

ORDINANCE NO. 98-1

An ordinance of the Township of West Mahanoy Township providing

For the regulation of continuous noise by animals where the noise persists

For a ten (10) minute period or over an aggregate period of one-half hour by

declaring such noises nuisances, directing the abatement thereof and establishing

penalties for the violation of any of the provisions of the ordinance.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of West Mahanoy

Township Pennsylvania, as follows:

SECTION 1: INTENT AND PURPOSE:

The Board of Supervisors of West Mahanoy Township, 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 nuisance in need of greater control and more effective regulation by the Township of West Mahanoy Township.

SECTION 2: NOISE DISTURBANCE.

It shall be illegal within the Township of West Mahanoy Township for any person or persons to own, possess, harbor, permit or control any animal or bird 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 day or night regardless of whether the animal or bird is physically situated in or upon private property. Such activity is hereby declared to be a public nuisance;

provided that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

SECTION 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 less than One Hundred (\$100.00) Dollars or not more than Six Hundred (\$600.00) Dollars, and in default of payment, to imprisonment for a term not less than thirty (30) days nor more than (90) days.

SECTION 4: Each day shall constitute a separate violation.

This ordinance shall be effective immediately upon adoption.

ENACTED AND ORDAINED this 18th day of August , 1998.

ATTEST:

Township of West Mahanoy




By: Regina Kurtz, Supervisor

APPROVED:


By: William O'Donnell, Chairman