

TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO.: 110 of 2011

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, REGULATING THE KEEPING OF CERTAIN ANIMALS AND
PRESCRIBING PENALTIES FOR VIOLATION.**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, as follows:

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

1. ANIMAL – Any domestic animal of fowl, any wild animal or any household pet.
2. DOMESTIC ANIMAL – Any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet. Domestic animals shall include a rabbit, hare, guinea, pig, rat, mouse or chinchilla; and any wild or domestic fowl, such as a chicken, turkey, goose, peacock, duck or pigeon (excepting homing pigeons), or any wild or domestic animal of the bovine, equine or sheep family.
3. HOUSEHOLD PET – Any dog, cat, or other domestic animal normally or ordinarily kept in or permitted to be at large in the dwelling of its owner.
4. PERSON – Any person, firm, partnership, association or corporation.
5. 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.

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

Section 2: Keeping of Animals Regulated. It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

1. The keeper of every such 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.

2. Every keeper of any animal shall cause the litter and droppings therefrom⁵¹ to be collected on a regular basis in a container or receptacle that when closed shall be rat-proof and fly-tight. Every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
3. Every keeper of any animal shall cause all feed provided therefore to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

Section 3: Household Pets. It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. 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 insure that no public nuisance shall be created or maintained and no threat to the health of person living elsewhere than in such dwelling shall be created.
2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of Section 2 of this Ordinance shall be applicable to the keeping of such household pet.

Section 4: Violation of State Law. Any violation of this Ordinance that would also violate any state law shall be prosecuted under that state law and not under this Ordinance.

Section 5: Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed Ninety (90) Days. Each day that a violation of this Ordinance continues shall constitute a separate offence.

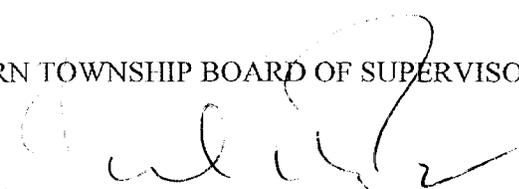
Section 6: Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 7: Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

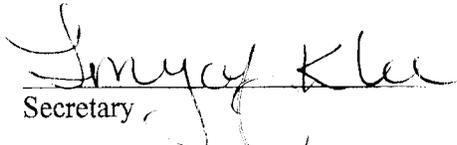
Section 8: Effective Date. This Ordinance shall become effective five (5) days after enactment.

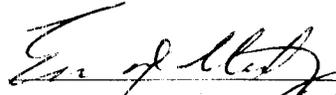
ORDAINED AND ENACTED this 14th day of September, 2011, by a vote of 3
Yes 0 No — Abstained — Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By:  _____

Attest:


Secretary

 _____
 _____