

ORDINANCE NO. 2021-1

**AN ORDINANCE OF THE BOROUGH OF NEW BERLIN,
UNION COUNTY PENNSYLVANIA
REGULATING THE KEEPING OF CERTAIN ANIMALS INCLUDING HOUSEHOLD
PETS; PROHIBITING ANIMALS RUNNING AT LARGE; CONTROLLING ANIMAL
DEFECATION ON PUBLIC OR PRIVATE PROPERTY; PROHIBITING THE
KEEPING OF ANIMALS DISTURBING THE PEACE; ESTABLISHING
PROCEDURES FOR THE DISPOSITION OF LICENSED, UNLICENSED AND
THREATENING ANIMALS; AND THE PRESCRIBING PENALTIES FOR
VIOLATION.**

The Borough Council of the Borough of New Berlin, Union County, Pennsylvania, hereby

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

ANIMAL - Any domestic animal or fowl, any wild animal or any household pet.

COUNCIL - The Borough Council of New Berlin Borough, Union County, Pennsylvania.

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.

HOUSEHOLD PET - Any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL - Any wild or domestic animal of the bovine, equine or sheep family.

OFFICER - Any person employed by the Commonwealth of Pennsylvania, or the Borough of New Berlin, whose duty it is to preserve the peace, make arrests, or enforce the Pennsylvania Dog Law Act of December 1982, P.L 784, or its amendments, or this ordinance, its amendments or supplements.

OWNER OF ANIMAL - When applied to the proprietorship of an animal, the term Owner includes every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied or owned by him.

PERSON - Any person, firm, partnership, association, or corporation.

RUN AT LARGE - The term 'run at large', for purposes of this ordinance, shall mean the free and unrestricted ability to move about without physical restraint preventing movement greater than twenty- five feet (25') in any direction except within the dwelling of its owner or within an enclosure designed and built in such a manner as to prevent escape there from.

SMALL ANIMAL - Any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, hamster, gerbil, chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

THREATENING ANIMAL - Any animal which has in the past, without provocation, done one or more of the following:

- (1) Inflicted severe injury on a human being without provocation on public or private property;
- (2) Killed or inflicted severe injury on a domestic animal while off the owner's property;
- (3) Attacked a human being;
- (4) Been used in the commission of a crime.

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.

CHICKEN – Shall mean a female hen or pullet.

ROOSTER – Shall mean a male domestic fowl older than 3 months.

HENHOUSE/COOP – A structure where chickens are kept.

CHICKEN TRACTOR – A moveable chicken coop lacking a floor.

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

Section 2. Certain Animals Prohibited. It shall be unlawful for any person to keep any pigs, hogs, or swine at any place within the Borough of New Berlin.

Section 3. 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:

- I. Large animals shall be confined in quarters no part of which shall be closer than one hundred feet (100') from the exterior limits of any dwelling or of any property line.
2. Small animals shall be confined in quarters no part of which shall be closer than twenty-five feet (25') from the exterior limits of any dwelling or 5 feet from any property line.
3. 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 and construction conducive to the animal's health, and adequate sanitary facilities should be provided.
4. Every keeper of any animal shall cause the litter and droppings therefrom to be collected in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed.
5. Every keeper of any animal shall maintain all feed to be stored and kept in a pest-proof and fly-tight building box, container, or receptacle.
6. A total of six hens and/or pullets per lot shall be permitted.
 - A. Rooster shall be prohibited.
 - B. The slaughter of chickens shall be prohibited.
 - C. Chickens must be provided a secure and well ventilated roofed structure ("chicken coop"). Chicken "tractors" or other mobile A-frames are prohibited as the primary coop.
 - D. No person may allow chickens to range freely without fencing or without a mobile pen. Mobile pens must not be used as the primary "coop."
 - E. Chickens must be kept in the roofed structure, an attached pen, or a detached mobile pen whenever they are unattended by the keeper; but when attended by the keeper, the chickens are allowed in a completely fenced exercise yard.
 - F. All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substance which attracts rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detected on another property. Failure to comply with these conditions may result in removal of chickens from the premises

Section 4. Household Pets. Number of household pets allowed. No owner is permitted to maintain more than 5 adult (older than 6 months) dogs or cats on their premise. Puppies and kittens still in the care of their mother are permitted. As provided in this section:

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 persons living elsewhere than in such dwelling shall be created.

2. If such pet shall be kept in an enclosure outside such dwelling, the provisions of section 3 of this ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

Section 5. Unlawful for Animals to Run at Large. It shall be unlawful for any person to permit any dog, or other animal, owned, kept, maintained, or in the custody or control of such person to run at large in the Borough of New Berlin.

1. Any feral or "Community Cats" become the responsibility of the person or persons feeding them. That person or persons must have them vaccinated for rabies and have them spayed or neutered. Trap, Neuter and Release programs typically mark these cats with a clipped ear.

Section 6. Physical Restraint of Animal. It shall be unlawful for any person owning, keeping, maintaining, or controlling an animal to physically restrain and leave unattended the said animal except upon lands owned by the said person or lands which the said person shall have a legal right to possess or occupy.

Section 7. Disturbing the Peace or Endangering the Health or Property of Others. The Council, finding that excessive levels of sound are detrimental to the physical, mental, and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough of New Berlin

1. It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any persons in the Borough of New Berlin. Continual (occurring over a period of time without stopping or with only short breaks) barking, howling or making of other loud noises by any dog for a period in excess of one-hour, which periods occur on two or more consecutive days, shall be deemed to be a disturbance of the peace and a cause of annoyance and discomfort to persons in the Borough of New Berlin.

A. Exceptions. This Ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133.

2. It shall be unlawful for any person who owns, keeps, maintains, or controls any dog, cat or other animal to permit such dog, cat or other animal to injure, threaten or endanger any human by knocking down, attacking or menacing the said human or to threaten, endanger, harm, destroy or injure the property of other persons.

3. Whenever it is established that any dog, cat or other animal has bitten any person, or shows signs of being infected with rabies, the person who owns, keeps, maintains or controls such animal, upon the order of the Pennsylvania Department of Health shall quarantine such animal in a veterinarian's kennel for a period of ten (10) days at such person's expense or until such time as it has been ascertained whether the said animal is in fact rabid.

A. If the animal is found to be rabid, a report shall be made immediately to the Pennsylvania Department of Health, who shall then make whatever arrangements they believe necessary pursuant to law.

Section 8. Detention of Animals Found Running at Large. Any dog found running at large as provided in Section 5 hereof, or disturbing the peace or endangering the health or property of others as provided in Section 7 hereof, will be referred to the Dog Warden.

Section 9. Threatening Animals. Animals that, in the opinion of any Officer or dog enforcement person, constitute a threat to the public health and welfare may be killed by the said Officer or animal control officer.

Section 10. Animal Defecation on Public and Private Property Restricted. NO person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or Other animal to commit any nuisance, i.e. defecation upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of New Berlin, or upon the floors, hallways or stairways of any building or any and all places frequented by the public or used in common by tenants, or upon the outside walls, walkways, driveways, alleys, curbs, hallways or stairways of any building abutting on a public street or park, or upon the grounds of any public park, commons or public area, or upon any private property Other than the property of the owner of such animal.

1. Disposal of Animal Feces. Any person having session, custody or control of any dog or other animal which commits a nuisance, i.e. defecation, in any area other than the private property of the owner of such dog or other animal, as prohibited in section 13, hereinabove shall be required to immediately remove any feces. Carry feces away for disposal in a nonleaking container for deposit in a trash or litter receptacle.

2. Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of Section 10 and 13 A hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

3. The provisions of Section 10 and 13A shall not apply to that portion of the street lying between the curb lines, which may be used to curb such animal.

Section 11. Violation/Penalties. Any person violating, failing or refusing to comply with any of the provisions of this ordinance shall upon conviction in a summary proceeding before a magistrate be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) nor more than six hundred dollars (\$600.00), plus costs of prosecution.

1. Each day that a violation of this ordinance continues shall constitute a separate offense.
2. 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 12. Obstruction of Officer Prohibited/Penalty. Any person who shall obstruct any officer, as defined herein, in carrying out the provisions of this Ordinance shall, upon conviction in a summary proceeding before a magistrate, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than six hundred dollars (\$600.00), plus costs of prosecution, imprisonment for a period not in excess of thirty (30) days or both.

Section 13. Use of Fines/Charges. The fines assessed and charges imposed hereunder shall be for the use of the Borough of New Berlin.

Section 14. 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 the Borough of New Berlin that this ordinance should have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 15. Effective Date. This Ordinance shall become effective upon adoption.

ENACTED AND ORDAINED as an ordinance of the Borough of New Berlin by Borough Council, Union County, Pennsylvania, in lawful session assembled this 14th day of April, 2021.

NEW BERLIN BOROUGH COUNCIL

ATTEST:


Borough Secretary


Council President


Mayor