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PART 1
KEEPING OF BEES

§101. Definitions.

For the purposes of construing this Part the following definitions shall be applied:

APIARY — any place where one or more colonies or nuclei of bees are kept.

BEES — any stage of the common hive or honey bee.

HIVE — frame hive, box hive, box, barrel, log or any other receptacle or container, natural or artificial, or any part thereof which may be used or employed as a domicile for bees.

PERSON — all corporations, partnerships, unincorporated associations, societies, individuals and any group or combination of individuals.

(Ord. 968, 8/10/1976, §1)

§102. Duties of the Health Officer.

When so instructed by Borough Council or the Borough Manager or Assistant Manager, the Borough Health Officer shall:

- A. Inspect any property upon which bees, hives or apiaries are maintained in the Borough of Wyomissing.
- B. Make a determination as to whether the same is or threatens to be a public nuisance, dangerous to the health, safety or general welfare of the residents of the Borough of Wyomissing.
- C. Report such determination to Borough Council.
- D. Appear at all hearings conducted by Borough Council and testify as to the results of his investigation or investigations.

(Ord. 968, 8/10/1976, §2)

§103. Public Nuisance.

If the Borough Health Officer shall determine that such maintaining of bees, hives or apiaries may constitute a public nuisance, Borough Council shall:

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- A. Upon receipt of such determination, give written notice to the owner and/or occupant of the premises upon which bees, hives or apiaries are maintained to appear before it on the date specified in the notice to show cause why the maintaining of such bees, hives or apiaries should not be determined to be a public nuisance, dangerous to the health, safety or general welfare of the residents of the Borough of Wyomissing, and why the same should not be ordered to be abated.
- B. Hold a hearing and hear such testimony as the Borough Health Officer and the owner and/or occupant of the premises, as well as the testimony of any other person who shall claim to be affected by the maintaining of the bees, hives or apiaries, whether or not such person shall be a resident of the Borough of Wyomissing, shall offer relative to the same.
- C. Make written findings of facts from the testimony offered pursuant to subsection (B), hereof, as to whether or not the maintaining of the bees, hives or apiaries is in fact a public nuisance, dangerous to the health, safety or general welfare of the residents of the Borough of Wyomissing.
- D. Issue an order based upon the said findings of fact made pursuant to subsection (C), hereof, commanding the owner and/or occupant to abate any maintaining of bees, hives or apiaries found to be a public nuisance in fact under the terms of this Part.
- E. If the owner or occupant fails to comply with the order provided for in subsection (D), hereof, within 10 days of the date of service of said order, Borough Council shall cause such nuisance to be abated and shall cause the cost of such abatement, together with a penalty of 10% thereof, to be charged against the land upon which the nuisance existed as a municipal lien as provided by law, or to be recovered in a suit at law against the owner and/or occupant of the property upon which the nuisance existed, or, in the alternative, may institute an action in equity seeking a mandatory injunction against the owner and/or occupant directing such person to abate said nuisance.

(Ord. 968, 8/10/1976, §3)

§104. Absence of Owner.

In cases where the owner or occupant shall be absent from the premises upon which the bees, hives or apiaries are maintained, all notices or orders provided for herein shall be sent by certified or registered mail to the owner or occupant, to the last known address of each, and a copy of such notice or order shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed to be adequate service.

(Ord. 968, 8/10/1976, §4)

§105. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 968, 8/19/1976, §5; as amended by Ord. 1185, 5/13/1997)

PART 2

DOGS RUNNING AT LARGE

§201. Definitions.

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER — any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE — being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

(Ord. 1185, 5/13/1997)

§202. Unlawful to Allow Dogs to Run at Large.

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of Wyomissing, except in designated park run areas.

(Ord. 1185, 5/13/1997)

§203. Seizing of Dogs.

The police officer or constable may seize any dog found at large in Borough. Such dogs are to be impounded in a licensed kennel.

(Ord. 1185, 5/13/1997)

§204. Threatening Dogs.

Dogs that, in the opinion of any police officer, constitute a threat to public health and welfare may be killed by the police.

(Ord. 1185, 5/13/1997)

§205. Penalties.

- A. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Borough Council.
- B. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 1185, 5/13/1997)

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PART 3

CONTROL OF ANIMAL DEFECATION

§301. 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 or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

(Ord. 1185, 5/13/1997)

§302. Disposal of Animal Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §301 shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 1185, 5/13/1997)

§303. Dogs Accompanying Blind or Handicapped Persons Exempted.

The provisions of §§301 and 302, hereof, shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

(Ord. 1185, 5/13/1997)

§304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 1185, 5/13/1997)

PART 4

ANIMAL NOISE DISTURBANCES

§401. Intent and Purpose.

The Borough Council of the Borough of Wyomissing, 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.

(Ord. 1185, 5/13/1997)

§402. Noise Disturbance.

It shall be illegal within the Borough for any person or persons to own, possess, harbor or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

(Ord. 1185, 5/13/1997)

§403. Exceptions.

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

(Ord. 1185, 5/13/1997)

§404. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 1185, 5/13/1997)

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PART 5

KEEPING OF CERTAIN ANIMALS

§501. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

ANIMAL — any domestic or nondomestic animal or fowl, amphibian, arachnid, reptile, exotic animal, wild animal or household pet.

DOMESTIC ANIMAL — any animal normally or ordinarily domesticated and kept as a household pet.

EXOTIC OR WILD ANIMAL — any animal, including bird, fowl or reptile not normally or ordinarily domesticated; not indigenous to Berks County; or not capable of being 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 without confinement in the residential dwelling of its owner, including fish kept in tanks or aquariums.

PERSON — any person, firm, partnership, association or corporation.

SPECIES — any animal capable of interbreeding; for example cat, dogs, horses, snakes, turtles, etc.

(Ord. 1207, 12/14/1999, §1)

§502. Certain Animals Prohibited.

It shall be unlawful for any person to bring into, keep, maintain, breed, offer for sale or barter, display for education, use for experimentation or release anywhere within the Borough of Wyomissing any of the following animals:

- A. Farm animals including, but not limited to, chickens, pigs, hogs, swine, horses cattle, sheep, etc.
- B. Any poisonous or venomous biting or injecting species of amphibian, arachnid or reptile, including snakes.
- C. Any nonpoisonous or nonvenomous amphibian, arachnid or reptile, including snakes not indigenous to Berks County.
- D. Any exotic or wild animal including, but not limited to:

- (1) Apes: Chimpanzees (pan); gibbons (hylobates); gorillas (gorilla); orangutans (pongo) and siamangs (symphalangus).
- (2) Baboons (papai, mandrillus).
- (3) Bears (ursidae).
- (4) Bison (bison).
- (5) Cheetahs (acinonyx jubatus).
- (6) Constrictor snakes.
- (7) Coyotes (canis latrans).
- (8) Crocodilians (crocodilia).
- (9) Deer (cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (10) Elephants (elephas and loxodonta).
- (11) Game cocks and other fighting birds.
- (12) Hippopotami (hippopotamidae).
- (13) Hyenas (hyaenidae).
- (14) Jaguars (panthera onca).
- (15) Leopards (panthera pardus).
- (16) Lions (panthera leo).
- (17) Lynxes (lynx).
- (18) Monkey, old world (cercopithecidae).
- (19) Osteriches (struthio).
- (20) Piranha fish (characidae).
- (21) Pumas (felis concolor); also known as cougars, mountain lions and panthers.
- (22) Rhinoceroses (rhinocero tidae).

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- (23) Sharks (class chondrichthyes).
- (24) Snow leopards (*panthera uncia*).
- (25) Swine (*suidae*).
- (26) Tigers (*panthera tigris*).
- (27) Wolves (*canis lupus*).
- (28) Any other animal which the Borough would consider to be a threat to the public's health, safety or welfare.

(Ord. 1207, 12/14/1999, §1)

§503. Exceptions.

The provisions of §502 shall not apply to pet stores or circuses.

(Ord. 1207, 12/14/1999, §1)

§504. Keeping of Household Pets Regulated.

It shall be unlawful for any person to keep any household pets, except as provided in this Section:

- A. No more than four household pets of any one species shall be kept by any person unless the Borough finds that the keeping of more than four household pets of any one species is not a threat to the public's health, safety and welfare regarding sanitation, creation of a public nuisance or threatening to the health of persons living in the dwelling or elsewhere than in the dwelling.
- B. If any household pet shall be kept in an enclosure outside the dwelling, the provisions of this Part shall be applicable to the keeping of the household pet.
- C. The household pet shall be confined in an enclosure, including an electric fence, sufficient to prevent the animal from running at large and the enclosure shall be of a size and construction conducive to the animal's health and adequate sanitary drainage facilities shall be provided.
- D. The litter and droppings from any household pets shall be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight and after every collection shall cause the container or receptacle to be kept

closed. At least twice a week, all litter and droppings so collected shall be disposed of in a manner as not to permit the presence of fly larvae.

- E. All feed for any household pet shall be stored and kept in a rat-proof and fly-tight box, container or receptacle.

(Ord. 1207, 12/14/1999, §1)

§505. Violation of State Law.

Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part.

(Ord. 1207, 12/14/1999, §1)

§506. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1207, 12/14/1999, §1)