

**BOROUGH OF LINESVILLE
COUNTY OF CRAWFORD
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 4 of 2021

Chapter 65

Animal Ordinance

ARTICLE I

Control of Animals

- § 65-1. Responsibilities of owners.
- § 65-2. Running at large and other nuisances.
- § 65-3. Animal at large; tying in streets.
- § 65-4. Disturbing the peace.
- § 65-5. Treatment.
- § 65-6. Dangerous or vicious animals.
- § 65-7. Protection of persons and property.
- § 65-8. Diseased animals.
- § 65-9. Keeping of certain animals prohibited.
- § 65-10. Removal and disposal of dead animals.
- § 65-11. Cleanliness of enclosures.
- § 65-12. Impounding.
- § 65-13. Use of immobilizing instruments.
- § 65-14. Animal Control Officer.
- § 65-15. Redemption fee.
- § 65-16. Violations and Penalties.

ARTICLE II

Chickens

- § 65-17. Purpose.
- § 65-18. Definitions.
- § 65-19. Use regulations.
- § 65-20. Prohibition on commercial uses.
- § 65-21. Application requirements.

ARTICLE I

Control of Animals

[Adopted 9-13-1993 by Ord. No. 262]

§ 65-1. Responsibilities of Owners.

No person who owns, maintains, keeps or has custody of a dog, cat or other animal shall fail to use all reasonable precautions to confine or contain such dog, cat, or other animal to the property of such person or the property which the owner, custodian or keeper has permission to use for such purpose.

§ 65-2. Running at large and other nuisances.

It shall be unlawful for any person or persons to permit any dog, cat or other animal to become a nuisance in any way within the Borough of Linesville.

- A. It shall be unlawful for any person or persons to permit any dog, cat or other animal to run at large within the Borough of Linesville.
- B. It shall be unlawful for any person or persons to allow or permit his or her dog, cat or other animal to be upon any public or private property, including sidewalks and streets, within the Borough of Linesville unless said dog, cat or other animal is on a leash or upon property owned by the owner of said dog, cat or other animal.
- C. Any person or persons who keeps or maintains a dog, cat or other animal shall be responsible for the immediate removal of droppings when said dog, cat or other animal is upon property other than that of the owner; said owner is required to carry and use a plastic bag and scoop or other suitable equipment for this removal.

§ 65-3. Animal at large; tying in streets.

No person shall cause or permit any dog, cat or other animal to run at large in any public place or street in the Borough of Linesville or tie or fasten any dog, cat or other animal in any of the streets of the Borough for the purpose of grazing or feeding.

§ 65-4. Disturbing the peace.

No person shall harbor or keep any dogs, cats or other animal which disturbs the peace and quiet of the neighborhood by barking, crying, whining, or howling in an excessive continuous, or untimely fashion.

§ 65-5. Treatment.

No person shall treat an animal in the Borough of Linesville in a cruel or inhuman manner. The beating, underfeeding, underwatering, overloading animals and/or abandoning of an animal or animals shall be considered cruel and inhuman treatment within the meaning of this section.

§ 65-6. Dangerous or vicious animals.

No person shall maintain, keep, harbor, or transport any dangerous or vicious animal of any kind, i.e., any animal that constitutes a physical threat to human beings or other animals, or cause or permit the same to run at large within the Borough of Linesville. Exhibitions or parades of animals which are wild in nature in the eyes of the law may be conducted only by securing the written permission of the Chief of Police.

§ 65-7. Protection of persons and property.

Members of the Police Department are hereby authorized to dispatch any dangerous animal of any kind when it is necessary for the protection of persons or property.

§ 65-8. Diseased animals.

- A. No person shall maintain or expose any dog, cat or other animal that is afflicted with a contagious or infectious disease whereby the health of any human or beast may be affected, nor shall any person ship any such diseased animal or remove it from the premises of the owner thereof except under the supervision of the Chief of Police.
- B. It is hereby made the duty of the Police Department to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication or spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

§ 65-9. Keeping of certain animals prohibited.

- A. No person, firm, partnership, or corporation shall keep or maintain any apiary or any live swine or pig, turkey, pigeon or other domestic or wild fowl within the Borough of Linesville. Exempted from this prohibition are those domesticated fowl who can be maintained in a cage within the living confines of the owner's residence and those defined in Article II of this chapter.
- B. No person shall keep or maintain within the Borough of Linesville any reptile with an overall length more than three feet nor any poisonous reptile, regardless of length, nor any arachnid.

§ 65-10. Removal and disposal of dead animals.

- A. It shall be the duty and obligation of all owners, lessors, or occupiers of real property within the Borough of Linesville to provide for the removal of any and all dead cats, dogs, and other animals upon such real property.
- B. It shall be the duty of the Police Department of the Borough of Linesville to cause to be removed and disposed of all dead cats, dogs, and other animals from the streets, highways and other public ways and places of the Borough.

§ 65-11. Cleanliness of enclosures.

No person shall cause or allow any stable, house, hut, area or place where any dog, cat or other animal is or may be kept to become unclean or unhealthy.

§ 65-12. Impounding.

Any dog, cat or other animal found in the Borough of Linesville either without a current license or running at large under conditions set forth in this chapter is hereby declared to be a nuisance and shall be impounded as hereinafter provided.

§ 65-13. Use of immobilizing instruments.

Police officers of the Police Department of the Borough of Linesville are hereby authorized to secure and use, with reasonable precautions, any device or gun that propels an instrument, pellet or drug for the purpose or immobilizing or anesthetizing an animal for the purpose or securing and impounding such animal.

§ 65-14. Animal Control Officer.

Police officers of the Borough and such other persons as may be retained by Council shall act as the Animal Control Officer. The duty of such Animal Control Officer shall be to take into custody any and all dogs, cats or other animals found in violation of any provision of this chapter and not restrained, leashed, or secured upon the owner's property or property which the owner has permission to use and to convey the same to such shelter or pound as is from time to time designated by Council. A notice of seizure shall be sent to the owner of such dog, cat or other animal, if known, in accordance with Commonwealth law.

§ 65-15. Redemption fee.

Any dog, cat or other animal taken to the Crawford County Humane Society after being picked up, seized or captured under the terms of this chapter shall subject the owner of said dog, cat or other animal to any additional cost or fee or charge which the Crawford County Humane Society shall impose to accept such dog, cat or other animal, in addition to the fines and costs set forth in this chapter.

§ 65-16. Violations and penalties.

- A. The owner of any dog, cat or other animal found violating the provisions of this chapter shall, upon conviction, pay a fine of \$50, plus costs, for the first violation; \$100 plus costs for the second violation committed within a period of one year; \$150 plus costs for the third violation committed within a period of one year; \$200 plus costs for the fourth violation committed within a period of one year; and \$250 plus costs for subsequent violations committed within a period of one year. Failure to pay the above fines and costs shall subject the owner to arrest and imprisonment for a term not exceeding 10 days.
- B. For the purpose of this section, "one year" shall mean 365 days from the date of the first violation.

Article II Chickens

§ 65-17. Purpose.

The purpose of this ordinance is to provide for the keeping of chickens in residential areas by Linesville Borough residents while ensuring that said practice does not result in a proliferation of nuisances to surrounding properties.

§ 65-18. Definitions.

As used in this chapter, the following words and terms shall have the meaning indicated:

Application – the form approved by the Borough Council of the Borough of Linesville for the keeping of chickens and/or the application for a residential chicken permit.

Borough – The Borough of Linesville

Chicken – poultry or fowl of the species *Gallus domesticus*/G. gallus domesticus. The species includes many different breeds of chicken.

Chicken Coop or Coop— a structure for sheltering of female (pullets or hens) chickens. An existing shed may be used for this purpose, provided it meets the standards for chicken coops set forth in this article. A chicken coop shall be considered an accessory structure, which may require a separate permit(s).

Chicken run or Run— an enclosed area connected to or surrounding a chicken coop for the purpose of allowing chickens to leave the coop to walk and run about.

Hen — a female chicken.

Rooster — a male domestic chicken.

§ 65-19. Use regulations.

The keeping of chicken hens shall be allowed by right in residentially zoned areas of the Borough, provided that the following conditions are met:

- A. The building lot has been developed as a single-family residence.
- B. No more than six (6) chicken hens shall be kept per one-family dwelling.
- C. A minimum lot size shall be no less than 2,000 square feet.
- D. No person shall keep a rooster.
- E. All chicken hens shall be housed in a roofed coop that is solid on all sides, has adequate ventilation, provides protection from predators, provide adequate protection from all-weather elements, enclosed in a way that contains the chickens and be readily accessible for cleaning.
- F. The coop shall be located in the backyard, no less than 15 feet from any main building or residence on an adjacent lot.
- G. The minimum coop size shall be five (5) square feet per chicken not to exceed 100 sq. feet.
- H. A chicken run is permitted when attached to the coop and shall be located in the backyard, no less than 15 feet from any main building or residence on an adjacent lot. A minimum run size shall be five (5) square feet per chicken not to exceed 100 sq. feet.
- I. If a chicken run is provided, it shall be constructed in such a way so as to prevent chicken hens from roaming free and secure to prevent predators from gaining entry. The chicken run must be accessible by the chicken hens from their coop when not otherwise secured in the coop.
- J. No part of the coop or run shall be less than 25 feet from any street, alley, or thoroughfare.
- K. All coops and runs are subject to the setbacks for accessory structures a permitted in the Borough zoning ordinance.

§ 65-20. Prohibition on commercial uses.

The keeping of chicken hens under this ordinance shall not be for any commercial purposes. The following activities as a result of keeping chickens are prohibited:

- A. Chicken breeding;
- B. The sale of chickens, chicks, or eggs;
- C. Egg production for commercial purposes; and
- D. Fertilizer production and the sale of chicken manure or compost materials containing chicken manure

§ 65-21. Application requirements

- A. Owner occupied- an annual permit shall be required for keeping chicken hens, coops, and chicken runs. The residential permit application shall be submitted on the form established by Borough Council and/or their designee.
- B. Rental properties – an annual permit shall be required for keeping chicken hens, coops, and chicken runs. The residential permit application shall be submitted on the form established by Borough Council and/or their designee and a letter authorizing the keeping of chicken from the landlord/owner must be accompanied with the application.
- C. The Borough Council shall from time to time establish by resolution an application fee for the residential chicken permit application for the keeping of chickens. The application shall be accompanied by the applicable fee and landlord approval letter if needed. The application will not be processed until the fee has been paid. The annual fee for the application is set at \$12. Thereafter, the application fee may be amended from time to time at the discretion of Borough Council by Resolution.

§ 65-22. Running at large prohibited; sanitary requirements; slaughtering; feed and water.

The following shall apply to all residentially zoned properties that have been properly permitted to keep chickens as set forth above:

- A. It shall be unlawful for the owner or owners of any chickens to allow the same to run at large upon any of the common throughfare, sidewalks, passageways, play areas, parks streets, alleys or public highways, or any place where people congregate or walk, or upon any public or private property. Any chicken not contained within an approved coop or run shall be deemed at large.
- B. Any owner or owners of chickens shall be required to house the same at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply:
 - 1. Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. All chicken feces shall be properly stored and disposed of, so as not to be objectionable due to odor, pests, or otherwise. The owner or owners of chickens shall show that adequate provisions are being implemented to collect, store, and dispose of the feces and other litter associated with the keeping of chickens. The containers used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors. In cases where chicken feces does accumulate on private property, the designee of the Borough Council may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by registered mail, and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.
 - 2. Coops and runs shall be kept in good repair and must be capable of being maintained in a clean and sanitary condition, free of vermin and obnoxious odors.

- C. It shall be prohibited to slaughter and/or purposefully dispatch any chicken, for any purpose. Excluded from this prohibition is the dispatching of a chicken for medical reasons by a licensed veterinarian and/or the off-site slaughtering by a professional.
- D. All feed, water, and other items associated with the keeping chickens shall be protected in a way that prevents infestation by rats, mice, or other rodents or vectors. Failure to keep all feed, water, and other items associated with the keeping of chickens in a clean and sanitary condition constitutes a violation of this chapter.


§ 65-23. Violation and penalties.

- A. The owner or owners of any chicken or chickens found violating the provisions of this chapter and article shall, upon conviction, pay a fine of \$50.00, plus costs, for the first violation; \$100.00, plus costs, for the second violation committed within a period of 1 year; \$150.00, plus costs, for the third violation committed within a period of 1 year; \$200.00, plus costs, for the fourth violation committed within a period of 1 year and \$250.00 plus costs for subsequent violations committed within a period of 1 year. Failure to pay the above fines and costs shall subject the owner to arrest and imprisonment for a term not to exceed 10 days.
- B. For the purpose of this section, "one year" shall mean 365 days from the date of the first violation.

ORDAINED AND ENACTED this 13 day of July, 2021.


Kevin McGrath-Council President

Attest:


Amanda Harper-Borough Secretary

APPROVED:


David Hoogstad, Sr.-Mayor

