

BOROUGH OF WEST EASTON
ORDINANCE NO. 513

AN ORDINANCE OF THE BOROUGH OF WEST EASTON PROHIBITING THE KEEPING OF ANIMALS MAKING DISTURBING NOISES, PRESCRIBING PENALTIES FOR VIOLATION AND MAKING CERTAIN EXCEPTIONS.

The Council of the Borough of West Easton, Pennsylvania hereby ordains as follows:

Section 1. Definitions. As used in this ordinance the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL - Any domestic animal, wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

HOUSEHOLD PET - any dog, cat, bird or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

WILD ANIMAL - any animal, including bird, fowl or reptile, not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

PERSON - any person, firm, partnership, association or corporation.

In this ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

Section 2. Intent and Purpose. The Council of the Borough of West Easton, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as 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 sound and the sources of excessive sound within the Borough of West Easton.

Section 3. Noise Disturbance. It shall be illegal within the Borough of West Easton for any person or persons to own, possess, harbor, or control any animal which makes any noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated in or upon private property, said noise being a nuisance; provided that at the time the animal is making such

noise no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated nor is there any other legitimate cause which justifiably provoked the animal.

Section 4. Exceptions. This ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133.

Section 5. Penalties. Any person who shall violate any provision of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) or to imprisonment for a term not to exceed ninety (90) days, or both.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: Ordinance No. 272 enacted February 3, 1975.

Section 7. 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 Council of the Borough of West Easton that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. Effective Date. This ordinance shall become effective on August 4, 1997.



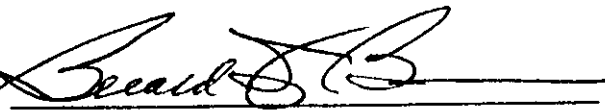
President of Council

ATTEST:



Borough Secretary

Approved this day of , 1996.



Mayor

Section 9. Effective Date. This ordinance shall become effective on August 4,
1997.


President of Council

ATTEST:


Borough Secretary

Approved this day of , 1996.


Mayor