

**CHAPTER 23. FUNDING FOR LOCAL DOG CONTROL PROGRAMS**

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**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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