

STEWARTSTOWN BOROUGH

York County, Pennsylvania

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ORDINANCE NO. 2001-005

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AN ORDINANCE

**AN ORDINANCE OF THE BOROUGH COUNCIL OF STEWARTSTOWN  
BOROUGH, YORK COUNTY, PENNSYLVANIA FOR CONTROLLING  
ANIMAL DEFECATION ON PUBLIC AND PRIVATE PROPERTY AND  
PRESCRIBING PENALTIES TO OWNERS OR THOSE IN CUSTODY  
OF THE ANIMALS WHO LEAVE EXCREMENT ON PUBLIC OR  
PRIVATE PROPERTY**

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**BE IT ORDAINED AND ENACTED** by the Borough Council of Stewartstown  
Borough, York County, Pennsylvania, as is hereby ordained and enacted by the Authority  
of the same as follows:

Section 1. Definitions. As used in this Ordinance, the following terms have the  
meaning indicated, unless a different meaning clearly appears from the context.

Borough – The word borough shall refer to the Borough of Stewartstown, located  
in York County, Pennsylvania.

Owner – Any person, firm, partnership, association, or corporation having a right  
of property in any animal or custody of such animal. This includes animals that  
are permitted to remain on or near the premises in which the owner is located.

Public Property – Limited to any street, alley or alleyway, sidewalk or walkway, stairs, playground, or other public area located in the Borough. This also includes the floors or stairs of any building or place used by the public.

Private Property – Limited to any property that is owned by a person, firm, partnership, association, or corporation that is located in the Borough. This includes private streets, roads, and alleys.

Section 2. Owner Responsibilities. It shall be the duty of the owner of any animal traversing upon public or private property other than property owned by the animal's owner, to immediately remove any feces left by such animal. Animal feces is required to be carried away for disposal in a toilet or placed in a non-leaking container for deposit in a trash can or litter receptacle.

Section 3. Penalties. Any owner in violation of any of the provisions hereof, shall upon conviction thereof in a summary proceeding before any District Magistrate may be sentenced to pay a fine of not less than three hundred (\$300.00) dollars nor more than five hundred (\$500.00) dollars, together with the costs of prosecution and default thereof, to undergo imprisonment in the York County Prison for a period not to exceed thirty (30) days. Each day that a violation of any provision of this Ordinance shall constitute a separate violation and shall be subject to a separate fine.

Section 4. Enforcement. The mayor and the Borough's police force are hereby authorized to act on behalf of the Borough.

Section 5. Exemptions. The provisions in Section 2 of this Ordinance shall not apply to a guide dog or other animal accompanying blind persons or to a dog or other animal used to assist any other physically handicapped person.

Section 6. Repealer. All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

Section 7. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of Stewartstown Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

**ENACTED AND ORDAINED** this 4<sup>th</sup> day of September 2001, by the Borough Council of Stewartstown, York County, Pennsylvania in lawful session duly assembled.

ATTEST:

BOROUGH COUNCIL OF THE  
BOROUGH OF STEWARTSTOWN

Susan M. Grow  
Secretary

BY: Willetta P. Gelbo  
President of Council

Approved this the 4<sup>th</sup> day of September 2001.

BY: Richard R. Hall  
Mayor