

Chapter 82
DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Council of the Borough of Berwick as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Animals Generally
[Adopted 9-11-1972 by Ord. No. 1060]

§ 82-1. Running at large.

- A. No person being the owner of or having charge of horses, cattle, sheep, goats, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place or upon the premises of another.
- B. No person being the owner of or having charge of any dog, whether licensed or unlicensed, shall permit it to run at large upon any public place or upon the premises of another, or permit the dog to damage a garden or shrubbery or to frighten or molest any person or child. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat unless such dog is properly on leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper or under reasonable control of some person.

- C. The running at large of any such animal or fowl in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section.

§ 82-2. Impounding and disposition; records.

- A. The Police Department or Animal Disposal Officer may impound every animal or dog found in violation of § 82-1. If such dog is found not wearing a valid dog license tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If such dog is wearing a valid dog license tag or the identity of the owner or custodian is otherwise established, notice shall immediately be given to the licensee, owner or custodian that the dog has been impounded. Such notice may be by telephone or by registered or certified mail to the last known address of such licensee, owner or custodian. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping plus all other fees involved. Any dog remaining unclaimed for 10 days shall be sold or otherwise disposed of as provided by law.
- B. A record of all dogs impounded, the disposition of the same, the owner's name and address, where known, and a statement of any costs or receipts against such dog shall be kept and furnished monthly to the Mayor.

§ 82-3. Abandoning animals.

No owner or keeper of a dog, cat or other domestic animal or fowl shall abandon such animal or fowl.

§ 82-4. Killing, injuring or poisoning animals.

No person shall maliciously or willfully and without the consent of the owner kill, injure or administer poison to any animal that is the property of another; and no person shall willfully and without the consent of the owner place any poisoned food where it may be found and eaten by children or animals, either upon his own lands or the lands of another. This section does not apply to a licensed veterinarian acting in an official capacity.

§ 82-5. Cruelty to animals.

No person shall overwork, overdrive, overload or torture an animal; deprive one of necessary sustenance or shelter; unnecessarily or cruelly beat, needlessly mutilate or kill or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good, wholesome food and water. No person shall carry or convey an animal in a cruel or inhumane manner, or keep horses, cows or other animals in an enclosure without wholesome exercise and change of air, or work or abandon to die an old, maimed, sick, infirm or diseased animal.

§ 82-6. Nuisance conditions.

- A. No person shall keep or harbor any animal or fowl in the Borough of Berwick so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- B. No person, whether the owner or person in charge or control of an animal, shall permit the animal to destroy or damage any lawn, tree, shrub, plant, building or other property, other than the property of the owner or of the person in charge or control of such animal, by scratching, digging, defecating, urinating or by any other means.

§ 82-7. Habitual barking or howling.

No person shall keep or harbor any dog within the Borough of Berwick which, by frequent or habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of any neighborhood in the Borough of Berwick. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure which he occupies or owns shall be considered as harboring such dog.

§ 82-8. Quarantine of animals generally.

- A. Whenever it is established that any dog or other animal has bitten any person or shows signs of being infected with rabies, the owner or person having custody or possession of such animal, upon the order of the Board of Health, Chief of Police or the Animal Disposal Officer of the borough, shall quarantine such animal in a veterinarian's kennel or in the owner's home for a period of 10 days.
- B. At the end of the quarantine period, the owner or person having custody or possession of the animal shall have the animal examined by a veterinarian for signs of rabies. If any animal is found to be rabid, a report shall be made immediately to the Board of Health, Chief of Police or the Animal Disposal Officer of the borough and such officers shall make whatever arrangements they believe necessary pursuant to law.
- C. If the dog or other animal is quarantined in the home of the owner for the 10 days, such animal shall not be allowed out of the house except on a leash and in the custody of an adult.
- D. In the event that the owner or person having custody or possession of the animal fails to comply with the order provided for in Subsection A of this section within six hours after such order has been issued and served upon such owner or person having custody or possession, any police officer or Animal Disposal Officer of the borough may take such animal into custody and place the same in quarantine at the expense of the owner or person having custody or possession of the animal.

§ 82-9. Hunting prohibited.

The hunting of animals or fowl within the borough is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means unless specifically authorized by special permit issued by the Mayor to eliminate a nuisance.

§ 82-10. Liability for property damage.

The owner, keeper or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of this article.

§ 82-11. Keeping of certain animals prohibited. [Amended 9-1973 by Ord. No. 1068]

Effective January 1, 1974, no horses, donkeys, burros, cows, pigs, goats, sheep, ducks, geese or other such animals larger than the average dog shall be harbored within the Borough of Berwick except animals on dairy farms presently licensed by the Commonwealth of Pennsylvania.

§ 82-12. Animals in food stores.

No animals shall be permitted to be in any place where food is sold or manufactured for the purpose of sale. This section shall not apply to a blind person led by a trained dog nor a police officer utilizing a trained dog in the performance of his duties.

§ 82-13. Violations and penalties.

- A. Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine of not less than \$15 nor more than \$300, or in default of the payment of such fine, then to imprisonment for not more than 30 days.
- B. Each day's continuance of a violation of this article shall constitute a separate offense.

ARTICLE II**Poultry**

[Adopted 1-12-1970 as Ch. 70 of the 1970 Code]

§ 82-14. Loft or coop restrictions.

It shall be unlawful for anyone to keep a pigeon or poultry loft or coop in the Borough of Berwick in such a condition that it causes any unhealthful or unwholesome or disagreeable odor to the annoyance of the general public passing by on public places, including public streets, alleys, lanes or highways, or to the general public in the neighborhood.

§ 82-15. Straying of fowl prohibited.

It shall be unlawful for any person, persons, firm or corporation, partnership or association to allow pigeons or chickens or other fowl kept by them to fly or stray upon land of other individuals or houses or buildings of other individuals in the Borough of Berwick to such an extent that they shall constitute a public nuisance or to such an extent that the droppings from the said fowl shall constitute a health menace or shall create an unwholesome and unhealthful condition or to such an extent that the same shall interfere with the peaceful, proper and lawful use of the other person's property or buildings.

§ 82-16. Violations and penalties.¹

Any person, firm, corporation or partnership convicted by summary conviction of violating any of the provisions of this article shall, upon conviction before any District Justice of the Borough of Berwick, be subject to a fine of not less than \$15 nor more than \$300, or in default of the payment of such fine, be imprisoned for not more than 30 days.

ARTICLE III**Police Department Canine Dogs
[Adopted 7-20-1981 by Ord. No. 1151]****§ 82-17. Tormenting, teasing or injuring; interference.**

- A. It shall be unlawful for any person or persons to intentionally, willfully or maliciously torment, tease, kick, beat, strike, injure, disable or kill any dog owned and/or used by the Police Department of the Borough of Berwick or any other Police Department assisting the Department of Police of the Borough of Berwick.
- B. Further, it shall be unlawful for any person or persons to intentionally, willfully or maliciously interfere with any such dog used by the said Police Departments or any member thereof in the performance of any of the functions or duties of said Department or of such member thereof.

§ 82-18. Attempt to perform prohibited acts unlawful.

It shall be unlawful for any person or persons to intentionally, willfully or maliciously attempt to perform or commit the acts prohibited in § 82-17 above.

§ 82-19. Violations and penalties.

- A. Any person or persons violating the provisions of § 82-17 of this article shall, upon conviction thereof, be subject to pay the costs of replacement and the costs to train any such dog as shall be killed or disabled, and to pay the costs of treatment and care of such

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

dog if the same shall be injured, plus a fine of \$300 plus the costs of prosecution or 30 days' imprisonment, or both.

- B. Any person or persons violating the provisions of § 82-18 of this article shall, upon conviction thereof, be subject to a fine of \$100 plus the costs of prosecution or 15 days' imprisonment, or both.