

**CHAPTER 2**

**ANIMALS**

**Part 1**

**Animal Noise Control**

- §101. Noise Disturbance Unlawful**
- §102. Exceptions**
- §103. Enforcement and Remedies**



**Part 1**

**Animal Noise Control**

**§101. Noise Disturbance Unlawful.**

Pursuant to Article 7, §702, Clause LXII, of the Second Class Township Code, 53 P.S. §65762, and §501 of the Dog Law of 1982, 3 P.S. §§459-501, it shall be unlawful for the owner, possessor, custodian, or keeper of any dog or other animal to permit said animal to make any loud or harsh noise or other disturbance which shall interfere with or result in deprivation of the peace, quiet, rest or sleep of any reasonable person of normal sensitivities, if said noise or disturbance is continuous or incessant during a period in excess of 10 minutes, or is made intermittently for 1/2 hour or more, or is continuous or incessant during a period in excess of five minutes on more than two occasions during an eight-hour period. (Ord. 1987-1, 8/12/1987, §1; as amended by Ord. 1997-1, 1/6/1997)

**§102. Exceptions.**

This Part shall not apply to the following situations:

- A. Where, at the time the animal is making such noise or disturbance, a person is trespassing or threatening to trespass upon private property in or upon which the animal is situated.
- B. Where a neighbor or other person has intentionally incited said animal to make such noise or other disturbance.
- C. Where such animal is situate more than 500 feet from the person who claims to be so disturbed.

(Ord. 1987-1, 8/12/1987)

**§103. Enforcement and Remedies.**

- 1. Enforcement Notice.
  - A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
  - B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

## ANIMALS

- C. An enforcement notice shall state at least the following:
- (1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.
  - (2) The location of the violation and, if applicable, the property in violation.
  - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
  - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (5) That the recipient of the notice has the right to appeal to the Board of Supervisors within a period of 10 days.
  - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

### 2. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1987-1, 8/12/1987, §3; as amended by Ord. 1997-1, 1/6/1997)