



**Hill & Associates, P.C.** | 123 S. Broad Street, Suite 1100 | Philadelphia, PA 19109  
Phone: 215-989-4253  
Toll Free: 866-720-4699

Contact us for a free initial consultation and discuss your claim with attorneys who have your best interests in mind. Call our firm toll free at 866-720-4699 to make an appointment or visit us on the web at [www.hillattorneys.com](http://www.hillattorneys.com) to contact us through our website.

## Pennsylvania Dangerous Dog Statutes

### § 459-102. Definitions

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

**"Abandon."** To forsake entirely or to neglect or refuse to provide or perform the legal obligations for the care and support of an animal by its owner or his agent.

**"Abandonment."** Relinquishment of all rights and claims to an animal by its owner.

**"Agent."** A person defined in section 200 who is authorized by this act to process applications for dog license certificates and issue dog license certificates and tags.

**"Animal control officer."** Any person appointed to carry out the duties of dog control.

**"Attack."** The deliberate action of a dog, whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, domestic animal, dog or cat.

**"Boarding kennel."** Any establishment available to the general public where a dog or dogs are housed for compensation by the day, week or a specified or unspecified time. The term shall not include a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act of December 27, 1974 (P.L. 995, No. 326), [63 P.S. § 485.1 et seq.] known as the "Veterinary Medicine Practice Act." The term shall include any boarding facility operated by a licensed doctor of veterinary medicine whether or not this facility is on the same premises as a building or structure subject to the provisions of the "Veterinary Medicine Practice Act." The term shall include any establishment available to the general public that, for consideration, takes control of a dog from the owner for a portion of a day for the purposes of exercise, day care or entertainment of the dog. For the purpose of this term, each time a dog enters the kennel it shall be counted as one dog. This term does not include an establishment engaged only in dog grooming or dog training.

**"Cat."** The genus and species known as *Felis catus*.

**"Commercial kennel."** A kennel that breeds or whelps dogs and:

- (1) sells or transfers any dog to a dealer or pet shop kennel; or
- (2) sells or transfers more than 60 dogs per calendar year.

**"Confiscate."** To appropriate property to the use of the government or to adjudge property to be forfeited to the public, without compensation to the owner of the property.

**"County animal warden."** Any person employed or appointed under section 1002(a.1). [3 P.S. § 459-1002.]

**"County treasurer."** The elected officer for any county or any county employee assigned to the office of the county treasurer charged with the receipt, custody and disbursements of its moneys or funds. The term county treasurer shall include those officials in home rule charter counties responsible for county treasurer's duties.

**"Coyote."** The genus and species known as *Canis latrans*.

**"Dangerous dog."** A dog determined to be a dangerous dog under section 502- A. [3 P.S. § 459-502-A.]

**"Dealer."** A person who:

- (1) publicly or privately sells or offers for sale any dog belonging to another person for consideration, a fee or a commission or percentage of the sale price;
- (2) transfers dogs at wholesale for resale to another; or
- (3) offers or maintains dogs at wholesale for resale to another.

**"Dealer kennel."** A kennel operating within the Commonwealth which:

- (1) publicly or privately sells or offers for sale any dog as an owner, agent or assignee for a fee, commission or percentage of the sale price;
- (2) transfers dogs at wholesale for resale to another; or
- (3) offers or maintains dogs at wholesale for resale to another. The term does not include a pound, shelter or common carrier or a kennel defined elsewhere in this section.

**"Department."** The Pennsylvania Department of Agriculture.

**"Detection dog."** A dog which is trained and used for accelerant detection, bomb or explosives detection, narcotics detection or other scent detection.

**"Dog."** The genus and species known as *Canis familiaris*.

**"Dog control."** The apprehending, holding and disposing of stray or unwanted dogs. Dog control may be performed by humane society police officers, police officers, State dog wardens or animal control officers.

**"Domestic animal."** Any equine animal or bovine animal, sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits and mink, or any wild or semiwild animal maintained in captivity.

**"Establishment."**

(1) The premises on, in or through which a dog is kept, bred, harbored, boarded, sheltered, maintained, sold, given away, exchanged or in any way transferred.

(2) The term shall encompass all of the following on, in or through which any of the activities under paragraph (1) take place:

(i) The home, homestead, place of business or operation of a person, including a dealer, which includes all of the land, property, housing facilities or any combination of land, property or housing facilities of the individual or person.

(ii) All of the persons residing in or on the establishment.

(iii) A person, organization, business or operation which utilizes offsite or rescue network kennel homes to keep, maintain, breed, train, harbor, board, shelter, sell, give away, adopt, exchange or in any way transfer dogs.

(3) The term shall not include a gathering of dog owners where dogs remain in the custody and care of their owners, such as a hotel or campground, a place for grooming or training or an event such as a field trial, performance event, hunting event or dog show.

**"Housing facility."** A structure that provides animals with shelter, protection from the elements and protection from temperature extremes.

**"Humanely killed."** A method of destruction in accordance with the act of December 22, 1983 (P.L. 303, No. 83), [3 P.S. § 328.1 et seq.] referred to as the Animal Destruction Method Authorization Law.

**"Humane society or association for the prevention of cruelty to animals."** A nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals.

**"Humane society police officer."** Any person duly appointed pursuant to 22 Pa.C.S. § 501 (relating to appointment by nonprofit corporations) to act as a police officer for a humane society or association for the prevention of cruelty to animals. The term shall include any person who is an agent of a humane society or association for the prevention of cruelty to animals as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to animals).

**"Kennel."** Any establishment in or through which at least 26 dogs are kept or transferred in a calendar year, or a boarding kennel as defined in this act.

**"Licensed doctor of veterinary medicine" or "veterinarian."** A person who is currently licensed pursuant to the act of December 27, 1974 (P.L. 995, No. 326), known as the "Veterinary Medicine Practice Act."

**"Muzzle."** A device, in any arrangement of straps or wires, placed over an animal's mouth to prevent the animal from biting or eating.

**"Nonprofit kennel."** A kennel registered under the laws of this Commonwealth as a nonprofit entity or a nonprofit animal control kennel under sections 901 and 1002. [3 P.S. §§ 459-901, 459-1002.] The term shall include kennels operated by approved medical and veterinary schools and nonprofit institutions conducting medical and scientific research, which shall be required to register, but shall not be required to pay any of the license fees set by this act, and which may use their own identification tags for dogs within their kennels without being required to attach tags hereinafter prescribed while dogs are within such kennels, if approved by the secretary.

**"Out-of-state dealer."** A person who does not reside in the Commonwealth of Pennsylvania and who:

- (1) sells or offers of the sales price.

**"Owner."** When applied to the proprietorship of a dog, includes every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

**"Permanent identification" or "permanently identified."** Any long-lasting identification designed to be nonremovable, such as a tattoo or microchip, determined by the Department of Agriculture through regulation. Any dog permanently identified shall be required to bear a license tag in accordance with the provisions of this act.

**"Person with a disability."** A person who receives disability insurance or supplemental security income for the aged, blind or disabled under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq. ); who receives a rent or property tax rebate under the act of March 11, 1971 (P.L. 104, No. 3), [72 P.S. § 4751-1 et seq. (repealed); see now, 53 P.S. § 6926.1301 et seq.] known as the "Senior Citizens Rebate and Assistance Act," on account of disability; who has a disability certificate issued by the United States Veterans' Administration; or who has a special registration plate under 75 Pa.C.S. § 1338 (relating to person with disability plate and placard).

**"Persons."** Includes State and local officers, or employees, individuals, corporations, copartnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

**"Pet shop-kennel."** Any kennel or person that acquires and sells dogs for the purpose of resale, whether as owner, agent or consignee, and sells or offers to sell such dogs on a retail basis.

**"Police officer."** Any person employed or elected by this Commonwealth, or by any municipality and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes constables and dog, game, fish and forest wardens.

**"Primary enclosure."** The primary structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment. The term does not include any run described in section 207(i)(6). [3 P.S. § 459-207.]

**"Private kennel."** A kennel not meeting the definition of "commercial kennel" where dogs are kept or bred by their owner, for the purpose of hunting, tracking and exhibiting in dog shows, performance events or field and obedience trials.

**"Proper enclosure of a dangerous dog ."** The secure confinement of a dangerous dog either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and domestic animals and designed to prevent the dangerous dog from escaping. The pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog. If the pen or structure has no bottom secured to the sides, the sides must be embedded at least two feet into the ground.

**"Public place."** A place in this Commonwealth to which the general public has a right to resort. A public place need not be a place devoted solely to use by the public, but may be a place which is visited by many persons on a regular basis and is usually accessible to the neighboring public. A public place shall also include television and radio media.

**"Rescue network kennel."** A kennel that utilizes rescue network kennel homes with the goal of ultimately transferring the dog to a permanent owner or keeper through any means of transfer.

**"Rescue network kennel home."** An establishment to which a rescue network kennel assigns a dog until the dog is ultimately transferred to a permanent home.

**"Research."** Investigation or experimentation aimed at the discovery and interpretation of facts or procedures, revision of accepted theories or laws in the light of new facts or practical application of such new or revised theories or laws as related to the advancement of medical science and technological treatment of disease or surgical operations, medical procedures, transplants, functions and any form of medical or pharmacological actions on dogs when applied and personally supervised by a qualified scientist with degrees approved by the secretary.

**"Research kennel."** Any Federal research kennel or other research kennel duly registered with and inspected by the Federal Government under the provisions of the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) and its attendant regulations.

**"Search and rescue dog."** A dog which is trained to locate lost or missing persons, victims of natural or manmade disasters and human bodies.

**"Secretary."** The Secretary of Agriculture or any person to whom authority has been delegated by the Secretary of Agriculture.

**"Seizure."** The act of taking possession of property for a violation of law or the taking or removal from the possession of another. The term shall not include the taking of ownership of property.

**"Service dog."** Any dog which has been or is in the process of being trained as a guide dog, signal dog or has been trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair or fetching dropped items.

**"Severe injury."** Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

**"State dog warden."** An employee of the department whose primary duty is to enforce this act and the regulations pursuant thereto.

**"Veterinarian-client-patient relationship."** As defined in section 3(15) of the act of December 27, 1974 (P.L. 995, No. 326), [63 P.S. § 485.3.] known as the "Veterinary Medicine Practice Act."

**"Vivisection."** The cutting of or operation on a living animal for physical or pathological investigation or animal experimentation.

**"Wild" or "semiwild animal."** A domestic animal which is now or historically has been found in the wild, including, but not limited to, bison, deer, elk, llamas or any species of foreign or domestic cattle, such as ankole, gayal and yak.

CREDIT(S)

1982, Dec. 7, P.L. 784, No. 225, art. I, § 102, effective Jan. 1, 1983. Amended 1996, Dec. 11, P.L. 943, No. 151, § 1, imd. effective; 2008, Oct. 9, P.L. 1450, No. 119, § 1, effective in 60 days [Dec. 8, 2008].

3 P.S. § 459-102, PA ST 3 P.S. § 459-102

Current through Act 2009-52

**Source:** [Westlaw](#) /Thomson Reuters. PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES TITLE 3 P.S. AGRICULTURE CHAPTER 8. DOGS AND CATS DOG LAW ARTICLE I. SHORT TITLE AND DEFINITIONS § 459-102. Definitions.