

ORDINANCE NO.158

AN ORDINANCE PROHIBITING THE DEFECATION BY ANIMALS UPON PUBLIC AND PRIVATE PROPERTY AND DESIGNATING SUCH DEFECATION AS BEING A NUISANCE, PROHIBITING NOISE DISTURBANCE OF ANIMALS AND DESIGNATING SUCH NOISE DISTURBANCE AS A NUISANCE, IMPOSING A DUTY UPON OWNERS OF ANIMALS TO DISPOSE OF ANIMAL FECES, EXEMPTING DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS, AND FIXING A FINE FOR VIOLATION HEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Heidelberg, and it is hereby Enacted and Ordained by authority of the same:

Section 1. Nuisance. Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

Section 2. Prohibited Activity. No person having possession, custody or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance upon any gutter, street, driveway, curb or sidewalk in the Township, 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, 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.

Section 3. Required Removal of Feces. Any person having possession, custody or control of any dog or other animal which commits a nuisance in any area other than the private property of the owner of such dog or other animal, as prohibited in Section 2, shall be required to immediately remove the said feces from such surface and remove the feces, and dispose of the feces in a non-leaking container through the person's ordinary trash collection.

Section 4. Noise Prohibition. It shall be illegal within the Township of South Heidelberg for any person or persons to own, possess, harbor, or control any dog or animal which makes any noise continuously and/or incessantly for a period of fifteen (15) minutes or makes such noise intermittently for thirty (30) minutes or more to the disturbance of any person any time of the day or night, regardless of whether the animal or dog is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or dog is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or dog is situated, nor is there any other legitimate cause which justifiably provoked the animal or dog.

Section 5. Guide Dogs Excluded. The provisions of Sections 1, 2, and 3 shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

Section 6. Penalty. Any owner, person, firm, association or corporation who shall violate any provision of this Ordinance shall, upon being found in violation thereof, be required to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), per occurrence.

Section 7. Repealer. All ordinances and regulations inconsistent herewith are hereby repealed.

Section 8. Invalidity. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, such decision shall not effect or impair the validity of the Ordinance as a whole, or any other cause, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or

remaining portion of the within Ordinance. The Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, hereby declare that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion hereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses or phrases or words may be declared illegal, unconstitutional or invalid.

Section 9. Effective Date. This Ordinance shall be effect five (5) days from the date of enactment.

ENACTED AND ORDAINED this 12th day of June, 1997.

ATTEST:

Richard E. Hummel

TOWNSHIP OF SOUTH HEIDELBERG
BOARD OF SUPERVISORS

[Signature]
[Signature]
Richard E. Hummel