

MARION TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022 - 3

AN ORDINANCE OF MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS REGARDING THE KEEPING OF CERTAIN ANIMALS, INCLUDING ESTABLISHING DEFINITIONS, ESTABLISHING REGULATIONS REGARDING ANIMALS RUNNING AT LARGE, CONTROL OF ANIMAL DEFECATION, DOGS PROHIBITED OR LEASHED IN PARKS, KEEPING OF CERTAIN ANIMALS, INTERFERENCE WITH ANIMALS USED BY POLICE OR FIRE DEPARTMENTS, AND PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Marion Township, Berks County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

**SECTION 1. Definitions.** For purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein:

"ANIMAL". Any non-domesticated or domesticated animal, fowl, amphibian, arachnid, reptile, exotic or wild animal.

"DOG". The genus and species known as *Canis familiaris*.

"EXOTIC ANIMAL". Any animal, including bird, fowl, or reptile not normally or ordinarily domesticated. Not indigenous to Berks County or capable of being kept as a household pet.

"HOUSEHOLD PET". Any dog, cat or other domesticated animal normally and ordinarily kept in or permitted to be at large without confinement in the residential dwelling of its owner.

"OWNER". Any person having a right of property in the animal or having custody of an animal, whether permanently or temporarily, maintains, harbors or permits an animal to remain on or around his property.

"PERSON". Any individual, group or combination of individuals, corporation, firm, partnership, association or society.

"RUNNING AT LARGE". An animal will be deemed running at large when it is off the premises of the owner or keeper and is not on a leash, tether, chain, rope or similar device in the normal course of action that is used to control such animal, and which is held by a person able to control such animal.

"TOWNSHIP". Marion Township, Berks County, Pennsylvania.

**SECTION 2. Animals Running At Large.**

a. It is unlawful for the Owner of any Animal to allow or permit such Animal to run at large in the Township. The Owner of every Dog within the Township must keep the Dog on a leash or other such device as to keep the Dog under reasonable control.

b. It shall be unlawful for a Dog to be left unattended on a leash, tether, chain, rope or similar device, which is tied to or otherwise fastened to a tree, sign post or other item within the public limits of any street, alley, or public property and the Person having

custody or control of the Dog is not immediately adjacent to the Dog and in a position to control the actions and conduct of such Dog.

c. Any police office may seize or arrange for the seizure of any Animal found Running at Large in the Township. Police officers shall use reasonable care in the apprehension, seizure, and detention of such Animal. Police officers, at their discretion, may confine the Animal by turning it over to an appropriate licensed kennel or other place of licensed confinement or impounding. Any Animal seized will be placed in a facility that is designed for the retention of such Animal and capable of providing proper care and feeding during the period of confinement. If such Animal is seized and proper identification of the Owner is available, the officer shall give notice to the Owner in person, via mail, email or other electronic notification or current means of communication that is available, to claim such Animal within five (5) days.

d. If the Animal is not reclaimed by the Owner within five (5) days and reasonable efforts have been made to contact the Owner, the Animal may be turned over to such licensed local, county, or statewide agency such as the American Society for the Prevention of Cruelty to Animals (ASPCA) for further care.

e. The Owner of the Animal shall be responsible for all expenses incurred for the apprehension, seizure, and detention of the Animal.

f. Animals that in the opinion of the police officer that constitutes a threat to the public, health, and welfare, may be dealt with in a manner appropriate to address the threat at the reasonable discretion of the police officer.

### **SECTION 3. Control of Animal Defecation.**

a. No Owner or Person having possession, control or custody of an Animal shall knowingly or negligently permit any Animal to defecate on any street, driveway, alley, curb, or sidewalk in the Township. It is prohibited to allow such Animal to defecate or urinate upon any floors, stairways, walkways, driveways, or curbs of any building frequented by the public or used in common by tenants. It is prohibited to allow any such Animal to defecate 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.

b. Any Owner or Person having possession, custody or control of any Animal which defecates or urinates in any area other than the private property of the Owner of the Animal shall be required to immediately remove any feces from such surface and either:

i. Carry the feces away for disposal in a toilet; or

ii. Place the feces in a non-leaking contained and deposit in a trash or litter receptacle.

iii. No Owner shall allow Animal defecation to accumulate on his property to the point it becomes a health hazard and or public nuisance.

c. The Provisions of this Section shall not apply to a licensed service Animal accompanying any blind Person or a licensed service Animal used to assist any other physically handicapped Person.

**SECTION 4. Dogs Prohibited or Leashed in Parks.**

a. Any Person exercising a Dog or other Animal in any public park or playground shall maintain control of the Dog or Animal by leash at all times.

b. The exception to this provision shall not apply to a licensed service Animal accompanying a blind person or licensed service Animal used to assist any other physically handicapped Person or Animals used in any police or fire activities of the Township.

**SECTION 5. Keeping of Certain Animals.**

a. The following Animals shall not be permitted at any time in the Township:

i. Any poisonous or venomous biting or injecting species of amphibian, insects, arachnid, or reptile, including snakes.

ii. Any exotic or wild animal, including but not limited to alligators, baboons, monkeys, bears, cheetahs, constrictor snakes, coyotes, crocodiles, elephants, foxes, hippopotamus, hyenas, jaguars, leopards, lions, lynxes, tigers, wildcats, and wolves.

iii. Nothing contained in this Section shall prohibit a temporary circus or temporary Animal show from performing in the Township.

**SECTION 6. Interference with Dogs or other Animal Used by Police or Fire Departments.** No Person shall intentionally, willfully, or maliciously interfere with any Dog or other Animals used by police or fire departments in the performance of the functions or duties of such department.

**SECTION 7. Penalties.**

a. The first two (2) times an Animal is seized, the Owner shall pay a fine of Fifty Dollars (\$50.00) to the Township as well as all expenses incurred for the apprehension, seizure, and detention of the Animal.

b. Any Person allowing an Animal to run at large a third time or additional times, in violation of this Section, upon conviction may be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), plus costs associated with enforcement of this Ordinance. If the Owner is in default of payment of the fine, imprisonment for a term not to exceed thirty (30) days or in the alternative, a term determined by the local magistrate.

c. Penalties for violation of this Ordinance do not prohibit other penalties for violations of other laws or Ordinances for any other criminal offenses arising from the same conduct.

**SECTION 8.** Any violation of this Ordinance that would also violate any state law, may be prosecuted under that state law in addition to this Ordinance.

**SECTION 9.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.


**SECTION 10.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any other part thereof.

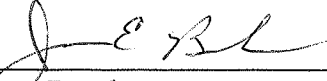
**SECTION 11.** This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

**ORDAINED and ENACTED** as an Ordinance by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, in lawful session, duly assembled, this 27 day of October, 2022.

**BOARD OF SUPERVISORS  
MARION TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

  
\_\_\_\_\_  
Peter McCarthy, Chairman

  
\_\_\_\_\_  
Irene Sileski

  
\_\_\_\_\_  
James Brooks

Attest:   
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Susan Staaby, Secretary

MUNICIPAL CERTIFICATION

I, Susan M. Staaby, Secretary of Marion Township, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 2022-3 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Marion Township on October 18, 2022 and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on 10/27, 2022.

[SEAL]

Susan M. Staaby  
Susan M. Staaby, Secretary