

CHAPTER 27. DANGEROUS DOGS

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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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