

CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5362

Bill No. 2 of 2024

Introduced in Council February 14, 2024

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AMENDING PART 6, SECTION 614 OF THE CITY OF JOHNSTOWN CODE OF ORDINANCES BY ADDING NEW SECTION 57 PROHIBITING UNATTENDED DOGS AND CATS BEING LEFT OUTSIDE DURING INCLEMENT WEATHER AND TO DESIGNATE THE ENFORCEMENT TO THE CITY OF JOHNSOTWN POLICE

WHEREAS, the City of Johnstown currently has Chapter 614 in its Code of Ordinances regulating animals; and

WHEREAS, the City of Johnstown deems it advisable to provide prohibitions on the tethering of dogs and cats within the City as further set forth below; and

WHEREAS, the City of Johnstown finds it necessary to prohibit unattended dogs and cats from being left outside during inclement weather for long periods of time which may lead to suffering, injury, or death of the dog or cat.

NOW THEREFORE, the City of Johnstown, Cambria County, Pennsylvania, hereby ordains:

Section 1. That new Part Six, Chapter 614, Section and 57 is added to Chapter Six of the City of Johnstown Code of Ordinance to read as follows:

Part 6, Chapter 614, Section 57 PROHIBITING UNATTENDED DOGS AND/OR CATS BEING LEFT OUTSIDE DURING INCLEMENT WEATHER

(a) DEFINITIONS

As used in this Section 57, the following terms shall have the meanings indicated:

OUTSIDE - Outside, for the purpose of this section, shall mean any unattended dog or cat that is outside subject to weather and elements, which expressly includes, but is not limited to, a dog or cat in a securely fenced in yard, a dog or cat in a kennel, or a dog or cat tethered or tied out. The dog or cat shall be considered outside regardless of access to an outdoor doghouse or similar structure.

INCLEMENT WEATHER - Inclement weather shall mean weather conditions that are likely to adversely affect the health or safety of the dog or cat, including but not limited to rain, sleet, ice, snow, wind, severe weather warnings, or temperatures at or below thirty-two (32) degrees Fahrenheit or at or above eighty-five (85) degrees Fahrenheit.

(b) SUBJECTING DOGS AND CATS TO INCLEMENT WEATHER

It shall be unlawful for any person to leave any dog or cat - tethered or untethered - outside and unattended during any period of inclement weather for a period of time greater than one-half (½) hour without proper outdoor accommodations or unlimited access to its owner's house.

(c) IMPLEMENTATION AND ENFORCEMENT

The City of Johnstown Police officers and all of those vested with the authority as an enforcement officer are the primary agents to enforce this Section. The City expressly reserves the right to appoint by resolution any additional agents of the City to enforce the provisions of this Section. Those primary agents authorized to enforce this Section are hereby authorized to notify any owner or occupant of any premises in violation of this Section, either personally or by posting such notice upon the premises, that such owner must bring the violation into compliance within twenty-four (24) hours of receipt of such notice. Upon the failure of such owner or occupant to bring his or her situation into compliance with this Section within such time period, any of the foregoing individuals authorized to enforce this Section are hereby authorized to enter upon such premises and to temporarily remove such dog and/or cat from the property.

Any removed dog or cat will be held at the designated or authorized Animal Control facility. Prior to any hearing regarding the violation, such dog or cat owner may regain possession of any confiscated dog or cat upon an adequate showing that the violation has been brought into compliance with this Section. No confiscated dog or cat shall be considered surrendered to the confiscating party unless expressly surrendered by the dog or cat owner or adjudicated as forfeited after a hearing on the matter.

Nothing in this Section shall prohibit a law enforcement officer from taking temporary custody of a dog or cat that is a companion animal that is exposed in a manner that places the dog or cat in a life-threatening situation (for a prolonged period of time) in extreme heat or cold conditions that may result in injury or death of the dog or cat or may result in hypothermia, hyperthermia, frostbite, or similar condition. Upon taking temporary custody of the dog or cat under this section, the law enforcement officer shall attempt to contact the owner of the dog or cat and shall seek emergency veterinary care for the animal as soon as available. The law enforcement officer shall leave information of the location of the dog or cat if the owner cannot be reached. The owner of the dog or cat is responsible for any costs of providing care to the dog or cat.

Any person who violates Section 57 shall commit a summary offense and shall, upon being found guilty by a Magisterial District Judge after hearing, pay a fine not less than \$100 and no more than \$500, or as defined by City Resolution, together with all enforcement and shelter costs in the event a dog or cat must be confiscated, and all court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such. Enforcement and prosecution of any violation of this Section may be conducted by the City of Johnstown Police or agents from the City-contracted Animal Control Agency.

Section 2: This ordinance shall take effect immediately upon passage by the Johnstown City Council.

PASSED FINALLY IN COUNCIL: April 10, 2024

By the following vote:

Yeas: Rev. King, Mr. Arnone, Mr. Capriotti, Mrs. Mock, Ms. Huchel

Nays:

Absent: Mayor Janakovic, Mr. Britt



Frank J. Janakovic, Mayor

Michael Capriotti, Deputy Mayor

ATTEST: I do hereby certify that the following is a true and correct copy of Ordinance No. **5362** as the same was enacted by the City Council of the City of Johnstown, Cambria County, Pennsylvania.



Ethan Imhoff, City Manager