



CITY COUNCIL

Public Safety Committee

Monday, August 20, 2007
Agenda
5:00 p.m.

- I. Review Animal Control Ordinance (Waltman) 5:00 p.m.**
 - Expanding upon current regulations
 - Possible containment regulations

- II. Massage-Spas (V. Krall) 6:00 p.m.**

- III. Update: Enforcement of Curfew Ordinance 6:30 p.m.**
 - Performance of curfew center

- IV. Update: Enforcement of Disruptive Tenant Ordinance 6:45 p.m.**
 - Status of Appeals Board

City Of Reading
815 Washington Street
Reading, PA 19601

August 13, 2007

Dear [Mayor McMahan/City Council Members],

As you are well aware, an enormous amount of attention has been given to the apparent pit bull “bite epidemic” in Reading during 2007. As an agency with both a humane mission to help animals and an obligation to enforce state and local animal-related laws and ordinances, the Humane Society of Berks County (HSBC) has found itself in an unusual situation.

These dual roles allow us to see the best and worst of animals and their caretakers (if an animal is lucky enough to have one). The HSBC’s staff regularly and primarily sees the best, most wonderful pit bull terriers in the world. However, we also see the aftermath of brutal attacks by dogs, attacks that are particularly severe when caused by the powerful jaws of dogs such as pit bull terriers. Therefore, we have sympathy for both sides of the “animal control ordinance” debate—those who believe that the ordinance will penalize the vast majority of wonderful, well behaved pit bulls and those who say it is a reasonable safety measure to help decrease the devastating effect of the upturn in reported dog bites in Reading, a disproportionate number of which are by pit bulls.

However, with the potential re-instatement of animal control ordinance dangerous breed provisions, which will have a significant impact on the owners of one particular group of dogs, likely pit bull terriers, the HSBC must take a clear stand regarding the elements of the ordinance. The Board of Directors of the HSBC has recently authorized the following position statement, which consists of two specific recommended revisions to the existing ordinance and two potential revisions which we strongly urge the city consider.

Position Statement: The Humane Society of Berks County recognizes the necessity to create a safe community for city residents, both two- and four-legged. The HSBC recognizes that the desire for regulation of certain aspects of dog care and behavior based on specific, quantifiable data is understandable and reasonable, and that these regulations should be thoughtful, based in fact, constitutional, and demonstrably effective. The current animal control ordinance is an understandable and well-meaning attempt on the part of city government to

balance public safety and animal welfare.

However, the ordinance contains one provision and lacks another that are vital to ensuring that this well intentioned ordinance is both effective and fair for pet owners and humane for pets. The Humane Society of Berks County recommends that two alterations be made to the existing ordinance and two areas be investigated for potential consideration:

1. The muzzling requirement for a breed determined to be “dangerous” should be removed from the ordinance.

2. Owners of well behaved, sterilized dogs that are of the breed deemed dangerous based on the animal control ordinance’s numerical formula should be given a means to be "exempted" from the enforcement provisions.

3. The HSBC strongly encourages the consideration, based on the quantifiable statistics collected, that the sterilization status of a dog be considered as strongly as its breed.

4. The HSBC encourages a mechanism for changing the triggering formula based on the demographic statistics of a given breed of dog, as well as all breeds combined.

The muzzling requirement for a breed determined to be “dangerous” should be removed from the ordinance. Although this provision is intended to safeguard citizens, there is no proof that it will or ever has done so. In 2007, no bite occurred while a dog was under leash control. All bites occurred while dogs were either running at large or confined in a yard or building, times one would not expect a dog to be muzzled.

Additionally, while an argument may be made that a properly fitted muzzle is not inhumane or detrimental to dogs, the fact remains that most owners do not know how to obtain an appropriate muzzle or properly fit it. The resulting poor fitting muzzle can lead to injury of the dog, social stigma on the part of the owner, and negative behaviors from the dog.

There is no reasonable basis in historical bite statistics for this requirement and there is no substantive argument to justify this provision.

Owners of well behaved, sterilized dogs that are of the breed deemed dangerous based on the animal control ordinance numerical formula should be given a means of being “exempted” from the enforcement provisions. Since virtually everyone agrees that at least some great, well behaved dogs are going to be swept up in the enforcement of the ordinance, the HSBC recommends a standardized means for dog owners to prove their companion dogs’ “good citizen skills”.

The HSBC endorses allowing dog owners of breeds deemed to be “dangerous” to avoid enforcement requirements through a passing evaluation from a recognized, certified evaluator administering a recognized, standardized behavioral evaluation. The HSBC recognizes the American Kennel Club’s Canine Good Citizen Test as one such nationally recognized, standardized, and locally available test. This test evaluates the social and behavior skills of a dog, the very traits at question under the ordinance.

Owners of dogs passing this test would be able to display an alternate to the “Dangerous Dog” placard and dog tag. They would instead be able to display a “Canine Good Citizen” placard and tag and could avoid the associated increased licensing expenses, etc. “Good” dogs and owners could demonstrate their exceptional behavior and not be caught up in a net rightfully intended for “bad” dogs and owners. Any animal related violation could result in the immediate rescinding of the exemption.

The test is already given locally by area dog training clubs and others and is readily available and affordable.

The HSBC strongly encourages the consideration, based on the quantifiable statistics collected, that the sterilization status of a dog be considered at least as strongly as its breed. While pit bulls account for 47% of reported dog bites in 2007, unsterilized dogs of any breed account for 87% of reported bites (as of 8/13/07). Sterilization status is the single biggest quantifiable risk factor related to dog bites in the city-- more than breed, sex, indoor/outdoor living, or anything else.

The HSBC encourages city government to investigate whether sterilization status should be taken into account when triggering ordinance enforcement of a given breed. Moreover, consideration should be given to extending the license cost differential built into the ordinance for “dangerous breeds” (with unsterilized dogs costing ten times more to license than sterilized dogs) to all dogs. As the single biggest common factor in all dog bites, this may, in fact, be a more effective means of controlling the number of bites across the spectrum of breeds.

The HSBC encourages a mechanism for changing the triggering formula based on the demographic statistics of a given breed of dog, as well as all breeds combined.

The current ordinance, originally crafted in 1997, requires 30 bites total and 40% by a single breed to trigger the ordinance. However, this does not address changes in the number of dogs living in the city. If the formula was deemed reasonable in 1997, is it still reasonable if there are twice as many dogs or half as many? Clearly, changes in canine population will impact the number of bites, yet the formula remains static.

Additionally, the 40% breed trigger has remained static. If a breed accounted for 25% of the population in 1997 and 50% of the population in 2007, it would be reasonable to

project a corresponding increase in the percentage of bites by that breed. No such demographic study has been performed and no consideration for these changes is even possible as the ordinance now reads. The HSBC strongly encourages investigation into this option.

The Humane Society of Berks County understands that these modest revisions will not assuage the concerns of some people on both sides of this issue. However, after a great deal of research and deliberation, the HSBC feels that these revisions will address the major substantive concerns of both a safety-minded public and conscientious dog owners. The revisions allow for reasonable legislative initiatives, a means for great dog owners to avoid unnecessary expense and hardship, an avoidance of draconian care and behavior restrictions on good dogs, and the safety of the residents of Reading.

It is our hope that these suggestions will be carefully considered and implemented in the spirit of animal welfare, public safety, and effective government. I will be happy to meet with any member of city government or city resident to more fully explain these recommendations.

Sincerely yours,

Karel I. Minor
Executive Director

ANIMAL CONTROL

§2-101. Purpose.

The purpose of this Part is to promote the public health, safety and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

(Ord. 72-2005, 11/15/2005, §1)

§2-102. Definitions.

When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ANIMAL CONTROL OFFICER - a City employee authorized to enforce the City of Reading Codified Ordinances, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

ANIMAL HOSPITAL - any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

ANIMAL NUISANCE - any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

ANIMAL SHELTER - any facility operated by the City or humane society for the temporary care, confinement and detention of animals and for the humane euthanization and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

HEEL - the animal is directly behind or next to a person and obedient to that person's command.

AT LARGE - an animal 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.

ATTACK - the deliberate action of a dog whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, animate or inanimate object, with obvious intent to destroy, kill, wound, injure or otherwise harm the object of its action.

CRUELTY - any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

DESIGNATED ANIMAL CONTROL AUTHORITY - agency that has a contract with the City of Reading for animal control.

DOG, DANGEROUS - any dog as defined in 3 P.S. 459-502-A(1).

DOG, AGGRESSIVE - as any dog that is a member of any canine breed in whole or in any part that accounts for 40% or more of the dog bite incidents whether on humans or animals reported to the City of Reading Police Department and/or the Humane Society, as determined by the Animal Control Board on annual basis each January based upon statistics for the preceding year provided that the total number of dog bite incidents reported of all breeds exceeds 30.

DISPOSITION - adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

DOMESTIC COMPANION ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

DOMESTIC AGRICULTURAL ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes are strictly prohibited.

EXEMPT EXOTIC ANIMAL - any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores within Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and nonpoisonous amphibians not requiring State, Federal, or City permitting.

GUARD or ATTACK DOG - a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

IMPOUNDMENT - the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

KENNEL - any premises wherein any person engages in the business of boarding, breeding buying, letting for hire, training for a fee or selling dogs or cats.

MUZZLE - a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OWNER - any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Part. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days.

NATIVE WILDLIFE ANIMAL - all non-domestic animals naturally occurring in the wild within the borders of Pennsylvania.

PUBLIC NUISANCE ANIMAL - any animal that unreasonably annoys humans, endangers the life or health of person or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

- (1) Any animal that is found running at large.
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.
- (3) Any animal that damages any property other than that of its owner.
- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by the City of Reading Codified Ordinance Chapter 10, Part 2, "Noise Control," §10-204.
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.
- (7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
- (8) Any animal that chases motor vehicles in a public right-of-way.
- (9) Any animal that attacks domestic animals.
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- (11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

SANITARY - a condition of good order and cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT - an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS or DANGEROUS ANIMAL - any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous.

(Ord. 72-2005, 11/14/2005, §1)

§2-103. Nuisances.

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(Ord. 72-2005, 11/14/2005, §1)

§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animal.

It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal, or native wildlife animal within the City without the written permission.

of the Animal Control Board. Such permission shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety. (Ord. 72-2005, 11/14/2005, §1)

§2-105. Caring for Animals.

PA Code Animal Regulations - 18 Pa.C.S. §5511.

(Ord. 72-2005, 11/14/2005, §1)

§2-106. Sanitation.

1. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are housed, maintained or kenneled.
2. The number of animals housed or maintained within a structure, or upon any premises, shall be limited only to those animals that can be adequately maintained in a clean and sanitary condition as determined by the Health Officer.
3. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the Health Officer. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.
4. People owning, harboring or keeping an animal within the City shall NOT permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
5. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.
6. No person shall maintain, transport or carry any animal or pet in any eating and drinking establishment, food manufacturing or food service facility, except trained guide dogs for the blind.
7. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

§2-107. Restraining and Confinement Generally.

1. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.
2. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.
3. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.
4. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

(Ord. 72-2005, 11/14/2005, §1)

§2-108. Restraint of Guard Dogs.

1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by

a fence at least 6 feet in height and shall be topped with an anticleimbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

2. All anticleimbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.

3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

4. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

(Ord. 72-2005, 11/14/2005, §1)

§2-109. Restraining of Dangerous Dogs or Aggressive Dogs.

Every dangerous dog or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper. Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of 300 pounds and not more than 3 feet in length or caged. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

(Ord. 72-2005, 11/14/2005, §1)

§2-110. Property Owners May Impound.

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

(Ord. 72-2005, 11/14/2005, §1)

§2-111. Return of Animal to Owner.

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

(Ord. 72-2005, 11/14/2005, §1)

§2-112. Disposition of Large Animals.

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and Animal Shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

(Ord. 72-2005, 11/14/2005, §1)

§2-113. Dangerous Dog and/or Aggressive Dog Permits.

1. **Permit Required.** No person shall own, keep, or harbor any dangerous and/or aggressive dog over the age of 3 months within the City unless such dog has a permit as provided in this Part.

2. **Application.** Application for such permit shall be made available by the owner on a form to be provided by the City and made available at the designated animal control authority for any dangerous and/or aggressive dog over 3 months of age; providing, that

any owner moving to the City for the purpose of establishing residence or becoming a resident as a result of annexation, and otherwise required to obtain a permit, shall have until 10 days after moving or annexation to obtain such a permit. [*Ord. 20-1999*]

3. Proof of Rabies Vaccination Required. All owners applying for a permit must show to the satisfaction of the licensing authority that the animal for which the permit is being obtained has been inoculated against rabies within the last year.

4. Proof of Sterilization. Any owner claiming that their dog has been spayed or neutered must show to the satisfaction of the licensing authority that such operation has been performed.

5. Dangerous Dog and/or Aggressive Dog Permits. An annual permit fee of \$50 if spayed or neutered or \$500 if not spayed or neutered shall be paid by the owner of any dangerous dog or aggressive dog, as defined in §2-102.

6. Permit fees shall not be required for seeing eye dogs, government police dogs or registered therapy dogs. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the Animal Control Board that the dog in question is entitled to such an exemption.

(*Ord. 72-2005, 11/14/2005, §1*)

§2-114. Permit Tags; Identification.

1. Upon payment and acceptance of the permit fee, the licensing authority shall issue a durable and color-coded permit tag (or collar), stamped with the year of issuance and an identification number for the animal for which the permit has been obtained. Any permit issued for keeping of a dangerous dog or aggressive dog shall take effect on the date of issuance, shall be valid for a period of 1 year beginning on February 1 of the current year and ending on January 31 of the succeeding year, with the cost of same as defined in §2-114 pro-rated by month and valid for the remaining months of the calendar year as defined above. Every dog for which the owner is required to obtain a permit must wear a valid permit tag (or collar) at all times when the animal is off the premises of its owner. All permit fees collected shall be forwarded to and used by the Berks County Humane Society to cover administrative costs.

2. No person may use a permit for any animal other than the animal for which the permit was issued. It shall also be unlawful for any person to remove from the neck of any dog the permit tag (or collar) issued pursuant to this Section or alter such tag in any manner.

(*Ord. 72-2005, 11/14/2005, §1*)

§2-115. Impoundment.

1. In addition to any other remedies provided in this Part, an Animal Control Officer or a Police Officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

A. Any dog without a valid permit tag or license.

B. Any animal at large.

C. Any animal constituting a public nuisance or considered a danger to the public.

D. Any animal that is in violation of any quarantine or confinement order of a Health Officer.

E. Any unattended animal that is ill, injured or otherwise in need of care.

F. Any animal that is reasonably believed to have been abused or neglected.

G. Any animal that is reasonably suspected of having rabies.

H. Any animal that is charged with being potentially dangerous, aggressive or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.

I. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.

J. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

K. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

2. An Animal Control Officer or Police Officer may also, or in lieu of impoundment, issue to the owner a citation.

§2-116. Notice to Owner and Redemption.

1. Upon impoundment of an animal, the Humane Society shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

2. An owner reclaiming an impounded animal shall pay a fee of \$25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.

3. Any animal not reclaimed by its owner within 48 hours shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the Humane Society.

4. Any dangerous dog or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the Humane Society.

(*Ord. 72-2005, 11/14/2005, §1*)

§2-117. Animal Control Board Established.

1. There is hereby established a City Animal Control Board.

2. The Mayor shall appoint five members plus two alternates subject to confirmation by City Council. The two alternate members shall represent the community at large and shall be empowered to sit on the Board in the absence of a Board member. In the event of the absence of one Board member, the alternate with the greatest length of service in the position will serve. In the absence of two Board members both alternates will serve. In the absence of both alternates, the Mayor may designate a temporary alternate at large. One of the five regular appointees shall be designated as chairperson by the Mayor, subject to confirmation by Council.

A. Two members shall be appointed as representatives of the community at large.

B. Two members shall be appointed representatives of animal humane societies and animal shelters.

C. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

D. Two alternates shall be appointed as representatives of the community at large.

3. The term of each member shall be 3 years, or until a successor takes office.

(*Ord. 72-2005, 11/14/2005, §1; as amended by Ord. 42-2006, 5/22/2006, §1*)

§2-118. Animal Control Board; Powers and Duties.

1. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk.

2. The Board shall also have the authority to do the following:

A. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in

writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.

B. Make determinations of aggressive dogs as defined under "Definitions," §2-102.

3. The Board shall meet at the call of the Chairperson to take the following actions:

A. Prepare and present the Animal Control Board budget to the Director of Finance.

B. Recommend to the City Council changes in the law regarding the control of animals.

(Ord. 72-2005, 11/14/2005, §1)

§2-119. Sanctions and Remedies.

1. Obedience training for the animal(s) in question.

2. Muzzling of an animal while off the property of the owner.

3. Confinement of an animal indoors.

4. Confinement of an animal in a secure enclosure.

5. Reduction of the number of animals kept at any one location.

6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.

7. The sterilization of an animal.

8. A ban on maintaining other animals in the City.

9. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

10. Any fees previously paid nonrefundable.

(Ord. 72-2005, 11/14/2005, §1)

§2-120. Appeals.

Any person aggrieved by any decision of an Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

(Ord. 72-2005, 11/14/2005, §1)

§2-121. Enforcement.

Animal Control Officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with Police Officers, shall have the authority to act on behalf of the City and the Animal Control Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Part. It shall be a violation of this Part to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

(Ord. 75-2005, 11/14/2005, §1)

§2-122. Violations and Penalties.

1. It shall be violation of the Part to:

A. Fail to comply with any provision of this Part.

B. Fail to comply with any lawful order of the Animal Control Board, an Animal Control Officer, or Police Officer unless such order is lawfully stayed or reversed.

2. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

3. Notwithstanding any other penalties imposed by this Section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in §2-102 herein), shall be subject to a minimum fine of \$500 to a maximum of \$1,000 plus costs and other fees and penalties included within the terms of this Part and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. All fines collected shall be forwarded to the Berks County

Humane Society to cover administrative expenses.