

BOROUGH OF EAST WASHINGTON

ORDINANCE No. 498 of 2008

AN ORDINANCE OF EAST WASHINGTON BOROUGH, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER TWO ("Animals") TO DECLARE TO BE ILLEGAL AS A PUBLIC NUISANCE THE OWNERSHIP, POSSESSION, HARBORING OR CONTROL BY ANY PERSON OF ANY ANIMAL OR FOWL WHICH BARKS, HOWLS, CRIES, SCREECHES, OR MAKES OTHER SUCH NOISE CONTINUOUSLY FOR OR INTERMITTENTLY DURING A FIFTEEN-MINUTE PERIOD TO THE ANNOYANCE OR DISTURBANCE OF A REASONABLE PERSON ANY TIME OF THE DAY OR NIGHT, AND TO IMPOSE A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR NO MORE THAN NINETY DAYS OR BOTH.

BE IT ENACTED AND ORDAINED and it hereby is enacted and ordained by Council of the Borough of East Washington, under authority of the Borough Code, as follows:

I. Chapter 2 of the Code of Ordinances of the Borough of East Washington, entitled "Animals", is amended as follows:

1. Intent and Purpose. The Council of the Borough of East Washington, Pennsylvania finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive noise and the sources of excessive noise within the Borough.

2. Noise Disturbance. It shall be illegal within the Borough for any person or persons to own, possess, harbor, or control any animal or fowl which barks, howls, bays, cries, yelps, squawks, screeches, or makes other such noise continuously for or intermittently during a fifteen (15) minute period to the annoyance or disturbance of a reasonable person of normal sensitivities any time of the day or night, regardless of whether the animal or fowl is physically situated in or upon private property, said noise being a public nuisance; provided, that at the time the animal or fowl is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or fowl is situated nor is there any other legitimate cause which justifiably provoked the animal or fowl.

3. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than five hundred dollars

(\$500.00) or imprisonment for no more than ninety (90) days, or both.

4. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

II. This Ordinance shall take effect immediately upon adoption and approval by the Mayor.

ORDAINED AND ENACTED into law, this 21st day of January, 2008.

ATTEST:
Heather Walsh

Borough Secretary

BOROUGH OF EAST WASHINGTON
Blake E. McCandless

Council President

(SEAL)

Approved this 21st day of January, 2008:

Mark Pacilla, Mayor