

ORDINANCE NO. 1173

AN ORDINANCE OF THE BOROUGH OF WEST READING, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 152, TITLED "ANIMALS," OF THE CODE OF THE BOROUGH OF WEST READING, AS AMENDED, TO ADD AND REVISE DEFINITIONS, CREATE THE POSITION OF ANIMAL CONTROL OFFICER TO BE DULY APPOINTED BY BOROUGH COUNCIL, REQUIRE CATS AND DOGS TO HAVE IDENTIFYING TAGS, ENACT "BLUE CODE / RED CODE LAWS," WHICH PROHIBIT AN ANIMAL FROM BEING KEPT OUTDOORS DURING CERTAIN EXTREME COLD OR HOT WEATHER CONDITIONS UPON DECLARATION OF THE ANIMAL CONTROL OFFICER, PERMIT IMPOUNDMENT OF AN ANIMAL UPON ISSUANCE OF A SEARCH WARRANT OR DURING AN EXIGENCY WHEN SUCH ANIMAL IS A PUBLIC NUISANCE, VIOLATING AN ORDER ON PUBLIC PROPERTY, OR OTHERWISE UNATTENDED OR ABANDONED OUTDOORS OR IN AN AUTOMOBILE AND NEEDING LIFE-SAVING CARE, AND SPECIFY A PROCESS FOR NOTIFICATION OF IMPOUNDMENT TO THE OWNER OF THE ANIMAL AND RECLAMATION OF IT BY HIM, AS WELL AS ALLOWING AN UNCLAIMED ANIMAL TO BE ADOPTED OR EUTHANIZED BUT ONLY UPON DUE PROCESS OF LAW AND WHEN AUTHORIZED BY THE LAWS OF THIS COMMONWEALTH.

**CHAPTER 152
ANIMALS**

WHEREAS, the Borough of West Reading, Berks County, Pennsylvania is a borough and municipal corporation operating pursuant to the Borough Code, 8 Pa.C.S. 101, *et seq.*;

WHEREAS, the Borough of West Reading, Berks County, Pennsylvania has many animal and pet owners within its jurisdiction;

WHEREAS, the Borough of West Reading, Berks County, Pennsylvania is amended its regulations concerning animals, pets, and animal and pet owners for the continuing health, safety, and welfare of its residents; and

WHEREAS, the Borough of West Reading, Berks County, Pennsylvania is authorized to take the aforementioned action pursuant to Sections 1202(5) and 1202(9) of the Borough Code, amongst other provisions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of West Reading, Berks County, Pennsylvania as follows:

Section 1. Amendments. Chapter 152, “Animals,” of The Code of the Borough of West Reading, Berks County, Pennsylvania is hereby amended to include the following language:

Section 152-1. Definitions.

Animal Control Officer

The person duly appointed by the Borough who is tasked with enforcing all provisions of this Chapter.

At-Large

An animal that is off the premises of the owner and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal, or which meets the language set forth in Section 152-12(A).

Attack(s)

Whether or not in response to a command by its owner, an animal that attempts to or does kill, destroy, injure, bite, wound, harm, or otherwise damage any person, domestic animal, or livestock. This definition also includes, but is not limited to, an animal that a reasonable person under a totality of the circumstances would upon observation conclude to be stalking or pursuing any person, domestic animal, or livestock regardless of whether it attempts to kill, destroy, injure, bite, wound, harm, or damage that person, domestic animal, or livestock.

Impoundment

The taking into custody of an animal by any Officer.

Officer

A police officer and/or animal control officer.

Provocation

Any action which incites, instigates, angers, irritates, enrages or stimulates an animal.

Public Nuisance Animal

Any animal that unreasonably annoys a person, endangers the health, safety or welfare of a person, or substantially interferes with the use and enjoyment of a person’s property, including but not limited to:

- (1) Any animal that is found running at-large;
- (2) Any animal in attack;
- (3) Any animal that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way or on public property; or

- (4) Any animal that chases motor vehicles in a public right-of-way or on public property.

Sanitary

A condition of good order and cleanliness to minimize the possibility of disease transmission.

Section 152-1.1. Animal Control Officer.

Borough Council may appoint an Animal Control Officer to carry out and enforce any and all provisions of this Chapter.

Section 152-3. General Standards; Code Blue and Code Red.

- D. Any dog or cat owned by any resident of the Borough must have a tag providing its name as well as its owner's name, address, and telephone number.
- E.1. The Borough's Animal Control Officer may declare a "Code Blue" or "Code Red" relating to cold or hot weather, respectively, that requires the owner of an animal to temporarily bring and keep it in his dwelling for its protection from the elements when the National Weather Service (NWS) predicts a wind chill temperature of twenty degrees Fahrenheit (20° F) or below, precipitation with temperatures below thirty-two degrees Fahrenheit (32° F), or a heat index of ninety-five degrees Fahrenheit (95° F) or above.
- E.2. At least eight (8) hours before the Code Blue or Code Red is effective, the Animal Control Officer shall announce the Code Blue or Code Red declaration on the Borough's website and social media accounts, and inform all local media outlets.
- E.3. During the Code Blue or Code Red, an owner of an animal shall not allow the animal to remain unattended or unsupervised outdoors.
- E.4. The Animal Control Officer may retract a Code Blue or Code Red declaration at any time if the weather does not fall below or exceed the thresholds set forth in Section 152-3(D.1) as previously predicted by the National Weather Service (NWS) by providing notice to all local media outlets and on the Borough's website and social media accounts.
- E.5. Only an Officer or other individual authorized to prosecute violations of state law concerning the welfare and/or protection of animals shall have the power to prosecute a violation of this Section.

Section 152-3.1. Impoundment.

- A. In addition to the other penalties provided in Section 152-15, an Officer may temporarily seize, impound, or humanely confine any animal if he has probable cause to believe that any provision of this Chapter has been violated, and follows the laws of this Commonwealth to obtain and execute a search warrant to seize, impound, or humanely confine that animal.
- B. Pursuant to the laws of this Commonwealth, that Officer need not obtain and execute a search warrant to temporarily seize, impound, or humanely confine an animal pursuant to

Section 152-3.1(A) under the following circumstances, which the Borough finds sufficiently compelling exigencies to justify the immediate albeit temporary seizure, impoundment, or humane confinement of that animal for the health, safety, and welfare of its residents:

- (1) Any public nuisance animal;
 - (2) Any animal that is in violation of any quarantine or confinement order and is in a public right-of-way or on public property;
 - (3) Any unattended or abandoned animal that is outdoors or in an automobile, and a reasonable person under a totality of the circumstances would conclude is freezing, overheating, critically ill, severely injured, or otherwise in need of immediate, life-saving care;
 - (4) Any animal that a court of competent jurisdiction has ordered impounded or destroyed but is in a public right-of-way or on public property; and/or
- C. In lieu of temporary seizure, impoundment or humane confinement, an Officer may issue a Notice of Violation or Citation.

Section 152-3.2. Impoundment Notice to Owner; Redemption.

- A. Upon impoundment of the animal, the Officer shall immediately thereafter notify the owner in person if his last known address is in the Borough by delivering a written notice disclosing the identity of the Officer and his/her contact information, the date, time, nature, place, and circumstances of the impoundment, where the animal is impounded, how to reclaim the animal, and all contents of this Section 152-3.2. If the owner's last known address is outside of the Borough then the Officer shall provide said written notice as described in the preceding sentence by certified mail, return receipt requested, postage prepaid, and overnight courier, postage prepaid.
- B. An owner reclaiming an impounded animal shall pay a fee for each day the animal has been impounded pursuant to Chapter 212, Fees.
- C. An impounded animal not reclaimed by its owner within ninety-six (96) hours of delivery of the notice(s) required by Section 152-3.2(A) shall become the property of the Borough if that animal's owner is also found liable or convicted of violating this Ordinance, Chapter 55(B) of the Pennsylvania Crimes Code, 18 Pa.C.S. § 5531, *et seq.*, the Dog Law, 3 P.S. § 459-101, *et seq.*, the Rabies Prevention and Control in Domestic Animals and Wildlife Act, 3 P.S. § 455.1, *et seq.*, or any other local, state, or federal law, rule, or regulation concerning the welfare of animals. In such instance, an individual or entity having the jurisdiction and authority under the laws, rules, and regulations of this Commonwealth may, if the violated law, rule, or regulation, or court order permits, mandate that the animal be placed for adoption, put in an animal shelter, or euthanized in a manner prescribed by him or it and according to the laws of this Commonwealth.

Section 2: Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid then the same shall neither affect nor impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

Section 3: Full Force and Effect. Chapter 152 of The Code of the Borough of West Reading, as amended, shall remain unchanged and in full force and effect except as explicitly amended by this Ordinance, which shall become part of The Code of the Borough of West Reading.

Section 4: Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 5: Effective Date. This Ordinance shall become effective on the earliest date allowable under applicable law.

DULY ORDAINED AND ENACTED this 19th day of September 2023 by the Borough Council of the Borough of West Reading, Berks County, Pennsylvania during a lawful session duly assembled.

BOROUGH OF WEST READING

By: _____
Ryan Lineaweaver, Council President

Attest: _____
Cynthia Madeira, Borough Secretary

Examined and approved this 19th day of September 2023.

Samantha Kaag, Mayor