

Chapter 54

ANIMALS

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[HISTORY: Adopted by the Borough Council of the Borough of McSherrystown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Pigs

[Adopted 1-27-1993 by Ord. No. 1993-2 as Sec. 5-3001 of the 1993 Code]

§ 54-1. Keeping pigs or maintaining pig pens prohibited. ¹

No person shall keep any pig or hog or maintain any pig pen or hog pen at any place within the Borough of McSherrystown. Any person who violates any provision of this section shall, upon conviction, for every such violation, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days, provided that each day's continuance of a violation of any provision of this section shall constitute a separate violation.

ARTICLE II

Damage by Dogs

[Adopted 1-27-1993 by Ord. No. 1993-2 as Sec. 5-3002 of the 1993 Code]

§ 54-2. Injuring property; owner to remove feces from property of others.

- A. The term "dog owner," as used in this section applies to any of the following:
- (1) Any person having a right of property in a dog to which this section applies;
 - (2) Any person who keeps or harbors any such dog or who has it in his care; or

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

- (3) Any person who permits any such dog to remain on or in any premises occupied by him.
- B. It shall be the responsibility of dog owners to keep their dogs from scratching, digging, defecating or urinating upon any lawn, tree, shrub, plant, building or any other public or private property, excluding the property of the owner. The owner of any dog, in the event that dog defecates on any property other than that of the owner, shall immediately remove and dispose of all feces so deposited in a sanitary manner. Any dog owner who fails to obey or adhere to any requirement of this subsection shall be guilty of a violation of this section, and, upon conviction, for every such violation, shall be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days.²

ARTICLE III
Dogs Running at Large
[Adopted 11-9-1994 by Ord. No. 1994-8]

§ 54-3. Running at large prohibited.

It shall be unlawful for the owner of any dog, or any person who has been given the care and custody of any dog by its owner, whether it bears a proper license tag or not, to permit such dog to run at large upon the streets, alleys or highways of the Borough of McSherrystown.

§ 54-4. Presumption of offense.

A presumption shall arise, at a hearing before the District Justice, that the owner, custodian or caretaker of a dog has permitted the dog to run at large upon the streets, alleys and highways of the Borough of McSherrystown, upon a showing that the dog was running at large upon the streets, alleys or highways of the Borough of McSherrystown.

§ 54-5. Violations and penalties.³

Any person who shall violate any of the provisions of this article shall, upon conviction before any District Justice, be sentenced to pay a fine of not less than \$25 and not more than \$1,000, and costs of prosecution, or shall undergo an imprisonment in the county jail for a period not exceeding 10 days, or both.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).