

ORDINANCE SERIES: 2018  
ORDINANCE NO: 687

**AN ORDINANCE OF THE BOROUGH OF LITTLESTOWN,  
ADAMS COUNTY, PENNSYLVANIA, BY THE BOROUGH  
COUNCIL AMENDING THE BOROUGH CODE OF  
LITTLESTOWN, CHAPTER 135 RELATING TO ANIMALS**

**BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Littlestown, Adams County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

**SECTION I:** Text Amendment. Chapter 135 of the Borough Code is hereby amended as follows: Chapter 135. Animals. is deleted and repealed in its entirety.

**SECTION II:** Text Amendment. Chapter 135 of the Littlestown Borough Code is hereby amended as follows: The following language is to be added and hereinafter referred to as Chapter 135. Animals. of the Littlestown Borough Code:

## **Chapter 135. Animals**

### **Article I. GENERAL REGULATIONS FOR ANIMALS**

#### **§ 135-101. Definitions and Interpretation.**

1. In this Article I, the following words and terms shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

**AT LARGE**

Being on any of the streets, public alleys and public property in the Borough of Littlestown, or upon the property of other than the owner or keeper, and not on a leash six feet or less in length.

**DANGEROUS CREATURE**

Any animal, including a wild animal as defined in Article II hereof, or bird, fowl or reptile, which is not normally or ordinarily domesticated and the keeping of which by the owner could constitute a threat to the public health and welfare.

**DOG**

The genus and species known as *Canis familiaris*.

**DOG LAW**

The Dog Law of the Commonwealth of Pennsylvania (3 P.S. § 459-101 et seq.), as is hereafter amended, supplemented, modified, or reenacted by the General Assembly of the Commonwealth of Pennsylvania.

**HUMANELY KILL**

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.”

**LIVESTOCK**

Animals kept or propagated for food or as a means of livelihood, including horses, cattle and other hoofed animals; also deer, elk, rabbits and hares, pheasants, quail partridge and other birds and quadrupeds as determined to be wild. “Livestock” shall not include dogs, cats and other household pets.

**OWNER**

When applied to the proprietorship of a dog, shall include 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.

**PERSON**

Any natural person, partnership, firm, association or corporation.

**POULTRY**

Includes chickens, ducks, geese, turkeys and other poultry and domestic birds used for food purposes, and shall include pigeons.

2. In this Article I, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

**§ 135-102. Unlawful to Allow Dogs at Large.**

It shall be unlawful for the owner of any dog to allow the same to be at large within the limits of the Borough of Littlestown, and any owner who shall violate any of the provisions of this section, shall upon conviction thereof, be sentenced to pay a fine of not more than \$25 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 10 days.

**§ 135-103. Seizure and Impounding of Dogs Found at Large; Conditions for Restoration to Owner; Police Authorized to Humanely Kill Dogs Under Certain Conditions.**

It shall be the duty of any police officer of the Borough, or any person designated and appointed by the Borough Council as Dog Officer, to seize and detain any dog found running at large. Such dogs shall be impounded in a boarding kennel designated by the Borough, except that any police officer of the Borough may humanely kill any dog which is found running at large and is deemed, after due consideration by the police officer, to constitute a threat to the public health and welfare. The Borough shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed and shall cause immediate notice, either by registered or by certified mail, to be given to the person in whose name the license was procured, or his or her agent, to claim such dog within five days after the return receipt has been received. The owner of a dog so detained shall pay a penalty of \$25 to the Borough, and all reasonable expenses incurred by reason of its detention to the person in charge of the designated boarding kennel. Such expenses shall be according to a uniform schedule to be approved from time to time by resolution of the Borough Council. Any dog not claimed within five days after the return receipt has been received may be disposed of as provided by the Dog Law. Unlicensed dogs will be kept for 48 hours and may be euthanized if not claimed or otherwise disposed of as provide by the Dog Law.

**§ 135-104. Noise Disturbance.**

It shall be unlawful within the Borough of Littlestown for any person or persons to own, possess, harbor or control any dog or other animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or more or makes such noise intermittently for 1/2 hour or to the disturbance of any person at any time of the day or night, regardless of whether the dog, animal or bird is physically situated in or upon private property with said noise bine a nuisance.

**§ 135-105. Keeping of Hogs Prohibited.**

It shall be unlawful to keep hogs within the Borough of Littlestown.

**§ 135-106. Keeping of Dangerous Creatures Prohibited.**

It shall be unlawful to keep or harbor or have possession of a dangerous creature with the Borough of Littlestown.

**§ 135-107. Keeping of Livestock Prohibited.**

It shall be unlawful to keep livestock within the Borough of Littlestown.

**§ 135-108. Keeping of Poultry Prohibited.**

It shall be unlawful to keep poultry within the Borough of Littlestown.

**§ 135-109. Keeping of Pigeons Prohibited.**

It shall be unlawful to keep pigeons, including homing and racing pigeons, within the Borough of Littlestown.

**§ 135-110. Keeping of Bees Prohibited.**

It shall be unlawful to keep bees within the Borough of Littlestown.

**§ 135-111. Penalties.**

Any person who shall violate any provision of this Article I shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000. Every day that a violation of this Article I continues shall constitute a separate offense.

**Article II. REQUIREMENTS FOR KEEPING ANIMALS**

**§ 135-201. Definitions.**

1. As used in this Article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**ANIMAL**

Any domestic animal or fowl, any wild animal or any household pet.

**DOMESTIC ANIMAL**

Any animal normally or ordinarily domesticated or raised in this area and climate.

**HOUSEHOLD PET**

Any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

**LARGE ANIMAL**

Any wild or domestic animal of the bovine, equine or sheep family.

**PERSON**

Any person, firm, partnership, association, or corporation.

**SMALL ANIMAL**

Any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

**WILD ANIMAL**

Any animal, including bird, fowl, or reptile, not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

2. In this Article, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**§ 135-202. Unlawful to Keep Any Large Animals or Wild Animals; Keeping of Domestic Animals and Small Animals Regulated.**

It shall be unlawful for any person to keep any large animals or wild animals in the Borough. It shall be unlawful to keep any domestic animal or small animal except as provided in this section:

- A. The owner or keeper of any domestic animal or small animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size conducive to good sanitary practices, and adequate and sanitary drainage facilities shall be provided.
- B. The owner or keeper of any domestic animal or small animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that, when closed, shall be ratproof and flytight and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such owner or keeper shall cause all litter or droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
- C. The owner or keeper of any domestic animal or small animal shall cause all feed provided therefor to be stored and kept in a ratproof and flytight building, box, container, or receptacle.

**§ 135-203. Household Pets**

It shall be unlawful for any person to keep any household pet except as provided in this section:

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- A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices as to the number of such pets to be kept there and as to sanitation to ensure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §135-202 of this Article, insofar as the same apply to domestic animals and to small animals, shall be applicable to the keeping of such household pet.
- C. If any such pet is confined by an electric fence, a sign shall be posted on the property to notify the public.

#### **§ 135-204. Violation of State Law.**

Any violation of this Article that would also violate any state law shall be prosecuted under that state law and not under this Article.

#### **§ 135-205. Penalties.**

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000. Each day that a violation of this Article continues shall constitute a separate offense.

### **Article III. DISPOSAL OF FECES**

#### **§ 135-301. Disposal of Animal Feces.**

Any person, having possession, custody or control of any dog, cat, any other household pet, domestic animal or small animal, which defecates anywhere in the Borough of Littlestown except on private property of the owner of such animal, shall immediately remove the feces deposited and carry the same away for deposit in a toilet or for placement in a nonleaking trash or litter receptacle.

#### **§ 135-302. Blind Persons with Accompanying Service Dogs Exempted.**

The provisions of §135-301 hereof shall not apply to blind persons accompanied by a service dog.

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**§ 135-303. Penalties.**

Any person who shall violate this Article shall, upon conviction thereof, be sentenced to pay a fine of no more than one \$1,000.

**Article IV. CAT REGULATIONS**

**§ 135-401. Definitions.**

As used in this Article, the following terms shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

**CAT**

Any animal scientifically known as “Felis Catus,” kept by an owner as a household pet or kept by an owner for rodent control.

**NOISE DISTURBANCE**

Any unreasonable noise caused by a cat which disturbs the peace or otherwise disrupts and causes an annoyance to any residents of the Borough.

**OWNER**

Any person owning, keeping, feeding, harboring or having custody of a cat. Any person who allows a cat to reside or remain about his or her premises shall be considered a cat owner.

**§ 135-402. Nuisances; Responsibilities of Owners Keeping Cats.**

1. It shall be unlawful for any owner to have any cat that becomes a nuisance within the limits of the Borough of Littlestown. Acts of nuisance shall include but is expressly not restricted to the following:
  - A. Noise disturbance as defined herein.
  - B. Viciousness.
  - C. Digging in flower beds, lawns, children’s sandboxes, gardens or the damaging of shrubbery, trees, lawns or personal property not belonging to the owner of the cat, or the depositing of feces on property not belonging to the owner of the cat.
2. No owner shall permit his or her cat to enter upon any area designated as a public park or playground.

**§ 135-403. Seizure; Redemption; Fees; Disposal.**

1. The Littlestown Borough Police Department or the person or agency designated by the Borough Council of the Borough of Littlestown shall enforce the provisions of this Article. Upon receipt of a written complaint that a cat is a nuisance, a Borough police officer or other officer of the Borough will investigate said complaint, and, if found to be legitimate, the officer shall authorize the seizure of the cat by the issuance to the complainant of a humane-type cat trap to enable the trapping of the cat.
2. The person who is issued the trap and who is authorized to set the trap must notify the Borough Police Department immediately after a cat is trapped. An officer of the Police Department or the person or agency designated by the Borough Council of the Borough will transport and deliver the cat to the Adams County SPCA for holding. If the SPCA refuses to take the animal, the cat will be delivered to a veterinarian contracted with by the Borough and held for 72 hours prior to being disposed of in a humane manner. If the cat so apprehended bears any identification of ownership, the Police Department shall, on the date of apprehension, notify the owner that the animal has been apprehended and that it may be claimed at the designated location, subject to the provisions of this Part.
3. Any cat may be claimed by its owner at the Adams County SPCA or at the office of the veterinarian contract with by the Borough during the custodial period, and the owner shall pay all costs for the care, maintenance and disposal of said cat at the prevailing rate of the SPCA and/or the veterinarian.
4. Any cat which has been apprehended pursuant to this chapter and which has not been reclaimed during the custodial period may be disposed of in a humane manner in accordance with standards generally followed by the SPCA or as followed by the veterinarian contracted with by the Borough.

**§ 135-404. Limit; Care of Cats.**

The maximum number of cats to be kept by owner shall be five (5). All cats must be neutered and properly cared for by their owner in compliance with the provisions of this Article and the Laws of the Commonwealth of Pennsylvania.

**§ 135-405. Authority to Remedy Noncompliance.**

If the owner of a cat or cats in violation of this Article does not comply with a notice to abate the violation within the time period described, the Borough shall have the authority to take measures to abate the violation and collect the costs of such abatement plus 10% of all costs to be added to the total as an administration fee. The Borough, by its duly designated officers, in such event



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and pursuant to its statutory or otherwise authorized police powers, shall have the rights and power to enter upon the offending premises to accomplish the foregoing. The enforcement authority of this provision shall contain the right to use all other enforcement provisions of this chapter.

**§ 135-406. Violations and Penalties.**

It shall be unlawful for any person to own, keep or harbor any cat which has been found to violate the provisions of this Article. Any person found to violate the provisions of this Article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.

**SECTION III.** Any Ordinance or Resolution, or any portion of any Ordinance or Resolution which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is effected by or inconsistent with the provisions of the present Ordinance.

**SECTION IV.** This Ordinance shall be effective as of the 26<sup>th</sup> day of June, 2018.

**ENACTED AND ORDAINED** into an Ordinance this 26<sup>th</sup> day of June, 2018.

ATTEST:

**LITTLESTOWN BOROUGH COUNCIL  
BOROUGH OF LITTLESTOWN,  
ADAMS COUNTY, PENNSYLVANIA**

Sandy Conrad  
Sandy Conrad  
Borough Secretary

By: Ronald L. Baird  
Ron Baird  
Council President

(SEAL)

APPROVED, this 26<sup>th</sup> day of June, 2018.

James E. Elmer, Sr.  
James Elmer, Sr., Mayor