

ORDINANCE NO. 310

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AN ORDINANCE OF THE BOROUGH OF BERLIN,
SOMERSET COUNTY, PENNSYLVANIA, THAT
PROVIDES FOR ANIMALS DISTURBING THE PEACE
AND PROHIBITED ACTS AND PROHIBITING OWNING,
KEEPING OR POSSESSING OF ANIMALS THAT
DISTURB THE PEACE, TRANQUILITY AND GOOD
ORDER OF THE BOROUGH OF BERLIN AND PROVIDING
PENALTIES FOR VIOLATIONS OF THESE ACTS.

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

Article One. If noise caused by an animal, including, but not limited to, howling, barking, meowing or squawking, is permitted for a continuous period of thirty (30) minutes, or intermittently in excess of sixty (60) minutes, of a volume that such noise can be heard by persons not on the property whereat the animal is kept, such conduct constitutes a nuisance *per se*. The owner, keeper or possessor of said animal shall be warned once orally or by a written notice within twenty-four (24) hours of the violation by the Berlin Borough Police Department, or its designee, after a police officer/designee verifies such nuisance. In the event the noise is permitted to continue after the aforesaid oral or written warnings, each occasion that the police officer/designee verifies a violation in accordance with the foregoing time periods shall constitute a separate offense, and the verifying police officer/designee may file charges at the District Justice's office for every subsequent and separate offense. The complainant shall appear at the hearing before the District Justice. For purposes of subsequent and separate offenses, the Berlin Borough Police Department or its designee may cite the owner, keeper or possessor of said animal if such subsequent and separate offense(s) have occurred within fifteen (15) days of the aforesaid oral or written warnings. However, in the event that another offense occurs and said offense occurs within fifteen (15) days of a previous warning or offense, then and in that event, no additional or subsequent warning shall be required. In the event that more than fifteen (15) days have elapsed since the aforesaid oral or written warnings or any offense of this Ordinance, then and in that event, the Berlin Borough Police Department or its designee shall not prosecute a subsequent and separate offense unless a new oral or written warning is first provided to the owner, keeper or possessor of said animal in accordance with the foregoing.

Article Two. No person shall, on premises owned, occupied or controlled by such person, permit any animal or bird otherwise permitted to be kept to disturb the peace and quiet of any neighborhood by frequent or habitual howling, barking, meowing, squawking or other noise, or to otherwise cause discomfort or annoyance to any person.

Article Three. After attempting in good faith, if a police officer/designee referred to in Article One of this Ordinance is unable to locate the owner, keeper or possessor of said animal for purposes of providing a verbal or written warning, the police officer/designee shall be permitted to conspicuously post a written warning on the premises where the animal is located and said written warning shall satisfy the notice and warning requirements for violation of this Ordinance.

Article Four. Any person who shall violate or fail, neglect or refuse to comply with any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$25.00 and costs for prosecution for each and every offense.

Article Five. This Ordinance shall be enforced in accordance with Rules and Regulations promulgated by the Berlin Borough Council, as from time to time may be amended.

Article Six. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

Article Seven. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Article Eight. This Ordinance shall become effective immediately, and shall continue to be effective until specifically repealed.

Adopted by the Berlin Borough Council, enacted and ordained this 3rd day of
April, 2003.

ATTEST

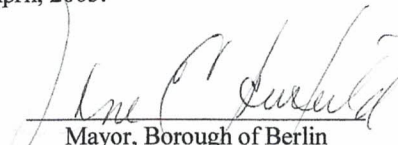
BOROUGH OF BERLIN


Executive Borough Secretary


Borough Council President

(SEAL)

Approved this 3rd day of April, 2003.


Mayor, Borough of Berlin