

ORDINANCE NO. 264*
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AN ORDINANCE OF THE BOROUGH OF BERLIN, SOMERSET COUNTY, PENNSYLVANIA, DECLARING THE SOILING, DEFILING, OR DEFECATING BY A DOG, CAT OR OTHER ANIMAL ON ANY STREET, HIGHWAY, SIDEWALK, ALLEY, PLAY AREA, PARK OR ANY PUBLIC PROPERTY WHATSOEVER TO BE A NUISANCE; REQUIRING THE REMOVAL OF ALL FECES DEPOSITED BY ANY DOG OR CAT OR OTHER ANIMAL BY ANY SANITARY METHOD; REQUIRING THE FECES REMOVED TO BE DISPOSED OF IN A SANITARY MANNER; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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Pursuant to the powers granted to it by the Pennsylvania Borough Code, Act of February 1, 1966, P.L. (1965), No. 581, Section 1202, as amended, 53 P.S. 46202 (5) and (6), the Borough of Berlin, Pennsylvania, hereby declares the soiling, defiling, or defecation by any dog, cat or other animal upon any street, highway, alley, sidewalk, park or any public property or on private property without the permission of the owner, within the Borough of Berlin, Pennsylvania, to be a nuisance.

SECTION 1. From and after the passage of this Ordinance, it shall be unlawful for any person owning, harboring, keeping, or in charge of any dog, cat or other animal, to cause, suffer or allow such dog, cat or other animal to soil, defile, defecate on or commit any nuisance on any highway, street, alley, sidewalk, park or any public property whatsoever, or on any private property without the permission of the owner of said property.

SECTION 2. The provisions of Section 1 hereof shall not apply to that portion of the street lying between curb lines, which may be used to curb such dog, cat or other animal under the following conditions:

A. The person who so curbs such dog, cat or other animal shall immediately remove all feces deposited by such dog, cat or other animal by any sanitary method.

B. The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog,

cat or other animal curbed in accordance with the provisions of this Section.

SECTION 3. Any person violating the terms of this Ordinance or any person owning, harboring, keeping or in charge of any dog, cat or other animal which commits an act in violation of this Ordinance shall, upon conviction before a District Magistrate having jurisdiction, be sentenced to pay a fine not in excess of Three Hundred (\$300.00) Dollars or to undergo a sentence of imprisonment in the Somerset County Jail for a period not in excess of ninety (90) days, or both.

SECTION 4. This Ordinance hereby specifically repeals any prior Ordinances or portions of Ordinances in conflict herewith.

SECTION 5. Should any portion of this Ordinance be declared unconstitutional by any Court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect and shall be unaffected by any such determination.

Adopted by the Berlin Borough Council, enacted and ordained this 2nd day of October, 1986.

ATTEST

BOROUGH OF BERLIN

Kerry A. Claycomb
Secretary

Richard L. Miller
President of Council

(SEAL)

Approved, this 2nd day of October, 1986.

Stuart Kremlbrook
Mayor, Borough of Berlin