

ORDINANCE NO. 404

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING PART 1 ENTITLED "RULES AND REGULATIONS", OF CHAPTER XX ENTITLED "PARKS AND RECREATION" OF THE TOWNSHIP OF SPRING CODE OF ORDINANCES BY AMENDING SECTION 101 ENTITLED "DEFINITIONS" TO INCLUDE DEFINITIONS FOR "OWNER", "KEEPER" AND "SERVICE ANIMAL" AND SECTION 109 ENTITLED "PETS AND ANIMALS" TO ALLOW FOR AND REGULATE THE WALKING OF DOGS ALONG PORTIONS OF THE TRAIL SYSTEM AT SHILOH HILLS PARK

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

SECTION 1. Section 101 entitled "Definitions" of Part 1 entitled "Rules and Regulations" of Chapter XX entitled "Parks and Recreation" of the Code of Ordinances of the Township of Spring is hereby amended and restated in its entirety to add in alphabetical order definitions for "Owner", "Keeper" and "Service Animal" as follows:

"Section 101. Definitions. Unless the context specifically and clearly indicates otherwise, the meanings of words and/or terms used in this Ordinance shall be as follows:

(A) "Board" shall mean the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

(B) "Owner" shall mean every person having a right of property in any dog, cat or other animal, and every person who keeps or harbors or has in his or her care any dog, cat or other animal, and every person who permits any dog, cat or other animal to remain on or about any premises occupied by him or her.

(C) "Keeper" shall mean any person who shall possess, maintain, house or harbor or otherwise have custody of any dog, cat or other animal, whether or not the owner of such dog, cat or other animal and whether for compensation or otherwise.

(D) "Park System" shall mean such recreational areas and/or facilities and/or such open space areas and/or facilities designated as such by the Township in appropriate Resolutions of the Board.

(E) "Service Animal" shall mean a service animal as defined under the Americans With Disabilities Act (ADA).

(F) "Township" shall mean the Township of Spring, Berks County, Pennsylvania.

(G) "Use Permit" shall mean a document providing for the use of certain lands and/or facilities of the Park System as permitted by the Board, or as permitted by such person as the Board may designate on its behalf.

(H) "Variance Permit" shall mean a document modifying and/or changing any one or more of the following sections of this Ordinance."

SECTION 2. Section 109 entitled "Pets and Animals" of Part 1 entitled "Rules and Regulations" of Chapter XX entitled "Parks and Recreation" of the Code of Ordinances of the Township of Spring is hereby amended and restated in its entirety as follows:

"Section 109. Pets and Animals.

(A) No Owner or Keeper shall permit a dog, cat or other animal under such person's care, custody, or ownership, not to include a Service Animal, to enter upon or access any park, playground, recreation area or any building owned or occupied by the Township in the Park System, except as set forth at Subparagraph (B) below.

(B) The Owner or Keeper of any pet dog or dogs may walk their dogs on and along portions of the improved walking trail system at Shiloh Hills Park, not to include the pedestrian easement from the Shiloh Hills Elementary School parking lot to the northern edge of the Shiloh Hills Elementary School athletic fields, or as otherwise designated by the Township by resolution and posting from time to time, subject to the following requirements, failure to comply with any, each or all of which shall constitute a violation or violations of this Ordinance:

i. All dogs must be on a physically adequate rope, strap, cord or chain leash of no more than fifteen feet (15') in length and shall be under the control of the Owner or Keeper at all times;



ii. All dogs must have a current and valid license tag issued by the Treasurer of Berks County or an appropriate officer of the jurisdiction of the Owner's or Keeper's domicile, attached to a collar or harness which is kept on the dog at all times;

iii. All Owners and Keepers shall immediately remove all dog feces deposited by such dog in a sanitary method by collection and disposal in an appropriate trash container; and

iv. Those Owners and Keepers transporting dogs to the Shiloh Hills Park by motor vehicle shall park the motor vehicle in the Shiloh Hills Park lot, and not on the Shiloh Hills Elementary School lots or driveways.

(C) Any Owner or Keeper who has been cited three (3) or more times for violating this Ordinance or any dog otherwise determined by this Township to be a nuisance or threat to the safety of others legally using Shiloh Hills Park or on the Shiloh Hills Elementary School property, may be excluded from Shiloh Hills Park upon written directive of the Township Police Chief or Director of Parks and Recreation issued to the respective Owner or Keeper."

SECTION 3. A drawing depicting the Shiloh Hills Park walking trails where dog walking is permitted and the Shiloh Hills Park parking area is attached as Exhibit "A".

SECTION 4. Repeal of Ordinances. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

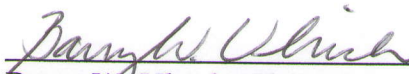
SECTION 5. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

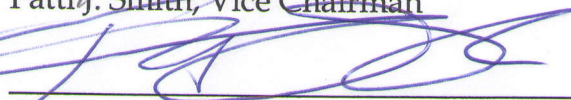
SECTION 7. Code of Ordinances. The Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Township of Spring Code of Ordinances upon adoption.

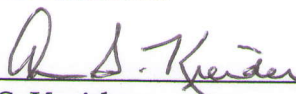
DULY ORDAINED and ENACTED as an Ordinance this 28<sup>th</sup> day of May, 2013.


BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF SPRING  
Berks County, Pennsylvania

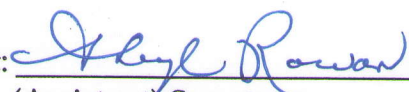
  
Barry W. Ulrich, Chairman

  
Patti J. Smith, Vice Chairman

  
Kyle M. Hummel

  
Alan S. Kreider

  
James R. Oswald

Attest:   
(Assistant) Secretary

[SEAL]

# MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (~~Assistant~~) Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 404 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on May 17, 2013, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on May 28, 2013.

[SEAL]

Sheryl Rowan  
(~~Assistant~~) Secretary



# EXHIBIT "A"

## Shiloh Hills Park Walking Trail and Parking Lot Drawing

