

ORDINANCE NO. 378

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, REGULATING THE KEEPING AND MAINTAINING OF ANIMALS AND IMPOSING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania and it is hereby enacted and ordained as follows:

SECTION 1. NAME. This Ordinance shall be known as the Leesport Animal Control Ordinance.

SECTION 2. DEFINITIONS. The following terms shall be construed throughout this Ordinance to have the meaning herein indicated:

- A. Person shall mean any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine.
- B. Run at large shall mean being upon any public highway, street, alley, park, sidewalk, 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.

SECTION 3. UNLAWFUL ACTIVITY. It shall be unlawful within the Borough of Leesport for any person to permit any animal or bird owned, possessed, harbored or controlled by such person to:

- A. Run at large;
- B. Make any noise continuously and/or incessantly for a period of ten minutes, or make such noise intermittently for one-

half hour or more to the disturbance of any person anytime 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;

C. Commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Leesport, 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 or bird.

SECTION 4. DISPOSAL OF ANIMAL FECES. Any person having possession, custody or control of any animal or bird which commits a nuisance, i.e. defecation, in any area other than the private property of the owner of such animal or bird, as prohibited in Section 3.C., shall be required to immediately remove any feces from such surface and either:

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

SECTION 5. DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS EXEMPTED. The provisions of Sections 3.C. and 4. hereof 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. PENALTIES. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00). In default of payment thereof, violators may be sentenced and committed to prison, as provided by law. A separate offense shall arise for each day or portion thereof in which a violation is found to exist for each section of this Ordinance which is found to have been violated.

SECTION 7. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Leesport that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. Ordinance No. 294, enacted May 11, 1977, is specifically repealed.

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ENACTED AND ORDAINED as an Ordinance of the Borough of  
Leesport, Berks County, Pennsylvania, this 16th day of  
December, 1998.

ATTEST:

*Janice Heiser*  
Secretary

BOROUGH OF LEESPORT

*Robert J. Hilary*  
President of Council

*Robert E. Hoffmister*  
Mayor