poultry or game birds raised in captivity are available to be inspected and appraised by the Department.

(c) No payment will be made by the Department for claims for livestock, poultry or domestic game birds raised in captivity if the claimant was found negligent in not confining the animals or birds within a proper enclosure.

§ 21.62. Appointment of disinterested citizen.

(a) Under section 701 of the act (3 P. S. § 459-701), if either the owner of the dog or owner of the livestock or poultry do not accept the determination of the appraiser, the owner may request the appointment of a disinterested, qualified citizen to determine the amount of damage sustained. The citizen shall be agreeable to the owner of the dog, if known, owner of the livestock or poultry, and the Department.

(b) A disinterested, qualified citizen shall be knowledgeable as to the value of the type of animal killed or injured.

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CHAPTER 23. FUNDING FOR LOCAL DOG CONTROL PROGRAMS

Sec.

- 23.1. Dog Law Restricted Account.
- 23.2. Local dog control programs.
- 23.3. Application procedures.
- 23.4. Guidelines and conditions.
- 23.5. Facility operations.
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- 23.8. Record retention.
- 23.9. Reporting.
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- 23.11. Grant cancellation.
- 23.12. Right of recovery.
- 23.13. Deficits.

Authority

The provisions of this Chapter 23 issued under the Dog Law (3 P. S. § § 459-101—459-1205), unless otherwise noted.

Source

The provisions of this Chapter 23 amended November 1, 1985, effective November 2, 1985, 15 Pa.B. 3929. Immediately preceding text appears at serial pages (38148) to (38150) and (1450), unless otherwise noted.

Cross References

This chapter cited in 28 Pa. Code § 27.162 (relating to special requirements for animal bites).

§ 23.1. Dog Law Restricted Account.

Under section 1001 of the act (3 P. S. § 459-1001), the account was established which consists of all moneys paid into the State Treasury under the act. Moneys are appropriated from the account to make payments to counties and incorporated humane society organizations for designated purposes.

§ 23.2. Local dog control programs.

Payments, in the form of grants, may be made by the Department to eligible applicants when funds are available in the account. Grants may be approved to establish and maintain dog control facilities and for other functions of dog control, such as salaries of dog control officers, purchase of new dog control vehicles and dog control equipment, and educational purposes.

§ 23.3. Application procedures.

To obtain funding from the account a county, except counties of the first class, and an incorporated humane organization except those in cities of the first class, second class, and second class A, shall submit an application for funding in the form of a proposal. The application will be reviewed by the Secretary and the applicant will be notified of the approval or denial, or requested to amend the application. An applicant receiving funds shall execute a grant agreement form provided by the Department.

§ 23.4. Guidelines and conditions.

(a) The Secretary will annually determine the amount of funds available for dog control programs under this chapter and will prepare proposed guidelines and conditions which set forth for the calendar year, program requirements, funding priorities and limitations, and other requirements for dog law programs.

(b) Beginning in calendar year 1986, and each year thereafter, the Secretary will adopt guidelines and conditions under the following procedures:

(1) The Secretary will submit a notice to the Legislative Reference Bureau for recommended publication in the *Pennsylvania Bulletin* concerning funding available and announcing the availability of proposed guidelines and conditions for public review and comments. A similar notice will also be delivered to the Chairmen of the House and Senate Agriculture Committees and mailed to eligible applicants.

(2) The Secretary will review and consider comments received concerning the proposed guidelines and conditions and will adopt final guidelines and conditions applicable for the calendar year. The Secretary will submit a notice to the Legislative Reference Bureau for recommended publication in the *Pennsylvania Bulletin* announcing the availability of the final guidelines and conditions and inviting the submission of grant applications and funding requests. A similar notice will also be delivered to the Chairmen of the House and Senate Agriculture Committees and mailed to eligible applicants.

Cross References

This section cited in 7 Pa. Code § 25.1 (relating to general).

§ 23.5. Facility operations.

Counties and humane organizations receiving funds for new dog shelters or dog shelter expansion and repair maintenance shall continue to operate these facilities for the purposes the funds were obtained for a period of not less than 10 years, or the Department may

recapture the grant funds. An exception to this section will be made if written approval is obtained in advance from the Department.

§ 23.6. Stray dogs.

A grant recipient shall accept and cooperate in the detention of a dog apprehended running at large, either licensed or unlicensed, and dispose of unlicensed stray dogs apprehended and delivered to the agency by an enforcement officer. In addition, the recipient shall make certain that an unlicensed stray dog 6 months of age or over is licensed before being released from the shelter to its owner. If the stray dog is adopted by a new owner, the appropriate license fee and application completed by the new dog owner shall be left with the agency releasing the dog. It is the agency's responsibility to forward the fee and application to the County Treasurer's office within 5 working days.

§ 23.7. Records.

The county or humane society organization, or both, shall maintain books, records, documents, bids and other evidence pertaining to costs incurred for expenditures incurred for the requested grants in a manner so that allowable approved costs will be detailed. Books, records, documents, bids and other evidence shall be maintained according to generally accepted accounting principles.

§ 23.8. Record retention.

Financial records, supporting documents, statistical records and other records pertaining to the grant shall be retained until audited and released following submission of a final report to the Department.

(1) If litigation, claim, or audit is started before the expiration of the retention period, the records shall be retained until claims or findings involving the records have been resolved.

(2) Authorized representatives of the Department or the Commonwealth will have access to pertinent books, documents, papers, and records to make audits, examinations, excerpts, and transcripts. If it is determined that the records possess a long-term value, they shall be transferred as requested to the Department.

§ 23.9. Reporting.

A final report consisting of a certification statement and expenditure report shall be submitted to the Department within 60 days of the completion of the project or expenditure, but in no event later than February 28 of the year following the year in which the grant was made. The recipient shall verify that funds were expended in accordance with the act and this chapter.

§ 23.10. Report basis.

The reporting of expenditures shall be on an accrual basis. This requires the reporting of expenses, purchases, and other bills in the period when incurred—regardless of when paid—and the reporting of fees and contributions in the period when earned—regardless of when received.

§ 23.11. Grant cancellation.

(a) A grant may be cancelled by the Department upon a determination that the funds are not being properly utilized. In the event of cancellation of the grant, a financial accounting of revenue and expenditures shall be submitted to the Department by the grant recipient no later than 30 days after the cancellation date.

(b) Within 15 days of the date of notice of a cancellation, the grant recipient shall have the right to give written notice of appeal to the Secretary who shall fix a date for hearing of the recipient's appeal.

§ 23.12. Right of recovery.

The Department has the right to make a claim for and receive from the county or humane society organization, or both, funds not expended in accordance with the act, this chapter, or a grant agreement.

Notes of Decisions*Recovery Appropriate*

The Secretary of the Department appropriately canceled a \$50,000 grant agreement that provided for operation of a dog control facility for a period of 10 years following the facility's inability to properly dispose of the dogs received and a subsequent failure to accept additional dogs. *Kinaman Animal Shelter, Inc. v. Department of Agriculture*, 673 A.2d 36 (Pa. Cmwlth. 1996).

§ 23.13. Deficits.

The Department's financial obligation is limited to the amount of the grant. The Department is not responsible for funding cost overruns incurred by grant recipients.

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CHAPTER 25. REIMBURSEMENT FOR HUMANE DISPOSITION OF DOGS AND REIMBURSEMENT FOR LOSSES

Sec.

- 25.1. General.
- 25.2. Dog Disposition Record.
- 25.3. Claim for fees.
- 25.4. License of dogs before release.
- 25.5. Facilities and conditions.
- 25.11. Reimbursement for losses.
- 25.21. Procedure for reimbursement.

Authority

The provisions of this Chapter 25 issued under the Dog Law of 1965 (3 P. S. § § 460-101—460-1207) (Repealed), unless otherwise noted.

Cross References

This chapter cited in 28 Pa. Code § 27.162 (relating to special requirements for animal bites).

§ 25.1. General.

In accordance with the act, the Department will pay \$5 per dog, or whatever greater amount as determined by the Secretary, subject to the availability of funds, for services rendered by a legally constituted law enforcement agency maintaining a compound for the humane disposition of stray, unlicensed dogs apprehended running at large. No other fee will be paid to the agency for the care or disposal of the dogs. The secretary will include in notices prepared under § 23.4 (relating to guidelines and conditions), the annual amount of reimbursement to be provided.

Authority

The provisions of this § 25.1 issued under the Dog Law (3 P. S. § § 459-101—459-1205).

Source

The provisions of this § 25.1 amended November 1, 1985, effective November 2, 1985, 15 Pa.B. 3928; amended February 10, 1989, effective February 11, 1989, 19 Pa.B. 540; amended February 9, 1990, effective February 10, 1990, 20 Pa.B. 826; amended February 15, 1991, effective February 16, 1991, 21 Pa.B. 643. Immediately preceding text appears at serial page (144291).

§ 25.2. Dog Disposition Record.

Form ADLEB-4, Dog Disposition Record attached hereto as Exhibit A and made a part of this section shall be completed by the enforcement officer depositing the dog and shall be held on file by the agency maintaining the compound.

EXHIBIT A

Pennsylvania Department of Agriculture
BUREAU OF DOG LAW ENFORCEMENT
Dog Disposition Record
MUST BE KEPT ON FILE AT SHELTER

Date

On this day, I, the undersigned, do hereby certify that the stray dog described below was apprehended while running at large in _____

(City, township, borough)

_____ county and was delivered to the _____
shelter.

Description of dog:

_____ Color and markings	_____ Breed	_____ Approximate Age	_____ Sex
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Signature of Enforcement Officer

Official Title

Jurisdiction

FOR SHELTER USE ONLY

Disposition of dog (check one):

☐ Humanely put to death.

☐ New owner, as follows:

Name

Post Office Address

License No.

§ 25.3. Claim for fees.

Form ADLEB-2, Affidavit in Claim for Fees for Holding and Humanely Disposing of Unlicensed Dogs attached hereto as Exhibit B and made a part of this section shall be submitted quarterly to the nearest district office of the

Department within 10 days following the last day of March, June, September, and December. These offices are located as follows:

<i>Region</i>	<i>Address</i>	<i>Counties Served</i>
I	District Office P.O. Box 413 Meadville, Pennsylvania 16335	Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Venango, Warren
II	District Office P.O. Box 1475 675 Rose Street Williamsport, Pennsylvania 17703	Cameron, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga, Union
III	District Office Route 92 South Tunkhannock, Pennsylvania 18657	Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming
IV	District Office 5349 William Flynn Highway Gibsonia, Pennsylvania 16033	Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, Westmoreland
V	District Office Executive Plaza 615 Howard Avenue Altoona, Pennsylvania 16601	Bedford, Blair, Cambria, Centre, Clearfield, Fulton, Huntingdon, Juniata, Mifflin, Somerset
VI	District Office P.O. Box 419 Summerdale, Pennsylvania 17093	Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York
VII	District Office Route 113 Creamery, Pennsylvania 19430	Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Schuylkill

EXHIBIT B

PENNSYLVANIA DEPARTMENT OF AGRICULTURE
BUREAU OF DOG LAW ENFORCEMENT
AFFIDAVIT IN CLAIM FOR FEES FOR HOLDING
AND HUMANELY DISPOSING OF STRAY DOGS
UNDER THE PROVISIONS OF THE "DOG LAW OF 1965"

Commonwealth of Pennsylvania }
County of _____ } SS:

Before me, the undersigned, a _____
(Official Title)
in and for said County, personally appeared _____,
(Name of Claimant)
a _____ whose post office ad-
(Title)
dress is _____

(Include R.D. or Street No.)
who being duly sworn according to law doth depose and say that during the months
of _____, 19 _____, he did hold and humanely dispose of
_____ dog(s) in accordance with all provisions of the Dog Law and
(Number)

desiring to secure the fees prescribed for such holding and humane disposing of, as provided
by regulations of the Pennsylvania Department of Agriculture, herewith presents his claim:
He further swears that the above were all stray dogs apprehended running at large for which
no other fee was paid for care or disposal of such dogs and that records to substantiate this
claim for fees are being maintained by him as prescribed by Section 207 of the Dog Law.

Sworn to and subscribed before me, this

_____ day of _____, 19 _____

(Signature of Official)

(Signature of Claimant)

(Official Title)

My commission expires _____

Two (2) copies of this affidavit must be executed and forwarded to the DISTRICT
OFFICE of the Pennsylvania Department of Agriculture wherein the claim originates. All
affidavits must be submitted to the appropriate District Office by the tenth (10th) day of the
month following the claim period specified above.

§ 25.4. License of dogs before release.

A dog 6 months of age or over not disposed of by being humanely put to death shall be licensed before being

released from shelter.

§ 25.5. Facilities and conditions.

(a) An agency being reimbursed for the holding and disposition of stray unlicensed dogs shall provide adequate facilities for the handling of the dogs.

(b) A compound shall comply with the act and Chapter 21 (relating to general provisions; kennels; licensure; dog-caused damages).

§ 25.11. Reimbursement for losses.

If the Secretary declares that there is a surplus of money in the account, as specified in section 1002(b) of the act (3 P. S. § 459-1002(b)), the Department may fund approved organizations for reimbursement for losses sustained for complying with section 7 of the act of December 22, 1983 (P. L. 303, No. 83) (3 P. S. § 328.7) in the specified manner and for the specified purposes and amounts. Reimbursement will not be paid by the Department to an organization for an action taken or costs incurred prior to June 22, 1984.

Authority

The provisions of this § 25.11 issued under the Dog Law (3 P. S. §§ 459-101—459-1205).

Source

The provisions of this § 25.11 adopted November 1, 1985, effective November 2, 1985, 15 Pa.B. 3928.

§ 25.21. Procedure for reimbursement.

The Department will make a one-time payment of a maximum of \$500 to an approved organization that provides the Department with verification that the organization has dismantled a high altitude decompression chamber or decompression device as a result of complying with section 7 of the act of December 22, 1983 (P. L. 303, No. 83) (3 P. S. § 328.7), after June 22, 1984. The reimbursement may not exceed the actual, verifiable cost of dismantling the chamber or device. The organization shall forward to the Department the method and cost of dismantling the chamber or device. The verification may be in the form of a notarized statement.

Authority

The provisions of this § 25.21 issued under the Dog Law (3 P. S. §§ 459-101—459-1205).

Source

The provisions of this § 25.21 adopted November 1, 1985, effective November 2, 1985, 15 Pa.B. 3928.

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CHAPTER 27. DANGEROUS DOGS

Sec.

- 27.1. Scope.
- 27.2. Definitions.
- 27.3. Fees.
- 27.4. State Registry of Dangerous Dogs.
- 27.5. Owner's application to register a dangerous dog.
- 27.6. Processing of an application.
- 27.7. General conditions of registration.
- 27.8. Required enclosure for a dangerous dog.
- 27.9. Control of dangerous dog outside of enclosure.
- 27.10. Inspections.
- 27.11. Uniform dangerous dog warning sign.
- 27.12. Uniform dangerous dog identification tag.
- 27.13. Exception for farm dogs.

Authority

The provisions of this Chapter 27 issued under sections 503-A(b) and (c), 506-A and 902 of the Dog Law (3 P. S. § § 459-503-A(b) and (c), 459-506-A and 459-902), unless otherwise noted.

Source

The provisions of this Chapter 27 adopted May 24, 1991, effective May 25, 1991, 21 Pa.B. 2476, unless otherwise noted.

Cross References

This chapter cited in 28 Pa. Code § 27.162 (relating to special requirements for animal bites).

§ 27.1. Scope.

(a) *Policy and procedure.* This chapter establishes policies and procedures relating to the following:

- (1) The registration of dogs determined to be dangerous under section 502-A of the act (3 P. S. § 459-502-A).
- (2) The general conditions of registration under this chapter.

(3) The required enclosure for dangerous dogs and the control of dangerous dogs while outside the enclosure.

(4) The uniform dangerous dog warning sign and identification tag.

(5) The special exception in section 507-A(e) of the act (3 P. S. § 459-507-A(e)) for farm dogs.

(b) *Exemptions.* This chapter does not apply to dogs used by law enforcement officials for police work, certified guide dogs for the blind, hearing dogs for the deaf or aid dogs for the handicapped.

§ 27.2. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Certificate of registration—A form issued by the Department to the owner of a dangerous dog certifying that the owner has paid the registration fee in § 27.3(a) (relating to fees) and is in compliance with the conditions of registration in § 27.7 (relating to general conditions of registration).

Conspicuously posted—A warning sign is conspicuously posted if the sign is visible and the written warning on the sign is capable of being read from a public highway or thoroughfare immediately adjacent to the premises at the point of ingress or egress.

Dangerous dog—A dog determined to be dangerous under section 502-A of the act (3 P. S. § 459-502-A).

Farm—Land which meets one of the following conditions:

(i) Was devoted to agricultural use during the preceding 3 years and is not less than 10 contiguous acres in area.

(ii) Has anticipated yearly income of \$2,000 from agriculture.

§ 27.3. Fees.

(a) *Registration fee.* The fee to register a dangerous dog under this chapter is \$200. This fee is not refundable.

(b) *Copy fee.* The fee for an uncertified copy of a document which is part of the State Registry of Dangerous Dogs is \$1 per page. The fee for a certified copy is \$5 per page.

(c) *Uniform dangerous dog warning sign.* The Department will provide the owner of a dangerous dog registered under this chapter with two uniform dangerous dog warning signs at no cost. The fee for an additional uniform dangerous dog warning sign is \$20.

(d) *Uniform dangerous dog identification tag.* The Department will provide the owner of a dangerous dog registered under this chapter with a uniform dangerous dog identification tag

at no cost. The fee for a replacement uniform dangerous dog identification tag is \$5.

(e) *Mode of payment.* Fees shall be paid by cashier's check or money order made payable to the "Pennsylvania Department of Agriculture." Fees shall be paid in advance.

Cross References

This section cited in 7 Pa. Code § 27.2 (relating to definitions); 7 Pa. Code § 27.5 (relating to owner's application to register a dangerous dog); 7 Pa. Code § 27.6 (relating to processing of an application); 7 Pa. Code § 27.11 (relating to uniform dangerous dog warning sign); and 7 Pa. Code § 27.12 (relating to uniform dangerous dog identification tag).

§ 27.4. State Registry of Dangerous Dogs.

(a) *Registry established.* The Department will maintain a Registry in which it will enter the following:

(1) The name, description, location and owner of each dog determined to be dangerous under section 502-A of the act (3 P. S. § 459-502-A).

(2) Applications for registration filed with the Department under § 27.5 (relating to owner's application to register a dangerous dog).

(3) Communications received by the Department regarding possible violations of the act involving a dangerous dog.

(4) Communications received by the Department that a dangerous dog has attacked another animal, has attacked a human being, has died or has been sold or donated. If a dangerous dog has died, the registry will reflect the date and the circumstances of death. If a dangerous dog has been sold or donated, the Registry will include the name, address and telephone number of the new owner.

(b) *Public inspection.* The Registry established in subsection (a) is available for inspection and copying by the public during the office hours of the Department insofar as consistent with the proper discharge of the duties of the Department.

(c) *Location of Registry.* The Registry established in subsection (a) is located in the Bureau of Dog Law Enforcement, Room 102, Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

§ 27.5. Owner's application to register a dangerous dog.

(a) *Forms and fee.* An application to register a dangerous dog shall be made on a form furnished by and in a manner prescribed by the Department and shall be accompanied by the registration fee established in § 27.3(a) (relating to fees).

(b) *Place of application.* An application under this section shall be submitted to the Bureau of Dog Law Enforcement, Room 102, Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

Cross References

This section cited in 7 Pa. Code § 27.4 (relating to State Registry of Dangerous Dogs).

§ 27.6. Processing of an application.

(a) Upon receipt of an application to register a dangerous dog and the registration fee in § 27.3(a) (relating to fees), the Department will review the application for completeness and accuracy.

(b) The Department will issue the applicant a certification of registration within 30 days of the following:

(1) The receipt of a complete and accurate application, or receipt of additional information necessary to complete or correct a previously submitted application.

(2) The receipt of a fee required by § 27.3.

(3) The applicant's compliance with § 27.7 (relating to general conditions of registration).

(c) If the Department finds the application to be incomplete or inaccurate, additional data necessary to complete or correct the application will be requested from the applicant. The applicant shall have 15 days from the mailing date of the Department's request within which to supply the additional information.

(d) If the applicant fails to submit the additional information within the prescribed 15-day period, the Department will terminate processing of the application and the registration fee shall be forfeited to the Department. If the dangerous dog owner fails to file a complete and accurate application, fails to pay a fee required by § 27.3 or fails to comply with § 27.7 within 30 days of the Department's notification to the owner of a dangerous dog of a determination under section 502-A(a) of the act (3 P. S. § 459-502-A(a)), the Department may confiscate the dog under section 505-A(a) of the act (3 P. S. § 459-505-A(a)).

(e) A certificate of registration issued under this section may not be transferred to a subsequent owner of the dangerous dog.

Cross References

This section cited in 7 Pa. Code § 27.10 (relating to inspections).

§ 27.7. General conditions of registration.

(a) The owner of a dangerous dog registered under this chapter shall comply with § § 27.8, 27.9, 27.11 and 27.12.

(b) In addition to meeting the requirements of subsection (a), the owner of a dangerous dog shall meet the financial responsibility requirements established at section 503-A(a)(2) of the act (3 P. S. § 459-503-A(a)(2)). In accordance with that section, the dangerous dog owner shall obtain, evidence and maintain one of the following:

(1) A surety bond in the amount of \$50,000 issued by an insurer authorized to do business within this Commonwealth, payable to a person injured by the dangerous dog.

(2) A policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business within this Commonwealth in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog. The policy shall contain a provision requiring the Secretary to be named as additional insured for the sole purpose of being notified by the insurance company of cancellation, termination or expiration of the liability insurance policy.

(c) If the owner of a dangerous dog no longer complies with this section, the Department may revoke the registration of the dangerous dog.

Cross References

This section cited in 7 Pa. Code § 27.2 (relating to definitions); and 7 Pa. Code § 27.6 (relating to processing of an application).

§ 27.8. Required enclosure for a dangerous dog.

Except as provided in § 27.9 (relating to control of dangerous dog outside of enclosure), a dangerous dog shall be confined in one of the following:

(1) Inside of the dwelling of the owner.

(2) Outdoors in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. An outdoor enclosure shall have secure sides and a secure top, and shall be designed to protect the dog from the elements. If the enclosure does not have a floor which is secured to its sides, the sides shall be embedded at least 2 feet into the ground.

Cross References

This section cited in 7 Pa. Code § 27.7 (relating to general conditions of registration); 7 Pa. Code § 27.9 (relating to control of dangerous dog outside of enclosure); and 7 Pa. Code § 27.10 (relating to inspections).

§ 27.9. Control of dangerous dog outside of enclosure.

(a) *General conditions.* A dangerous dog is not permitted to be outside the required enclosure described in § 27.8 (relating to required enclosure for dangerous dog) unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall be constructed to prevent the dog from biting a person or animal or from destroying property with its teeth.

(b) *Substantial chain or leash defined.* As used in subsection (a) and section 504-A of the act (3 P. S. § 459-504-A), a "substantial chain or leash" is a chain or leash with a minimum tensile strength of at least 300 pounds and a maximum length of not more than 3 feet.

(c) *Responsible person defined.* As used in subsection (a) and section 504-A of the act, a "responsible person" is the owner or a person acting at the direction of the owner who is physically able, through use of the chain or leash, to prevent the dangerous dog from escaping or causing damage to a person, animal or property.

Cross References

This section cited in 7 Pa. Code § 27.7 (relating to general conditions of registration); and 7 Pa. Code § 27.8 (relating to required enclosure for a dangerous dog).

§ 27.10. Inspections.

(a) As part of the review process described in § 27.6 (relating to processing of an application), the Department will, during daytime or otherwise reasonable hours, conduct an onsite inspection of the premises where the dangerous dog is kept to determine whether the applicant is in compliance with § 27.8 (relating to required enclosure for a dangerous dog). If the Department determines that the owner of the dangerous dog has failed to meet these requirements, the Department will request that the applicant take appropriate corrective action. The Department will terminate the processing of an application if corrective action is not taken within 15 days of a written request.

(b) The Department reserves the right to conduct an onsite inspection of the premises where the dangerous dog is kept at least biannually during daytime or otherwise reasonable hours, or at other times upon complaint or reasonable belief that a violation of this chapter or the act may exist. The Department reserves the right to enter the premises and conduct a follow-up inspection to a previous inspection that revealed noncompliance with this chapter or the act.

(c) A dog warden may enter into a home or other building only with the permission of the occupant or with an authorized search warrant.

(d) If an owner of a dangerous dog refuses to permit the Department to conduct the inspection described in subsection (a) or (b), the Department may suspend, revoke or deny a certificate of registration under this chapter.

§ 27.11. Uniform dangerous dog warning sign.

(a) *General requirements.* The owner of a dangerous dog registered under this chapter shall conspicuously display at least two uniform dangerous dog warning signs on the premises on which the dog is kept. Additional uniform dangerous dog warning signs necessary to warn persons at all points of ingress to the premises shall be conspicuously displayed. The owner of a dangerous dog shall purchase additional uniform dangerous dog warning signs from the Bureau of Dog Law Enforcement.

(b) *Placement of signs.* For purposes of subsection (a) and section 503-A(a)(1) of the act (3 P. S. § 459-503-A(a)(1)), the warning signs shall be deemed to have been conspicuously displayed if the signs are visible and the written warning printed on the signs is capable of being read from a public highway or thoroughfare immediately adjacent to the premises on which the dangerous dog is kept.

(c) *Signs furnished by the Department.* The Department will provide the owner of a dangerous dog registered under this chapter with two uniform dangerous dog warning signs at no cost. The Department will provide the owner with additional signs upon payment of the fee in § 27.3 (relating to fees).

Cross References

This section cited in 7 Pa. Code § 27.7 (relating to general conditions of registration).

§ 27.12. Uniform dangerous dog identification tag.

(a) *General requirements.* The owner of a dangerous dog registered under this chapter shall cause to be affixed to the collar or harness of the dog the uniform dangerous dog identification tag.

(b) *Placement of tag.* The uniform dangerous dog identification tag shall be affixed to the collar or harness of the dangerous dog so that the entire surface of the tag containing the dangerous dog identification symbol is unobstructed and is clearly visible. The tag shall be worn by the dangerous dog at all times.

(c) *Tag furnished by the Department.* The Department will provide the owner of a dangerous dog registered under this chapter with one uniform dangerous dog identification tag. The Department will provide the owner with a replacement tag upon payment of the fee in § 27.3(d) (relating to fees).

Cross References

This section cited in 7 Pa. Code § 27.7 (relating to general conditions of registration).

§ 27.13. Exception for farm dogs.

A dog will not be determined to be dangerous under section 502-A of the act (3 P. S. § 459-502-A) if:

- (1) The premises where the dog is kept is a farm.
- (2) The dog did not leave the farm property to attack.
- (3) At the time of, and subsequent to, the attack, the farm was and is conspicuously posted at all points of ingress and egress with a sign alerting visitors to the presence of a watch or guard dog.

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CHAPTER 28a. COMMERCIAL KENNEL CANINE HEALTH REGULATIONS

GENERAL PROVISIONS

Sec.

- 28a.1. Definitions.
- 28a.2. Ventilation.
- 28a.3. Auxiliary ventilation.
- 28a.4. Humidity levels.
- 28a.5. Ammonia levels.
- 28a.6. Carbon monoxide detectors.
- 28a.7. Lighting.
- 28a.8. Flooring.
- 28a.9. Scope and effective date.

Authority

The provisions of this Chapter 28a issued under sections 221(g) and 902 of the Dog Law (3 P. S. § § 459-221(g) and 459-902), unless otherwise noted.

Source

The provisions of this Chapter 28a adopted November 26, 2010, effective November 27, 2010, 40 Pa.B. 6903, unless otherwise noted.

GENERAL PROVISIONS

§ 28a.1. Definitions.

The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicated otherwise.

ANSI/U.L. Standard 2034 and IAS 6-96—Independent laboratory testing standards for carbon monoxide detectors.

CFM—Cubic Feet per Minute—A measurement of the flow of a gas or liquid that indicates how much volume in cubic feet pass by a stationary point in one minute.

Circulation or circulated air—The air that is mixed within a room and typically provides heating and cooling.

Commercial kennel—A kennel that breeds or whelps dogs and does one of the following:

- (i) Sells or transfers any dog to a dealer or pet shop kennel.
- (ii) Sells or transfers more than 60 dogs per calendar year.

Diurnal light cycle—The daily lighting cycle provided by artificial or natural light, or both, which shall be 12 hours of light and 12 hours without light. The 12 hours of light shall coincide with and be provided during normal daylight hours.

Excessive light—Direct, undiffused light from either the sun or artificial light, such as from a lighting fixture of an intensity that is 12 foot candles or more greater than the maximum foot candles of light required by this chapter, which is placed or directed in a manner such that the light is allowed to or is shining directly into a primary enclosure of a dog.

Fresh air ventilation—That portion of circulated air that is from the outdoors.

Full-spectrum lighting—

(i) Full-spectrum light is light that covers the electromagnetic spectrum from infrared through near-ultraviolet, or all wavelengths that are useful to plant or animal life; in particular, sunlight is considered full spectrum, even though the solar spectral distribution reaching Earth changes with time of day, latitude, and atmospheric conditions.

(ii) When applied to an electrical light bulb the term implies the product emulates natural light.

Heat Index (HI) or Temperature and Humidity Index (THI)—An index, published by the United States National Weather Service, that combines air temperature and relative humidity to determine the human-perceived equivalent temperature. Heat Index values are calculated based on temperature measurements taken in the shade. Exposure to full sunshine can increase index values by up to 15° Fahrenheit and strong winds carrying very hot, dry air will add heat to the body. (United States National Weather Service).

Mechanical ventilation—Ventilation produced by operation of a machine. So long as its operation results in compliance with the standards established in this chapter, a mechanical ventilation system may range from very basic, such as an exhaust fan, to more sophisticated systems such as a HVAC system with temperature and humidity controls.

Primary enclosure—

(i) The primary structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment.

(ii) The term does not include a run described in section 207(i)(6) of the act (3 P. S. § 459-207(i)(6)).

Professional engineer—

- (i) An individual licensed and registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § § 148—158.2) or a successor statute to engage in the practice of engineering.
- (ii) The term does not include a person who is exempt from licensure and registration under section 5(b) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 152(b)).

Ventilation or ventilating—The process of “changing” or replacing air in any space to control temperature and humidity or remove moisture, odors, smoke, heat, dust, airborne bacteria, carbon monoxide, carbon dioxide, and to replenish oxygen. Ventilation includes both the exchange of air to the outside as well as circulation of air within the building. Ventilation is used to remove unpleasant smells and excessive moisture, introduce outside air and to keep interior building air circulating, to prevent stagnation of the interior air.

§ 28a.2. Ventilation.

(a) *General requirements.* Each area of a commercial kennel and commercial kennel housing facility where a dog is housed, kept or present, including primary enclosures, must utilize a functional, mechanical ventilation system that provides ventilation in a manner that meets the requirements of this section and § § 28a.3—28a.6. The kennel owner or operator shall assure the mechanical ventilation system is functional, in operation at all times and meets the standards and requirements of this section. The kennel owner or operator shall also assure the auxiliary ventilation system, humidity control system and carbon monoxide detectors are functional, operational and operated or operating in a manner that meets the standards and requirements of this section and § § 28a.3—28a.6.

(b) *Certification of ventilation system.* The kennel owner shall supply the following information to the Department:

(1) Written certification under the signature and seal of a professional engineer verifying the professional engineer has inspected the ventilation system to be certified, acknowledging familiarity with the requirements of the act and this chapter and certifying that the ventilation system of the kennel meets all of the standards and requirements of this section and § § 28a.3—28a.6. In addition, the certification must contain the following information:

(i) The total cubic feet of the kennel and kennel housing facility, and the cubic feet of each separate room or area of the kennel and kennel housing facility where a dog is kept, housed or present.

(ii) A description of the mechanical ventilation equipment to be utilized in each room or area of the kennel and kennel housing facility where a dog is kept, housed or present, including primary enclosures. The description must include the cubic feet per minute capacity of that equipment.

(iii) A description of the humidity control system, devices or equipment to be utilized,

including the total capacity of the system, devices or equipment.

(iv) A description of the auxiliary ventilation system, devices or equipment to be utilized.

(v) The highest total number of dogs that will be kept, held or present in the kennel and kennel housing facility, including primary enclosures, at any time.

(vi) The location where every device for measuring temperature and humidity required under § 28a.4(b)(1) (relating to humidity levels) should be installed to accurately measure temperature and humidity as required by this chapter in each area and room within the kennel and kennel housing facility where a dog is housed, kept or present, including primary enclosures.

(2) The certification shall be submitted to the Department by May 30, 2011, for all commercial kennels licensed as of that date, and thereafter, the certification shall be submitted as part of all commercial kennel license applications; and within 90 days of any change to the volume, cubic feet or linear dimensions of the kennel housing facility where a dog is kept, housed or present, including primary enclosures, a change in the highest total number of dogs kept, held or present, or a change to the volumetric, capacity, circulation or air exchange portions of the ventilation system or a change in any part of the auxiliary ventilation or humidity control system.

(3) A new certification is not required for the submission of a commercial kennel license application, if the commercial kennel submitting the kennel license application was licensed in the previous year, submitted a valid certification in that year and there have been not changes to the volume, cubic feet or linear dimensions of the kennel or kennel classification since the submission of the last kennel license application and certification. In that instance, the certification submitted with the most recent commercial kennel license application may be resubmitted.

(4) The information submitted to the Department will be kept as part of the kennel's records.

(c) *Inspection.*

(1) *Inspection.* A State dog warden or other employee of the Department inspecting the kennel will at a minimum assure that:

(i) The mechanical ventilation system is functional, operational and in operation.

(ii) The auxiliary ventilation system is available, functional and operational and, where the temperature in the kennel exceeds 85° Fahrenheit, that the auxiliary ventilation system is in operation.

(iii) The humidity control system is available, functional and operational and operating or operated in a manner that meets the standards and requirements of § 28a.4.

(2) *Assurance of compliance.* A State dog warden or other employee of the Department inspecting the kennel may take ventilation, temperature, humidity and ammonia level

readings and measurements to assure compliance with this chapter.

(d) *Recertification.* The Department may require recertification by a professional engineer where the ventilation, auxiliary ventilation, humidity or ammonia levels or standards fail to comply with the requirements of this chapter.

(e) *Ventilation and circulation.* Kennels and housing facilities where a dog is housed, kept or present, including primary enclosures, shall be equipped with mechanical ventilation equipment that physically moves air and can provide ventilation, fresh air ventilation, circulation, heating, dehumidification and filtration meeting the standards of this chapter. This equipment includes: air handlers, roof top units, dehumidifiers, furnaces, unit heaters and heat pumps.

(f) *Standards.* The standards established in this subsection shall be met at all times that a dog is housed, kept or present in the kennel or kennel housing facility, including primary enclosures:

(1) *General.* Ventilation and circulation of air shall be provided and distributed throughout the entire area of the kennel and kennel housing facility, at the required volumetric rates and in the manner required by this chapter in all rooms or areas of the kennel and housing facility where a dog is housed, kept or present, including primary enclosures.

(2) *Circulation and volumetric rates.* Minimum circulation rates in each area or room of a kennel and housing facility, including primary enclosures, where a dog is housed, kept or present shall be maintained at all times at a total volumetric airflow of 100 cubic feet per minute (CFM) per dog. Volumetric air flow rates may be required to be increased as set forth in § 28a.3 (relating to auxiliary ventilation).

(3) *Design capacity.* The mechanical ventilation equipment employed to physically circulate and move the air shall be designed, rated and able to circulate and move the required volume of air based on the highest total number of dogs held in the kennel and kennel housing facility, including primary enclosures, at any one time and shall do so in a manner meeting all requirements of this section.

(4) *Fresh air rates.* At least 30 CFM per dog of the circulated air shall be fresh air; the rest may be recirculated air.

(5) *Filtration.* Filtration of circulated air shall be by disposable filters rated at a minimum efficiency reporting value (MERV) of 8 or higher.

(i) Evidence of the MERV filtration level shall be the information printed by the manufacturer on the filters.

(ii) At a minimum, filters shall be replaced quarterly in equipment serving areas of the kennel and kennel housing facility, including primary enclosures, that houses dogs.

(6) *Design and placement.* Ventilation shall provide circulation at the height of the dog, meaning the ventilation system shall be designed and placed in such a manner that each dog is in the moving air stream provided by the ventilation.

(g) *Mechanical malfunction or failure.* In the event of a mechanical system malfunction or failure, the kennel and kennel housing facility must have windows, doors, skylights, or other openings in the structure that are operable and may be opened to provide natural ventilation and the auxiliary ventilation techniques established in § 28a.3 may be utilized. In the event of a mechanical system malfunction or failure resulting in a failure to meet the requirements set forth in this section and § § 28a.3—28a.5, the kennel owner shall do all of the following:

(1) *Kennel temperatures below 85° Fahrenheit.* Take steps to correct the malfunction or failure immediately and restore the kennel and kennel housing facility, including primary enclosures, to a condition complying with this section and § § 28a.3—28a.5 within 72 hours of the occurrence of the malfunction or failure. If at any time during the 72-hour period the temperature in the kennel or kennel housing facility, including the primary enclosures exceeds 85° Fahrenheit, the kennel owner shall follow and comply with subparagraph (2).

(2) *Kennel temperatures in excess of 85° Fahrenheit.* Take steps to correct the malfunction or failure immediately and restore the kennel and kennel housing facility, including primary enclosures, to a condition complying with this section and § § 28a.3—28a.5 within 4 hours of the malfunction or failure. If the malfunction or failure cannot be, or is not, corrected so that the kennel and kennel housing facility, including primary enclosures, is compliant with this section and § § 28a.3—28a.5 within 4 hours of the occurrence of the malfunction or failure, immediately notify the kennel's veterinarian and consult on the steps to be taken to protect the health and well being of the dogs, as well as, contemporaneously keep records of the following:

(i) The time of the malfunction or failure.

(ii) Temperature and humidity readings every 4 hours thereafter until the temperature is reduced to below 85° Fahrenheit.

(iii) The time of the notification to the kennel's veterinarian and all steps taken to protect the health and well being of the dogs.

(3) *Malfunctions or failures reaching or exceeding 24 hours.* If a failure or malfunction reaches or exceeds 24 hours, immediately notify the Department of the steps being taken to address the malfunction or failure and to protect the health and well being of the dogs. If notification to the Department is required after 4:00 p.m. on a weekday or on a weekend or holiday the kennel owner shall notify the Department by 9:00 a.m. of the next Department business day.

(4) Upon the occurrence of a malfunction or failure requiring the notification set forth in paragraph (2), notify the Department of the date and time the kennel and kennel housing facility, including the primary enclosures were restored to compliance with this section and § § 28a.3—28a.5.

(h) *Illness or stress.* If upon inspection, dogs exhibit conditions or signs of illness or stress associated with poor or improper ventilation, air circulation, auxiliary ventilation or humidity levels the State dog warden or other employee of the Department performing the inspection may take appropriate measurements and readings in all areas of the kennel where the illness or stress is present to determine if the kennel is in compliance with all provisions

of this chapter relating to ventilation, auxiliary ventilation, humidity and ammonia levels and may require a recertification under subsection (d) be provided within a time period specified, but in no event shall the time period specified be more than 30 days or less than 7 days. Signs of illness or stress associated with poor or improper levels of ventilation, air circulation, auxiliary ventilation or humidity, ammonia or carbon monoxide levels include:

- (1) Respiratory distress, such as excessive panting, breathing problems and hyperventilation.
- (2) Signs of heat distress or heat stroke, including excessive panting, hyperventilation, increased salivation, gums that are dry, pale, grayish and tacky, rapid pulse, weakness, confusion, inattentive behavior, vomiting, elevated body temperature or rectal bleeding.
- (3) Matted, puffy, red or crusted eyes.
- (4) Listlessness.
- (5) Fungal and skin diseases.

Cross References

This section cited in 7 Pa. Code § 28a.4 (relating to humidity levels).

§ 28a.3. Auxiliary ventilation.

(a) *General.* When temperatures, in any part of a kennel and kennel housing facility where a dog is housed, kept or present, including primary enclosures, rise above 85° Fahrenheit, auxiliary ventilation shall be provided to the dogs in that part of the kennel and kennel housing facility, including primary enclosures. The auxiliary ventilation must provide the increased volumetric air flow rates and humidity control required by this chapter and be operated in addition to, not in place of, all other ventilation and humidity requirements in this chapter. Auxiliary ventilation systems may be utilized in the event of a primary ventilation system failure or malfunction.

(b) *Types of auxiliary ventilation.* Auxiliary ventilation devices and techniques may include:

- (1) Utilizing fans or air circulation equipment that increases the total volumetric airflow from 100 CFM per dog to 200 CFM per dog, either by utilizing any additional capacity the current mechanical ventilation system may provide or by adding additional fans or circulating equipment. The proper humidity levels, as established in § 28a.4 (relating to humidity levels), shall be maintained at all times.
- (2) Providing cooling by moving or circulating air over cool water coils or piping, cooling towers or ice or providing cooling directly to the primary enclosure or space occupied by the dog by a means capable of cooling the enclosure or floor upon which the dog lays or walks, such as piping or coils capable of carrying cool water under or within the flooring system, and at the same time increasing the total volumetric airflow from 100 CFM per dog to 200 CFM per dog, either by utilizing any additional capacity the current mechanical ventilation system may provide or by adding additional fans or circulating

equipment. The proper humidity levels, as established in § 28a.4, shall be maintained at all times.

(3) Air conditioning sufficient to reduce temperature and humidity levels in the kennel to the required levels.

(4) Geothermal systems sufficient to reduce temperature and humidity levels in the kennel to the required levels.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation).

§ 28a.4. Humidity levels.

(a) *General standards.* A kennel and kennel housing facility, where a dog is housed, kept or present, including primary enclosures must meet the following humidity levels:

(1) *Temperatures below 85° Fahrenheit.* When temperatures in the kennel or kennel housing facility, where any dog is housed, kept or present, including primary enclosures, are below 85° Fahrenheit, relative humidity levels shall be kept between 30% and 70%.

(2) *Temperatures above 85° Fahrenheit.* When temperatures, in any part of the kennel or kennel housing facility, where a dog is housed, kept or present, including primary enclosures, rise above 85° Fahrenheit, the relative humidity level shall be reduced to a level that will accomplish a Heat Index value of 85 or lower.

(3) *Four-hour window.* Once the temperature in any part of the kennel or kennel housing facility, where a dog is housed, kept or present, exceeds 85° Fahrenheit, the kennel owner shall have 4 hours to accomplish and maintain a Heat Index of 85 HI or lower, as required under paragraph (2). At no time during that 4-hour time period or at any other time shall the Heat Index value ever exceed 90 HI in any area, room or part of the kennel or housing facility, where a dog is housed kept or present, including primary enclosures. If within 4 hours, the kennel owner is unable to accomplish and maintain a Heat Index of 85 HI or lower, the kennel owner shall immediately notify the kennel's veterinarian and consult on the steps to be taken to protect the health and well being of the dogs, as well as contemporaneously keep the records required under § 28a.2(g)(2)(ii)—(iii) (relating to ventilation). If such a failure to accomplish and maintain a Heat Index of 85 HI or lower exceeds 24 hours, the kennel owner shall contact the Department in the manner prescribed and provide it with the information required under § 28a.2(g)(3) and (4).

(4) *Calculation of HI.*

(i) The tool that shall be utilized to determine the HI value and thereby the proper humidity levels when temperatures rise above 85° Fahrenheit shall be the Temperature and Humidity Index of the National Weather Service or its successor standard. This is also available at the National Weather Service web site at <http://www.crh.noaa.gov/> and then search HI; the HI Calculator is located at <http://www.hpc.ncep.noaa.gov/html/heatindex.shtml>.

(ii) A chart setting forth the Heat Index values is set forth in Appendix A. (Examples of the Heat Index values are: 86° Fahrenheit and 40% humidity = HI of 85° Fahrenheit; and 90° Fahrenheit and 20% humidity = HI of 86° Fahrenheit.)

(5) *Condensation.* Humidity levels, other than during times of cleaning and sanitizing, may not rise to the level where condensation occurs in any area of the kennel, kennel housing facility or primary enclosures where a dog is housed, kept or present.

(b) *Measurement and control standards.*

(1) Temperature and humidity levels shall be measured in each area or room within the kennel and housing facility where a dog is housed, kept or present and shall be measured and recorded by either a humidity gauge and a temperature gauge or by a thermo-hygrometer, which shall be installed in each room of the kennel and housing facility in which a dog is housed, kept or present.

(2) The measuring devices will be provided by and be the property of the Department and meet the following minimum standards:

(i) The device will not require hard wiring, and may be operated by batteries.

(ii) The device will store temperature and humidity data on an hourly basis and for a time period of at least 6 months.

(iii) The device will be rated as accurate to within 1° Fahrenheit.

(iv) The device will be rated as accurate to within plus or minus 2% relative humidity from 10% to 90% relative humidity.

(3) Evidence of humidity control devices shall be either dedicated dehumidifiers in each room and area of the kennel and housing facility in which a dog is housed, kept or present or may be air conditioning equipment. The equipment utilized must have documented dehumidification capability.

(4) If air conditioning is utilized, the cooling capacity shall be at least 35 Btu/hr per square foot (1 ton of cooling for every 350 square feet) of animal area as demonstrated by nameplate cooling capability on the cooling equipment.

(5) The humidity gauge and temperature gauge or thermo-hygrometer installed and provided by the Department may not be tampered with, destroyed, incapacitated, reset or disturbed, including downloading of data, by any person other than a State dog warden or an authorized employee of the Department.

(6) If such a device is tampered with, destroyed, incapacitated, reset or disturbed, it shall be the responsibility of the kennel owner to notify the Department within 24 hours on normal business days and by 9:00 a.m. of the next Department business day if the occurrence is on a weekend or holiday.

(7) The Department will remove and have the device checked for proper calibration and accuracy according to manufacturer specifications. The Department will replace any

removed device with an accurate and properly calibrated humidity and temperature gauge or thermo-hygrometer.

(8) Data taken from these devices may not be used as the sole basis for a civil penalty or criminal penalty under section 903(a) or (b) of the act (3 P. S. § 459-903 (a) and (b)) for violation of this section.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation); and 7 Pa. Code § 28a.3 (relating to auxiliary ventilation).

§ 28a.5. Ammonia levels.

(a) *Levels.* Ammonia levels in all areas and rooms of the kennel and kennel housing facility, where a dog is housed, kept or present, including primary enclosures may not be greater than 15 ppm (parts per million) except within 30 minutes of the completion of active sanitation of that primary enclosure.

(b) *Measurements.* Ammonia level measurements shall be taken at the level of the dogs.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation).

§ 28a.6. Carbon monoxide detectors.

A kennel or kennel housing facility utilizing any carbon monoxide emitting device, shall install and maintain functioning carbon monoxide detectors in each room or area of the kennel and kennel housing facility in which a dog is housed, kept or present. The carbon monoxide detectors must meet or exceed the UL standard 2034 or the IAS 6-96 standard, or its successor standards.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation).

§ 28a.7. Lighting.

(a) *General lighting standard for commercial kennels.* Lighting in commercial kennels may be provided by natural or artificial light, or both. Whether lighting is provided by natural or artificial light, or both, the following standards shall be met:

(1) There shall be ample lighting by natural or artificial means to provide sufficient illumination to allow routine inspection of the kennel, housing facility and primary enclosures and observation of the dogs at any time and to assure proper cleaning and good housekeeping practices and for the well-being of the dogs.

(2) Lighting shall be uniformly diffused throughout the kennel and housing facility where a dog is housed, kept or present, including primary enclosures.

(3) All areas of the kennel and housing facility in which a dog is housed, kept or present, including primary enclosures, shall be provided a regular diurnal cycle through natural or artificial light, or both.

(4) The lighting range provided during the 12-hour light period of the diurnal cycle shall be 40 to 60 foot candles or 430—650 lux, in all areas and rooms of the kennel and kennel housing facility, including primary enclosures, where a dog is housed, kept or present.

(5) Primary enclosures and other areas of the kennel and kennel housing facility in which a dog is housed, kept or present shall be placed or located in a manner that protects each dog from exposure to excessive light.

(b) *Specific lighting standards.* The following specific standards are in addition to, not in place of, all other requirements meeting the general lighting standards established in this section. The following specific standards apply:

(1) *Natural light.* Where kennel and housing facility lighting is provided by natural light, any window or opening, with the exception of the openings that provide for unfettered access to the exercise area, which provides natural light shall be covered with a transparent material such as glass or hard plastic and remain unobstructed.

(2) *Artificial light.* Where kennel or kennel housing facility lighting is provided by artificial lighting the following standards apply:

(i) The artificial lighting shall be provided by full spectrum lighting.

(ii) Lighting sources and systems shall be kept in good repair and functional and may not have any bulb or part of the system in disrepair, such as being unable to produce light, burned out or emitting irregular bursts of light, such as when a ballast is in disrepair.

(iii) Light sources, whether their primary purpose is to provide heat or light, shall be provided in a manner that prevents dogs from being injured (that is, through contact with the light, fixture, bulb, switch or cord or through electrocution).

§ 28a.8. Flooring.

For dogs over 12 weeks of age, the flooring in commercial kennels must meet the following standards:

(1) *General requirements of the act.*

(i) The floors of all primary enclosures must be impervious to moisture, as required under section 207(h)(9) of the act (3 P. S. § 459-207(h)(9)).

(ii) The flooring must comply with the flooring standards established in section 207(i)(3)(i) of the act, which states “The floor of the primary enclosure shall be strong enough so that the floor does not sag or bend between the structural supports, shall not be able to be destroyed through digging or chewing by the dogs housed in the primary enclosure, shall not permit the feet of any dog housed in the primary enclosure to pass through any opening, shall not be metal strand whether or not it is coated, shall allow for moderate drainage of

fluids and shall not be sloped more than 0.25 inches per foot.”

(2) *Flooring constructed with slats.* Section 207(i)(3)(ii) of the act allows floors to be constructed with slats if the floor is in compliance with the general requirements of the act, established in section 207(i)(3)(i), and set forth in paragraph (1) and meets the following conditions:

- (i) The floor is flat.
- (ii) The floor has spaces between the slats that are no more than 0.5 inch in width.
- (iii) The floor has spaces between the slats that run the length or the width of the floor, but not both.
- (iv) The floor has slats that are no less than 3.5 inches in width.
- (v) All of the slats are level with the slat next to it within a single primary enclosure.

(3) *Additional flooring options.* Any flooring options that may be approved by the Canine Health Board, under the authority in section 207(i)(3)(iii) of the act, must meet the standards in section 221(f) of the act (3 P. S. § 459-221(f)), and the additional flooring requirements established under subsection (d).

(4) *Additional flooring requirements.*

(i) Solid flooring is approved and shall be sloped to a drain that is properly maintained, such as being free of debris and in good repair, so that the drain is functioning and capable of rapidly removing waste and water and keeping animals dry.

(ii) Any drain must have a drain cover which is securely fixed and made of a noncorrosive substance.

(iii) Flooring may not be made of a material, that when exposed to a heat source such as the direct rays of the sun, a lamp or radiant heating can rise to temperatures that may cause injury to the skin, feet or pads of a dog.

(iv) The flooring may not splay the feet of a dog, cause or result in damage such as cuts, swelling or ulceration to the pads of a dog's foot or allow the dog toe or toenail to slip between any openings in the floor thereby causing injury.

(v) Radiant heat flooring, or a floor cooling system, may be utilized to temper the dogs' primary enclosure, but may not be utilized as the primary heating or cooling mechanism. The temperature of that flooring must be able to be regulated in a manner that assures it will not rise or fall to levels that would cause injury to a dog's skin feet or pads or cause hypothermia, hyperthermia, heat stress or heat stroke.

(vi) The surface of the flooring must be constructed of a material or in a manner that it will provide the dogs with footing that is not slippery or slick, so that the dog will have traction and may stand, walk and move about without falling, slipping, sliding or causing injury to its legs, hips or back. Utilizing nonslip coating and textures are one means of

providing sure footing.

(vii) Flooring must be made of material that is impervious to moisture, capable of being cleaned on a daily basis or as often as necessary as required under the act and § 21.29 (relating to sanitation) and capable of being sanitized in accordance with section 207(h)(14) (3 P. S. § 459-207(h)(14)) of the act.

(viii) Flooring may not be made of or coated with materials that can be chewed and readily ingested, or are toxic to dogs, or both.

(5) *Nursing mothers.* Primary enclosures, including whelping boxes, housing bitches with nursing litters or housing dams or foster dams with puppies under 12 weeks of age must be constructed so that at least 50% of the flooring of the primary enclosure complies with the standards established under section 207(i)(3) of the act.

§ 28a.9. Scope and effective date.

(a) *Scope.* This chapter applies only to commercial kennels.

(b) *Effective Date.* This chapter is effective on July 1, 2011.

Appendix A

85 HI

Heat Index from Temperature and Humidity

The following chart delineates the relative humidity level that shall be reached and maintained to achieve a Heat Index value of 85.

When air temperature in any part of the kennel or kennel housing facility, where any dog is housed, kept or present, including primary enclosures rises above 85° Fahrenheit the following relative humidity levels shall be achieved and maintained.

Temperature (air) in Fahrenheit	Relative Humidity (RH)
86° Fahrenheit	40% RH or less
87° Fahrenheit	34% RH or less
88° Fahrenheit	28% RH or less
89° Fahrenheit	21% RH or less

90° Fahrenheit	11% RH or less
91° Fahrenheit	6% RH or less
92° Fahrenheit	1% RH or less

Note: At temperatures in excess of 92° Fahrenheit there is no relative humidity level that will allow an HI of 85 to be achieved.

90 HI Four-Hour Window

Heat Index from Temperature and Humidity

The following chart delineates the relative humidity levels that may not be exceeded at any time.

Once the air temperature in any part of the kennel or kennel housing facility, where a dog is housed, kept or present, exceeds 85° Fahrenheit, the kennel owner shall have no more than 4 hours to accomplish and maintain a Heat Index of 85 HI or lower, as required by this chapter. At no time during that 4-hour time period or at any other time shall the Heat Index value ever exceed 90 HI in any area, room or part of the kennel or housing facility, where a dog is housed kept or present, including primary enclosures.

Temperature (air) in Fahrenheit	Relative Humidity (RH)
86° Fahrenheit	58% RH or less
87° Fahrenheit	53% RH or less
88° Fahrenheit	48% RH or less
89° Fahrenheit	43% RH or less
90° Fahrenheit	39% RH or less
91° Fahrenheit	35% RH or less
92° Fahrenheit	30% RH or less
93° Fahrenheit	25% RH or less
94° Fahrenheit	20% RH or less
95° Fahrenheit	13% RH or less
96° Fahrenheit	10% RH or less
97° Fahrenheit	7% RH or less
98° Fahrenheit	3% RH or less

Note: At temperatures in excess of 98° Fahrenheit there is no relative humidity level that will allow an HI of 90 to be achieved.

Cross References

This Appendix A cited in 7 Pa. Code § 28a.4 (relating to humidity levels).

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