



# ***CITY COUNCIL***

## ***Standards of Living Committee***

**Monday, May 19, 2014**  
**Council Office**  
**5:00 pm**

**The Standards of Living Committee's responsibilities and topics include but are not limited to Housing Planning strategies, Building, Trades and Property Maintenance Inspection and Enforcement, Public Safety, Public Works, Police, Fire, Neighborhood Parks, Neighborhood Revitalization, Community Development, Customer Service, Graffiti Abatement, Community Group Organization and Support**

**Committee Members:** Mr. Sterner, Mr. Daubert (Co Chairs) and Mr. Marmarou

*Although Council committee meetings are open to the public, public comment is not permitted at Council Committee meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the Committee Chair.*

*All electronic recording devices must be at the entry door in all meeting rooms and offices, as per Bill No. 27-2012*

- I. Acknowledge Receipt of Administrative Reports - Questions**
  - **CSC**
- II. Copper Piping Requirement in City Properties - Building Trades, Police**
- III. Animal Amendment - Board of Health**
- IV. Updates**
  - 1. Wyomissing Park Street Lighting**
  - 2. Pagoda MOU**
  - 3. Berks Area Mountain Biking Association**
  - 4. Update Snow Emergency Plan and Snow Removal**
  - 5. UGI Meter Replacement - meeting held with PUC April 24**



# *CITY COUNCIL*

## *Standards of Living Committee*

**Monday, April 21, 2014**  
**Meeting Report**

**Committee Members Attending:** D. Sterner (Co-Chair), C. Daubert (Co-Chair), S. Marmarou

Others Attending: S. Katzenmoyer, C. Snyder

The meeting was called to order at 5:00 pm by Mr. Sterner.

### **I. Review Administrative Reports**

Ms. Katzenmoyer stated that there were no reports to review at this meeting.

### **II. 2014 Priorities**

Ms. Snyder asked for a reminder of the priorities identified by the Committee. Ms. Katzenmoyer stated that at the March meeting the Committee identified the Pagoda MOU, the requirement for copper piping, a business friendly environment and an introduction to the Deputy CD Director.

Ms. Snyder stated that she will address the Pagoda MOU later in the meeting. She suggested having Codes, Police and Trades present for the copper piping update.

Mr. Daubert questioned why copper piping was necessary. Ms. Katzenmoyer explained that it is required as a way to ground the electrical work safely.

Ms. Snyder stated that there are several problems with requiring copper piping including the cost and the theft associated with it. She stated that this topic will be discussed at the Committee's May meeting.

She also suggested that the Deputy CD Director make his introduction at a Committee of the Whole so that all of Council can meet him.

Mr. Daubert stated that residents seem to be confused about the difference between the Great American Clean-Up and the new City spring clean-up.

Mr. Sterner requested an update on the printing of the Guidebook. Ms. Snyder stated that the City did not receive enough advertising to pay for the printing of the book. She stated that there has also been turnover at the Reading Muhlenberg Career and Technology Center and that no one knows the quote given in the past.

Mr. Sterner questioned if the book was complete. Ms. Snyder stated that Maritza is currently working on this project and that she will send a progress report to Council.

Mr. Marmarou questioned who and how many businesses contributed. He suggested that Council may assist with getting additional ads. Ms. Snyder stated that she will supply this information in the update. She stated that the checks that were sent have been cashed and the project needs to be completed. She stated that City businesses should be targeted for advertising. She explained the Guidebook to Mr. Daubert.

Mr. Daubert stated that there have been several complaints from residents in his District about tractor trailers parking in residential areas. He explained that it is mostly on Pershing Blvd and S 2<sup>nd</sup> St.

Mr. Marmarou described the problems with tractor trailer parking in the 1100 and 1200 blocks of Richmond St. He stated that there is a parking lot nearby but that many won't pay to park. Ms. Katzenmoyer explained that, unlike Pershing Blvd, this street is not zoned residential, but commercial allowing the truck parking.

Ms. Snyder suggested allowing parking on only one side of these blocks of Richmond St. Ms. Katzenmoyer suggested that Ms. Snyder speak with Chief Heim and Mr. Jones about changing the parking in this block.

### **III. BPRC Performance Report**

Ms. Snyder stated that this annual report is a summary of the BPRC's work beginning in 2009. She stated that the report was prepared by John Kromer. She stated that the BPRC identifies blighted properties and tries to bring them back into compliance with regulations and get them occupied. She stated that Property Maintenance reviews the conditions of the properties identified to determine if they qualify for the process. The BPRC gives the property owner ample time to correct the problems before certifying the property as blighted.

Mr. Daubert questioned if the owner was compensated if the property is taken. Ms. Snyder stated that compensation is negotiated.

Ms. Snyder explained that many other municipalities use CDBG funds for demolition of properties and that this funding has diminished. She explained that Reading continues its work to rehab properties rather than demolish them. She stated that Property Maintenance is careful to choose properties in relation to the Market Value Analysis (MVA) map which increases the likelihood of rehabilitation of the property.

Ms. Snyder explained that the work of the BPRC began in 2009 and 174 properties have been certified. She stated that a substantial number of those properties have been rehabilitated and are current on taxes, fees, and have no codes violations. She stated that nine properties have been de-certified and that six properties have been transferred to the City's housing partners for rehabilitation.

Ms. Snyder stated that the BPRC was working quickly and that became a problem for maintenance and other issues. She stated that the BPRC will now examine 25 properties per year for better City management. She stated that the Committee has excellent and diligent members with a streamlined process.

Mr. Daubert questioned if the properties which were taken were vacant. Ms. Snyder stated that most were.

Ms. Snyder stated that Reading now has the top performing BPRC in the State.

Mr. Marmarou stated that the deteriorated conditions continue at 1925 N 14<sup>th</sup> St. Ms. Katzenmoyer stated that she will send the details on this property to Ms. Snyder. (*Note: the BPRC has certified this property as blighted.*)

### **IV. Wyomissing Park Street Lighting**

Ms. Snyder stated that she met with a small group of residents about this issue last week. She stated that the residents have been very patient and that the City's timeline is to have this project completed in October 2014.

Mr. Marmarou questioned if the wires would be overhead. Ms. Snyder stated that they will be underground.

Ms. Snyder stated that Met Ed has donated the lights and the wiring to the City for ownership. She stated that the City is now examining the costs for replacement and that there are funds in the 2014 budget for this project. She stated that the bid will have two options – replace the wiring, poles and fixtures at the same locations and the cost to rewire the existing poles and fixtures.

Ms. Snyder stated that multiple options were presented to the small group and that they want to keep what is currently there. She hoped that the project would begin in July 2014.

Mr. Marmarou questioned how many fixtures are in this area. Ms. Snyder stated that it is 50.

Ms. Snyder explained that the current conduit will be used if it is deep enough. She stated that digging up driveways will try to be avoided. She stated that overall the residents were pleased with progress. She stated that the incandescent bulbs will be replaced with LED lights and color and brightness became an issue. She stated that these discussions continue. She explained that the higher the Kelvin number the brighter the light and the less expensive the bulb.

## **V. Pagoda MOU**

Mr. Sterner questioned how to move this issue forward. Ms. Snyder stated that she has met with the Mayor's staff and will be meeting with Mr. Olsen next week. She stated that the Foundation is meeting in early May. The Mayor's staff understands that Council will not be censuring individuals and this is no longer an issue.

Mr. Lloyd arrived at this time.

Ms. Snyder explained that the Administrative Services Director will be working with the Auditor to ensure that there is a policy in place to prevent this situation in the future. She stated that they will also be following up to determine if Ms. Kauffman was a contractor or a City employee.

Mr. Sterner expressed the belief that this entire situation was due to a lack of communication and a change in administration.

Mr. Marmarou stated that Ms. Kauffman is responsible for her taxes. Ms. Snyder stated that there is still a liability to the City.

Ms. Snyder stated that the return of the funds will be discussed with Mr. Olsen and suggested that perhaps the funds would be returned to the City, properly signed over to the Foundation and stipulated that the funds could be used for capital projects only.

Mr. Sterner stated that his main concern is the position that the Foundation has been in this entire time. He noted the need to move forward.

Ms. Snyder stated that the Administration recommended several amendments to the MOU. She stated that in the past the City shared the revenue 50/50 on Pagoda events. She expressed the belief that the Foundation should get more than 50% in the future but that revenue sharing would allow the City to cover its costs for preparation at events. She also noted the need for the Foundation to have a long-term plan for sustainability.

Ms. Snyder stated that the Pagoda Foundation wishes to follow the model of the Reading Public Museum. She suggested that this may not be feasible but a plan is still needed. She stated that there is forward movement and that she will be amending the MOU and forwarding it to Council for approval.

Mr. Sterner noted his concern that donations are used as they are intended. Ms. Snyder stated that all maintenance and capital needs for the Pagoda still rests entirely with the City. She suggested that funds raised by the Foundation be used to supplement that spent by the City.

Mr. Sterner stated that those donating to the Pagoda don't want the funds spent elsewhere. Ms. Snyder stated that the Foundation will soon be able to accept donations.

Mr. Daubert stated that the expense to the City remains.

Ms. Snyder stated that generally, donations are not made during times of turmoil. She noted the need for agreement on this issue.

## **VI. Berks Area Mountain Biking Association**

Ms. Snyder stated that this agreement is moving forward.

Mr. Daubert stated that he was impressed by their presentation at last month's meeting.

Ms. Snyder stated that BAMBA has recently reported damage they found on the trail.

Mr. Sterner questioned if BAMBA was involved with the Thun Trail. Ms. Snyder stated that they are involved in several trails but that she did not know the specifics.

Mr. Lloyd stated that BAMBA hopes to make this region a biking destination. Ms. Snyder explained that there are less than 20 such destinations in the world.

Mr. Snyder stated that the agreement is undergoing legal review. She stated that the agreement will be before Council when legal review is complete.

## **VII. Egelman's Baseball Field**

Ms. Snyder stated that responsibility for this field will be transferred to the Recreation Commission. She stated that the Cooperation Agreement gives them first priority for facilities without lease agreements.

Mr. Marmarou stated that it would have been nice to combine Egelman's with Antietam and have a facility like the one being added near Berks Heim.

Mr. Daubert stated that the new field at Baer Park was dedicated on Saturday. He stated that it is now in excellent condition.

No further issues were discussed and the meeting adjourned at approximately 6:00 pm.

Respectfully submitted,  
*Shelly Katzenmoyer*  
Deputy City Clerk

## **CITIZEN SERVICE CENTER REPORT OF MAY, 2014**

### **Recycling/Curbside Waste**

The Recycling Sub Committee prepared an insert, in English and Spanish, for the April RAWA utility billing, regarding the Curbside Waste Collection Program.

We worked with RAWA in implementing the billing through their data processing people and included the insert, along with their bills.

Legal – Worked with the City Solicitor staff is supplying information regarding recycling for the lezzi recycling issue.

Recycling Payments – Created a procedure to process, record, and satisfy liens on outstanding 2012 and prior recycling fees due.

**Call Center** – the clerks spent a majority of their time this period on a variety of issues including business taxes, housing permits, collections, and questions on the curbside waste collection program and the RAWA bills.

**Counter/Walk Ins** – In addition to taxation issues, we constantly experience a high volume of Building and Trades inquiries and permit processing

**Business Privilege Tax and Licenses** – Clerks are busy processing of the Business Privilege Licenses which were due upon receipt and the Business Privilege Tax due April 15, for the discount, and June 15, for the flat rate

**Housing Permit Bills** – Annual bills were mailed in February

**Escheat** – Researched and prepared overpaid accounts to be turned over to the state, through the Accounting Department.

**Per Capita Tax** – Berks Earned Income Tax has been awarded the collection of the Per Capita Tax, through the RFP process. We are in the midst of working with Berks EIT for this transition, effective July 1<sup>st</sup> of this year.

**BILL NO. \_\_\_\_\_ 2014  
AN ORDINANCE**

**AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, CHAPTER 141 ANIMALS, PART 2, ANIMAL CONTROL, BY AMENDING SECTIONS THROUGHOUT, BY ADDING SECTION 141-213 LIMITED NUMBER OF ANIMALS ALLOWED WITHOUT REGISTRATION AND RENUMBERING AS NECESSARY**

Whereas, when considering an amendment to the Animal Control Ordinance, City Council referred the issue concerning the limitation on the number of cats and dogs per household to the Board of Health; and

Whereas, the Board of Health has found that several municipalities inside and outside Berks County have such limitations in effect to protect the public health, safety, and welfare of all residents; and

Whereas, the number of cats and dogs owned by individuals in the City of Reading is becoming increasingly problematic; and

Whereas, there were 244 animal complaints that were addressed by the City Property Maintenance Division and the City's Animal Control agents in 2013.

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Chapter 141 Animals, Part 2 Animal Control is amended as attached.

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Adopted \_\_\_\_\_, 2014

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Council President

Attest:

\_\_\_\_\_

City Clerk

(Board of Health)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## Chapter 141

### Animals

#### Part 2 – Animal Control

##### **§141-201 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.

##### **§141-202 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** – Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

**ANIMAL CONTROL OFFICER** – A City employee or agent authorized to enforce the City of Reading Code, 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 designated animal control authority 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.

**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, ~~or animate or inanimate~~ object, with obvious intent to destroy, kill, wound, injure, or otherwise harm the object of its action. All attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-110, Animal bite incidents, of the Code of the City of Reading).

~~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. A person commits an offense if he wantonly or cruelly ill treats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep it dry. This shall not apply to activity undertaken in normal agricultural operation. (See 18 Pa.C.S.A. § 5511(c))~~

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

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.

DOG, AGGRESSIVE –

A. Includes any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:

1. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation.
2. Any dog which, without provocation, ~~approaches in a threatening or terrorizing manner~~ **pursues or attacks**, any person or domestic animal upon the streets, sidewalks or any public grounds or places.
3. Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.

B. All bites and/or attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-110, Animal bite incidents, of the Code of the City of Reading).

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

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~~.

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.

EXEMPT EXOTIC ANIMAL – Any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores with *in* Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and non-poisonous amphibians not requiring state, federal or City permitting.

EXOTIC ANIMAL – Any rare or unusual animal pet or an animal kept as a pet which is not commonly thought of as a pet may also be a species for which is not indigenous to the locale including, but not limited to, alligators, crocodiles, foxes, tortoises, skunks, raccoons, chinchillas, wild felines, *as defined herein*, snakes, lizards, scorpions, and non-human primates.

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.

***HARBORING – An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.***

HEEL – The animal is directly behind or next to a person and obedient to that person's 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.

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

OFFICER – Police officer and/or duly appointed animal control officer.

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 three or more consecutive days.~~

PERSON – Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

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

A. Any animal that is found running at large.

B. 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.

C. Any animal that damages any property other than that of its owner.

D. 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 Chapter 387, Noise, § 387-104, specific prohibited acts, of the Code of the City of Reading.

E. 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.

F. Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

G. 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.

H. Any animal that chases motor vehicles in a public right of way.

I. Any animal that attacks domestic animals.

J. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

~~K. 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, **including wild animals**, 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.~~ All attacks and bites must be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-110, Animal bite incidents, of the Code of the City of Reading).

***WILD FELINES – Wild felines are considered, include, but are not limited to: lions, tigers, cougars, leopards, jaguars, mountain lions and non-domesticated cats.***

#### **§141-203 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.

#### **§141-204 Keeping of exotic animals, domestic agricultural animals, or native wildlife animals**

A. 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 a permit issued by the Animal Control Board. Such permit 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.

B. The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerk’s Office along with a fee for the first calendar year in an amount as set by ordinance, as provided in Chapter 212 Fees. The fee shall be dispersed partly to the designated animal control authority and partly to the City to cover the costs of inspections and administration, as provided in Chapter 212 Fees.

C. The fee is levied per household, not per exotic animal.

#### **§141-205 Caring for animals**

PA Code Animal Regulations; see 18 PA C.S.A. § 5511.

#### **§141-206 Sanitation**

A. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are *harbored*, housed, maintained, or kenneled.

B. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the *City zoning department 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.

C. 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 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.

D. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.

E. No person shall maintain, transport or carry any animal or pet *into* any eating and drinking establishment, food manufacturing or food service facility, except trained, certified service dogs.

F. 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.

#### **§141-207 Restraining and confinement generally**

A. 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.

B. 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.

C. 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.

D. 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.

#### **§141-208 Restraint of guard dogs**

A. 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 six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

B. All anti-climbing devices shall extend inward at an angle of not less than 45° nor more than 90° when measured from the perpendicular.

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

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

**§141-209 Restraining of dangerous dogs, ~~or~~ aggressive dogs, and vicious dogs**

Every dangerous, *vicious dog* or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper in accordance with Pennsylvania [P.S.] Title 3, Agriculture, Chapter 8, Dog Law [3 P.S.] § 459-502. 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 three feet in length or caged. Every person harboring a dangerous, *vicious, 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.

A. Upon licensing an *aggressive*, vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is an *aggressive, dangerous, or* vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

B. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six feet high and contain no less than 50 square feet of ground space. All pens shall comply with City zoning guidelines so as not to be offensive to the neighboring residents.

C. Every person harboring a dangerous, *vicious* 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.

D. No person owning or harboring a dangerous, *aggressive* or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

E. Once a dog is deemed to be dangerous, it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

### **§141-210 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 ~~City Department~~ shall dispatch an animal control officer to take possession of the animal.

### **§141-211 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.

### **§141-212 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 moved 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.

### ***§141-213 Limited Number of Animals Allowed Without Registration***

*It shall be unlawful in any dwelling unit for a person to harbor, house, own, or possess more than six (6) cats, or six (6) dogs, or a combination of six (6) such animals, over the age of three (3) months without successful registration to the City, or designated animal control agent. ~~Animal Control Board~~. Registration is free and shall include the name and address of the applicant and description of the animal(s). Registration approval shall be conditioned upon a showing that the animal(s) has been vaccinated, including rabies, and can adequately be maintained in sanitary conditions as determined by the City Animal Control Officer.*

*Upon successful registration, a City of Reading license shall be issued to the applicant, which shall bear an identifying number for the animal(s) and the date of issuance. Unless revoked for violation of this Part, the license shall be valid for a period up to three (3) years, or for the duration that the animal's rabies vaccination is effective.*

*This Part applies only to persons with more than six (6) animals in their residentially-zoned dwelling unit. This Part shall not apply to licensed kennels, pet shops, animal grooming shops, veterinary shelters or hospitals, and shall not be construed to exclude persons from other applicable animal control requirements.*

### **§141-214~~3~~ Dangerous dog and/or aggressive dog permits**

A. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this Part and pay a fee for such registration to the designated animal control authority, as set by ordinance and provided in Chapter 212 Fees. The owner must provide proof at the time of registration that:

1. The homeowner's insurance policy for the residence in which the dangerous **or aggressive** dog is housed contains a rider or a liability clause for dangerous **or aggressive** dogs.
2. The dog's rabies vaccination status is current.
3. The dog is licensed for the current year.
4. The dog is microchipped with a permanent ID.
5. Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued by the animal control authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

#### B. Appeal procedure

- ~~1.~~ Within 14 days of the date of the notice of the police or animal control officer's decision that a dog is dangerous **or aggressive**, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Animal Control Board, with copies to the Chief of Police and City Clerk. If such an appeal is filed, a hearing shall be commenced within three weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.
2. ~~The determination of the Animal Control Board shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the Animal Control Board.~~

### **§141-2154 Impoundment**

A. In addition to any other remedies provided in this Part, an animal control officer or a police officer may seize, impound and humanely confine any of the following animals in accordance with Pennsylvania [P.S.] Title 3, Agriculture, Chapter 8, Dog Law, [3 P.S. § 459-101 et. seq.]:

1. Any dog without a valid permit tag or license.
2. Any animal at large.
3. Any animal constituting a public nuisance or considered a danger to the public.
4. Any animal that is in violation of any quarantine or confinement order of a health officer.
5. Any unattended animal that is ill, injured, or otherwise in need of care.
6. Any animal that is reasonably believed to have been abused or neglected.
7. Any animal that is reasonably suspected of having rabies.
8. Any animal that is charged with ~~being potentially~~ dangerous, **vicious**, aggressive **activity** 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.
9. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.
10. 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.
11. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

B. An animal control officer or police officer may ~~also, or~~ in lieu of impoundment, issue to the owner a citation.

**§141-2165 Notice to owner and redemption**

A. Upon impoundment of an animal, the ~~designated~~ ~~designed~~ animal control authority 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.

B. An owner reclaiming an impounded animal shall pay a fee for each day the animal has been impounded, in an amount set by ordinance and provided in Chapter 212 Fees. 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.

C. Any animal not reclaimed by its owner within 48 hours shall become the property of the City **Animal Control Agency** and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the designated animal control authority.

D. Any dangerous, ~~vicious 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 designated animal control authority.

**§141-2176 Animal Control Board established**

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

B. The Mayor shall appoint seven members subject to confirmation by City Council.

1. Four members shall be appointed as representatives of the community at large.
2. Two members shall be appointed representatives of animal humane societies and animal shelters.
3. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

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

**§141-2187 Animal Control Board; powers and duties**

A. 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 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.

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

1. 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.
2. Make determinations of **vicious and** aggressive dogs as defined under § 141-202, Definitions.

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

- ~~1. Prepare and present the Animal Control Board budget to the Administrative Services Director.~~
1. Recommend to ~~the~~ City Council changes in the law regarding the control of animals.

D. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

**§141-2198 Sanctions and remedies**

- A. Obedience training for the animal(s) in question.
- B. Muzzling of an animal while off the property of the owner.
- C. Confinement of an animal indoors.
- D. Confinement of an animal in a secure enclosure.
- E. Reduction of the number of animals kept at any one location.

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

G. The sterilization of the animal.

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

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

J. Any fees previously paid **are** non-refundable.

#### **§141-22019 Appeals**

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

#### **§141-2210 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 ~~Agency 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 ~~their~~ **his** duties.

#### **§141-2221 Violations and penalties**

A. It shall be a violation of this Part to:

1. Fail to comply with any provision of this Part.
2. Fail to comply with any lawful order of the Animal Control Board, an animal control officer, **City official**, or police officer unless such order is lawfully stayed or reversed.

B. 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.

C. 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 §141-202, Definitions), 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.

**D.** All fines collected shall be forwarded to the designated animal control authority to cover administrative expenses.