

BILL NO. _____-2009

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1, SECTION 1 – ANIMAL CONTROL BY ADDING LIMITATIONS ON THE ALLOWABLE NUMBER OF ANIMALS PER HOUSEHOLD, ESTABLISHING AN EXOTIC ANIMAL PERMIT FEE, AMENDING THE LANGUAGE REGARDING AGGRESSIVE DOGS, ADDING DEFINITIONS, AND RENUMBERING SECTIONS AS REQUIRED, AS ATTACHED IN EXHIBIT A.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required as attached in Exhibit A.

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the Codified Ordinances or any other City Ordinance or resolution that is in direct conflict within this Amendment are hereby repealed.

SECTION 4. NUMBERING AND LETTERING. Should any number or letter assigned to an amendment set forth herein conflict with or been previously assigned under a prior amendment to the Chapter 2, Section 1 – Animal Control, then the number or letter herein shall be automatically amended when codified to reflect the next available number or letter.

SECTION 5. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. Effective Date of Ordinance. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Animal Control Board & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 2 ANIMALS

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PART 1₁
ANIMAL CONTROL

§2-101. Purpose.

The purpose of this Part is to promote the public health, safety and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

(Ord. 72-2005, 11/15/2005, §1)

§2-102. Definitions.

When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ANIMAL -- Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

ANIMAL CONTROL OFFICER - A City employee or agent authorized to enforce the City of Reading Codified Ordinances, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

ANIMAL HOSPITAL - any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

ANIMAL NUISANCE - any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

ANIMAL SHELTER - any facility operated by the City or ~~humane society~~ designated animal control authority for the temporary care, confinement and detention of animals and for the humane euthanasia and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

AT LARGE - an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

ATTACK - the deliberate action of a dog whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, animate or inanimate object, with obvious intent to destroy, kill, wound, injure or otherwise harm the object of its action.

CRUELTY - any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food is siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural

husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

DESIGNATED ANIMAL CONTROL AUTHORITY - agency that has a contract with the City of Reading for animal control.

DOG, DANGEROUS - any dog as defined in 3 P.S. 459-502-A(1).

~~**DOG, AGGRESSIVE** --as any dog that is a member of any canine breed in whole or in any part that accounts for 40% or more of the dog bite incidents whether on humans or animals reported to the City of Reading Police Department and/or the Humane Society, as determined by the Animal Control Board on annual basis each January based upon statistics for the preceding year provided that the total number of dog bite incidents reported of all breeds exceeds 30.~~

shall include any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:

- 1. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation; or*
- 2. Any dog which, without provocation, approaches in a threatening or terrorizing manner, any person or domestic animal upon the streets, sidewalks or any public grounds or places; or*
- 3. Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.*

DISPOSITION - adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

DOMESTIC COMPANION ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

DOMESTIC AGRICULTURAL ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes are strictly prohibited.

EXEMPT EXOTIC ANIMAL - any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores within Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and nonpoisonous amphibians not requiring State, Federal, or City permitting.

GUARD or ATTACK DOG - a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

HEEL - the animal is directly behind or next to a person and obedient to that person's command.

IMPOUNDMENT - the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

KENNEL - any premises wherein any person engages in the business of boarding, breeding buying, letting for hire, training for a fee or selling dogs or cats.

MUZZLE - a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OFFICER -- Police officer and/or duly appointed Animal Control Officer.

OWNER - any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Part. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days.

NATIVE WILDLIFE ANIMAL - all non-domestic animals naturally occurring in the wild within the borders of Pennsylvania.

PERSON -- Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PUBLIC NUISANCE ANIMAL - any animal that unreasonably annoys humans, endangers the life or health of person or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

The term "public nuisance animal" shall include, but not be limited to:

- (1) Any animal that is found running at large.
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.
- (3) Any animal that damages any property other than that of its owner.
- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by the City of Reading Codified Ordinance Chapter 10, Part 2, "Noise Control," §10-204.

(5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

(6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

(7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.

(8) Any animal that chases motor vehicles in a public right-of-way.

(9) Any animal that attacks domestic animals.

(10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

(11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

SANITARY - a condition of good order and cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT - an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS or DANGEROUS ANIMAL - any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous.

§2-103. Nuisances.

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(Ord. 72-2005, 11/14/2005, §1)

§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animal.

It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal or native wildlife animal within the City without ~~the written permission of~~ a permit issued by the Animal Control Board. Such ~~permission~~ permit shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerks Office along with a fee in the amount of \$75.00. The fee shall be disbursed \$40.00 to the designated animal control authority and \$35.00 to the City to cover the costs of inspections and administration.

§2-105. Caring for Animals.

PA Code Animal Regulations - 18 Pa.C.S. §5511.

§2-106. Limitation on the Number of Animals

A. Purpose. The purpose of this section is to regulate the maintenance, keeping or possession of animals within the City of Reading in order to promote the health, safety and general welfare of its inhabitants.

Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this chapter shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this chapter, the provisions of such other statute, ordinance, regulation or resolution shall be controlling.

B. Limitation on Number of Animals.-- Except for species of fish, it shall be unlawful to keep more than six (6) animals six (6) months of age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of the Commonwealth of Pennsylvania, as the same may from time to time be supplemented or amended, nor shall this section apply if a permit has been issued and is in effect pursuant to this ordinance.

C. Application for Permit of More Than Six (6) Animals.

1. The application for a permit for the keeping of more than six (6) animals shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

a. The type and number of animals to be covered by the permit.

b. The purpose of keeping such animals.

c. The period for which the permit is requested.

d. A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate, and the facilities for sanitation and disposal of animal wastes.

e. The circumstances, if any, under which the animals will be removed from their quarters.

f. Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons in handling the animals in question and earlier charges and/or citations for violation of statutes and/or ordinances governing animals, and/or health and/or safety.

g. Such additional information as the Animal Control Board may require.

2. In addition to such verified information, the Animal Control Board shall consider all other relevant conditions, including but not limited to:

a. The odor emanating or likely to emanate from the premises to persons off the premises.

b. The noise emanating or likely to emanate from the premises to persons off the premises.

c. The attitudes of the applicant's neighbors to the proposed permit.

d. The security with which the pets or creatures will be restrained.

D. Animal Control Board; Powers and Duties; Issuance of Permit.

1. The Animal Control Board shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the Animal Control Board has approved the application, it shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The Animal Control Board shall also have the power to revoke the permit for cause.

2. The Animal Control Board shall also have the power, to make such rules and regulations as it shall deem necessary to carry out the purposes of this ordinance. The Animal Control Board shall be responsible to determine whether any person _____ is violating any provisions of this ordinance. In making such determinations as to whether to approve or reject an application for a permit or an application for renewal of a permit, the Animal Control Board shall consider whether any one or more of the following approved standards are not complied with:

a. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.

b. The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.

c. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear, or to be abused, tormented or annoyed.

d. The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.

e. The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.

f. Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.

g. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Reading and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.

h. Any and all animals must be kept healthy and free from sickness and disease at all times. Should an Animal Control Officer or any Police Officer question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.

i. The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to permittee's obligation to comply with this chapter.

j. Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.

3. If the conditions presented by the application for a permit or for renewal of a permit constitute an actual or potential nuisance and/or a hazard and/or a danger to the public health, safety and welfare, the application for a permit or for renewal of a permit shall be denied.

4. An Animal Control Officer and police officers of the City of Reading are authorized hereby to enter upon any premises within the City for the purpose of investigating a possible violation of this chapter. If access is denied by the property owner, the Animal Control Officer and/or Police Officers are authorized to submit an application for a search warrant to the appropriate judicial authority.

5. The holder of a permit issued pursuant to this ordinance shall have an ongoing duty to comply with the requirements of the approved standards set forth in this ordinance.

E. Fees.

The applicant for a permit hereunder shall, at the time of his/her application, pay to the City of Reading \$50.00 for the first calendar year or part thereof, renewable thereafter for a fee of \$25.00 each calendar year or part thereof.

F. Annual Renewal of Permit(s). All such permits for the keeping of more than six (6) animals must be renewed annually upon resubmittal of an application of the type required by this ordinance

§2-107. Sanitation.

1. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are housed, maintained or kenneled.

~~2. The number of animals housed or maintained within a structure, or upon any premises, shall be limited only to those animals that can be adequately maintained in a clean and sanitary condition as determined by the Health Officer.~~

3. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the Health Officer. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.

4. People owning, harboring or keeping an animal within the City shall NOT permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

5. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.

6. No person shall maintain, transport or carry any animal or pet in any eating and drinking establishment, food manufacturing or food service facility, except trained ~~guide dogs for the blind~~ certified service dogs

7. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

§2-108. Restraining and Confinement Generally.

1. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.

2. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

3. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

4. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§2-109. Restraint of Guard Dogs.

1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least 6 feet in height and shall be topped with an anticlimbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

2. All anticlimbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.

3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences property maintained and escape proof.

4. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

§2-110. Restraining of Dangerous Dogs or Aggressive Dogs.

Every dangerous dog or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper. Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of 300 pounds and not more than 3 feet in length or caged. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

A. Upon licensing a vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

B. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six (6) feet high and contain no

less than fifty (50) square feet of ground space. All pens shall comply with city zoning guidelines so as not to be offensive to the neighboring residents.

C. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

D. No person owning or harboring a dangerous or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three (3) feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

E. Once a dog is deemed to be dangerous; it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

§2-111. Property Owners May Impound.

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

§2-112. Return of Animal to Owner.

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

§2-113. Disposition of Large Animals.

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and Animal Shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

§2-114. Dangerous Dog and/or Aggressive Dog Permits.

1. **Permit Required.** No person shall own, keep, or harbor any dangerous and/or aggressive dog over the age of 3 months within the City unless such dog has a permit as provided in this Part.

2. **Application.** Application for such permit shall be made available by the owner on a form to be provided by the City and made available at the designated animal control authority for any dangerous and/or aggressive dog over 3 months of age; providing, that any owner moving to the City for the purpose of establishing residence or becoming a resident as a result of annexation, and otherwise required to obtain a permit, shall have until 10 days after moving or annexation to obtain such a permit. [Ord. 20-1999]

3. **Proof of Rabies Vaccination Required.** All owners applying for a permit must show to the satisfaction of the licensing authority that the animal for which the permit is being

obtained has been inoculated against rabies within the last year.

4. **Proof of Sterilization.** Any owner claiming that their dog has been spayed or neutered must show to the satisfaction of the licensing authority that such operation has been performed.

5. **Dangerous Dog and/or Aggressive Dog Permits.** An annual permit fee of \$50 if spayed or neutered or \$500 if not spayed or neutered shall be paid by the owner of any dangerous dog or aggressive dog, as defined in §2-102.

6. Permit fees shall not be required for seeing eye dogs, government police dogs or registered therapy dogs. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the Animal Control Board that the dog in question is entitled to such an exemption.

(Ord. 72-2005, 11/14/2005, §1)

§2-114. Permit Tags; Identification.

1. Upon payment and acceptance of the permit fee, the licensing authority shall issue a durable and color-coded permit tag (or collar), stamped with the year of issuance and an identification number for the animal for which the permit has been obtained. Any permit issued for keeping of a dangerous dog or aggressive dog shall take effect on the date of issuance, shall be valid for a period of 1 year beginning on February 1 of the current year and ending on January 31 of the succeeding year, with the cost of same as defined in §2-114 pro-rated by month and valid for the remaining months of the calendar year as defined above. Every dog for which the owner is required to obtain a permit must wear a valid permit tag (or collar) at all times when the animal is off the premises of its owner.

2. No person may use a permit for any animal other than the animal for which the permit was issued. It shall also be unlawful for any person to remove from the neck of any dog the permit tag (or collar) issued pursuant to this Section or alter such tag in any manner.

(Ord. 72-2005, 11/14/2005, §1)

A. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this ordinance and pay a fee of one hundred dollars (\$100.00) for such registration to the designated Animal Control Authority.

The owner must provide proof at the time of registration that:

- (1) The home-owner's insurance policy for the residence in which the dangerous dog is housed contains a rider or a liability clause for dangerous dogs;*
- (2) The dog's rabies vaccination status is current;*
- (3) The dog is licensed for the current year; and*
- (4) The dog is micro-chipped with a permanent ID.*
- (5) Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued the Animal Control Authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.*

APPEAL PROCEDURE

Within fourteen (14) days of the date of the notice of the police or animal control officer's decision that a dog is dangerous, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified

mail to the Animal Control Board, with copies to the Chief of Police and Clerk of City. If such an appeal is filed, a hearing shall be commenced within three (3) weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.

The determination of the Animal Control Board shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the Animal Control Board. .

§2-115. Impoundment.

1. In addition to any other remedies provided in this Part, an Animal Control Officer or a Police Officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

A. Any dog without a valid permit tag or license.

B. Any animal at large.

C. Any animal constituting a public nuisance or considered a danger to the public.

D. Any animal that is in violation of any quarantine or confinement order of a Health Officer.

E. Any unattended animal that is ill, injured or otherwise in need of care.

F. Any animal that is reasonably believed to have been abused or neglected.

G. Any animal that is reasonably suspected of having rabies.

H. Any animal that is charged with being potentially dangerous, aggressive or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.

I. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.

J. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

K. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

2. An Animal Control Officer or Police Officer may also, or in lieu of impoundment, issue to the owner a citation.

§2-116. Notice to Owner and Redemption.

1. Upon impoundment of an animal, the ~~Humane Society~~ designated Animal Control Authority shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

2. An owner reclaiming an impounded animal shall pay a fee of \$25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.

3. Any animal not reclaimed by its owner within 48 hours shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner

prescribed by the ~~Humane Society~~ designated Animal Control Authority.

4. Any dangerous dog or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the Humane Society-designated Animal Control Authority.

§2-117. Animal Control Board Established.

1. There is hereby established a City Animal Control Board.

2. The Mayor shall appoint five members plus two alternates subject to confirmation by City Council. The two alternate members shall represent the community at large and shall be empowered to sit on the Board in the absence of a Board member. In the event of the absence of one Board member, the alternate with the greatest length of service in the position will serve. In the absence of two Board members both alternates will serve. In the absence of both alternates, the Mayor may designate a temporary alternate at large. One of the five regular appointees shall be designated as chairperson by the Mayor, subject to confirmation by Council.

A. Two members shall be appointed as representatives of the community at large.

B. Two members shall be appointed representatives of animal humane societies and animal shelters.

C. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

D. Two alternates shall be appointed as representatives of the community at large.

3. The term of each member shall be 3 years, or until a successor takes office.

§2-118. Animal Control Board; Powers and Duties.

1. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk.

2. The Board shall also have the authority to do the following:

A. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.

B. Make determinations of aggressive dogs as defined under "Definitions," §2-102.

3. The Board shall meet at the call of the Chairperson to take the following actions:

A. Prepare and present the Animal Control Board budget to the Director of Finance.

B. Recommend to the City Council changes in the law regarding the control of animals.

§2-119. Sanctions and Remedies.

1. Obedience training for the animal(s) in question.

2. Muzzling of an animal while off the property of the owner.

3. Confinement of an animal indoors.

4. Confinement of an animal in a secure enclosure.

5. Reduction of the number of animals kept at any one location.

6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.
7. The sterilization of an animal.
8. A ban on maintaining other animals in the City.
9. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.
10. Any fees previously paid nonrefundable.

§2-120. Appeals.

Any person aggrieved by any decision of an Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

§2-121. Enforcement.

Animal Control Officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with Police Officers, shall have the authority to act on behalf of the City and the Animal Control Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Part. It shall be a violation of this Part to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

§2-122. Violations and Penalties.

1. It shall be violation of the Part to:
 - A. Fail to comply with any provision of this Part.
 - B. Fail to comply with any lawful order of the Animal Control Board, an Animal Control Officer, or Police Officer unless such order is lawfully stayed or reversed.
2. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
3. Notwithstanding any other penalties imposed by this Section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in §2-102 herein), shall be subject to a minimum fine of \$500 to a maximum of \$1,000 plus costs and other fees and penalties included within the terms of this Part and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. All fines collected shall be forwarded to the ~~Berks County Humane Society~~ designated Animal Control Authority to cover administrative expenses.
(Ord. 72-2005, 11/14/2005, §1)

PART 2₂

PIGEONS

§2-201. Coop Size and Number of Pigeons.

No person, firm or corporation shall keep, maintain or harbor any pigeons within the City in a suitable house or coop which is more than 800 cubic feet in size and not more than 100 pigeons shall be kept by any one person, firm or corporation at any time. Pigeon houses or coops may also have an attached enclosed runway, but all structures for keeping the pigeons shall be constructed so as to keep the pigeons properly confined and prevent their flying about.

§2-202. Sanitary Maintenance; Loud Noises Prohibited.

Any pigeon houses, coops or runways shall be maintained in such proper sanitary conditions as to avoid offensive odors and no pigeons shall be kept which create any loud and excessive noises.

§2-203. Feeding Prohibited.

No person shall intentionally feed pigeons at large.

§2-204. Humane Disposition of Pigeons at Large.

Pigeons at large and not branded may be captured and destroyed by any humane means by any representative of the Property Improvement Division of the ~~Department of Community Development~~ of the Police Department, by the City's animal control authority or by any property owner of the City upon whose property may such pigeon shall be found at large.

§2-205. Penalty.

Any person, firm or corporation who shall violate this Part shall be, upon conviction thereof sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 31-1965, 7/7/1965, §5; as amended by Ord. 14-2001, 5/29/2001)