

ORDINANCE NUMBER 271

**AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY,
PENNSYLVANIA REGULATING AND PROHIBITING CERTAIN
NUISANCES INVOLVING THE OWNERSHIP OF PETS AND
REQUIRING THE REGISTRATION OF CERTAIN PETS WITHIN THE
BOROUGH AND PROVIDING PENALTIES FOR ANY VIOLATIONS**

WHEREAS, the Borough of Bally (Borough) is responsible for enacting and enforcing matters associated with the health, safety and welfare of the residents; and

WHEREAS, the ownership of domesticated and exotic animals as pets is common within the Borough; and

WHEREAS, unrestrained pets and animal feces pose a risk to the health, safety and welfare of residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Bally as follows:

Section 1: **Name.** This Ordinance shall be the Borough of Bally Pet Ordinance.

Section 2: **Definitions.** The following words shall have the following meanings:

- A. **Borough.** The Borough of Bally, Berks County, Pennsylvania.
- B. **Exotic Pet.** Any animal or insect other than a domestic cat, dog, rabbit, bird, gerbil, hamster or fish, harbored inside or outside an owners residence for purposes of long term maintenance and care including feeding and/or veterinary care.
- C. **Owner.** For purposes of this ordinance, the word "owner" when applied to the proprietorship of a pet, shall include every person having a right of property in such pet, and every person who keeps or harbors such pet or has it in his or her care, and every person who permits such pet to remain on or about any premises occupied by him or her.
- D. **Pet.** Any animal, including but not limited to dogs, cats, domesticated livestock, ferrets, rabbits, or birds harbored inside or outside an owners residence for purposes of companionship or long term maintenance and care including feeding and/or veterinary care.

Section 3: Noise Disturbance. It shall be unlawful within the Borough for any pet owner to possess, harbor, or control any pet which barks, howls, screeches, yelps, bays or makes any noise or disturbance which interferes with or deprives any person of the peace, quiet, rest, sleep or legitimate enjoyment of their property any time of the day or night regardless of whether the pet is physically situated on or on private property.

Section 4: Public Annoyance. It shall be unlawful within the Borough for any pet owner to possess, harbor or control any pet which annoys, alarms, frightens, bites or otherwise harasses any person on public property or on private property which is open to the public after that pet owner has been asked to restrain or remove that pet from such public property or private property open to the public and that pet owner refuses to restrain or remove that pet.

Section 5: Animal Defecation on Public and Private Property Restricted.

No person having possession, custody or control of any pet, shall knowingly or negligently permit that pet to defecate 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 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 upon any private property other than the property of the owner of such animal.

Section 6: Disposal of Animal Feces.

A. Public Property. Any person having possession, custody or control of any pet, which defecates in any area other than the private property of the owner of such animal shall be required to immediately remove any feces from such area and either carry the same away for disposal, or place the same in a non-leaking container for deposit in a trash or litter receptacle.

B. Private Property. Any person having possession, custody or control of any pet which defecates on such person's private property shall be required to remove the feces from such property as frequently as necessary to prevent any odor from depriving such person's neighbors of the peaceful, quiet enjoyment of their own property. In any event, the person

having possession, custody and control of such pet shall remove the feces from his or her property no less than TWICE EACH WEEK.

Section 7: **Exceptions.** The provisions of Sections 4 and 5A, above, shall not apply to a guide dog accompanying any blind person(s), or to a dog used to assist any other physically handicapped person.

Section 8: **Registration of Exotic Pets.** Any owner of an exotic pet must register such exotic pet with the Borough by completing a registration form in the Borough Hall. Such registration must occur within five days of acquiring such pet, or in the event an owner already has such an exotic pet upon the enactment of this Ordinance, within five days of enactment of this Ordinance.

Section 9: **Enforcement.** The requirements set forth in this ordinance shall be enforced by the Bally Borough Police.


Section 10: **Violations.** Any violations of this Ordinance that would also violate any law of the Commonwealth of Pennsylvania, shall be prosecuted under that State law and not under this Ordinance. Any person who shall violate any provision of this Ordinance shall be guilty of a Summary Offense and upon conviction thereof, be sentenced to pay a fine of not more than \$300.00, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 11: **Severability.** If any provision(s) of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision(s) shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

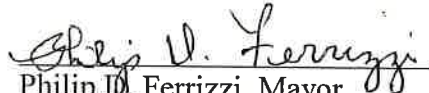
Section 12: **Effective Date.** This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an Ordinance this 2nd day of November, 2009.


Leo D. Mutter, Council President

Attest: 
Andrea DeLo, Secretary

Approved:


Philip D. Ferrizzi, Mayor