

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 298

AN ORDINANCE OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA
PROHIBITING THE KEEPING OF ANIMALS MAKING DISTURBING NOISES, PRESCRIBING
PENALTIES FOR VIOLATION, AND MAKING CERTAIN EXCEPTIONS.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, Schuylkill County, Pennsylvania, and it is hereby ORDAINED and ENACTED by the Authority of the same, as follows:

SECTION 1.00

Intent and Purpose. The Borough Council of the Borough of Orwigsburg, finding that excessive levels of sounds 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 greater control and more effective regulations of excessive sound and the sources of excessive sound within the Borough of Orwigsburg.

SECTION 2.00

Noise Disturbance. It shall be illegal within the Borough of Orwigsburg, for any person or persons to own, possess, harbor, 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 the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a 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 3.00

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 4.00

Penalties. Any person, firm or corporation which shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, be subject to imprisonment for a term not to exceed thirty (30) days.

SECTION 5.00

Repealer. All Ordinance or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 6.00

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 of Orwigsburg that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7.00

Effective Date. This Ordinance shall become effective on December 12, 1990.

DULY ENACTED AND ORDAINED INTO AN ORDINANCE this 12TH
day of December, A.D., 1990 by the Council of the Borough of
Orwigsburg, Schuylkill County, Pennsylvania, in lawful session
duly assembled.

BOROUGH OF ORWIGSBURG

BY: *Craig E. Styer, Pres.*
President of Council
Borough of Orwigsburg

ATTEST:

Kathleen M. Consugar, Solo Secretary
Secretary of the Borough Council
Borough of Orwigsburg

EXAMINED AND APPROVED this 12TH day of December, A.D., 1990.

W. H. Bunnis
Mayor of the Borough of Orwigsburg
Schuylkill County Pennsylvania

RE: #298