

## ORDINANCE NO. 2002 - 1

AN ORDINANCE OF THE TOWNSHIP OF LIBERTY, ADAMS COUNTY, PENNSYLVANIA, DECLARING UNCONTROLLED AND HABITUAL NOISE BY DOMESTIC PETS TO BE A PUBLIC NUISANCE, PRESCRIBING PROCEDURES FOR ABATEMENT OF SUCH NUISANCE, AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of the Township of Liberty, Adams County, Pennsylvania, hereby enacts and ordains as follows:

Section 1. Declaration of Public Nuisance. The noise emanating from pet animals (such as the barking or yelping of dogs, and the shrieking of birds), on a continuous or intermittent basis during a time period beginning at ten (10) p.m. and ending at seven (7) a.m. of any day, or the continuous noise from pet animals on a continuous or regular basis in excess of two (2) consecutive hours at any time, when such noise can be heard beyond the property borders of the place where such pets are knowing or intentionally kept, or which materially disturbs persons of ordinary sensibilities, is deemed to be a public nuisance. The foregoing notwithstanding, the barking of dogs while being used to herd or shepherd farm animals on a property substantially devoted to animal husbandry, and the noise created by normal agricultural operations (as defined in the Protection of Agricultural Operations act, 3 P.S. § 952, et seq.), shall not be deemed a nuisance.

Section 2. Violation of Ordinance. Any person who permits a public nuisance as defined in Section 1. above on property in the Township of Liberty which is owned, occupied, or used by such person shall be deemed to have violated this Ordinance.

Section 3. Warning and Prosecution of Violators. Whenever a person, not occupying the same residence or dwelling unit of the alleged offender, complains to law enforcement

authorities authorized to enforce laws in the Township of Liberty that any person is in violation of this Ordinance, then such law enforcement authority, upon being satisfied that the allegations are accurate or are probable, is authorized to:

a. in response to the first such complaint about such a nuisance, provide the person or persons deemed responsible for the property from which the nuisance emanates with a warning about the existence of the nuisance and of this Ordinance, and of the need to immediately and thereafter to cause the nuisance to abate; and,

b. in response to a second or subsequent complaint about such a nuisance which is lodged after the warning is given in a. above, issue a citation or to take such other authorized criminal prosecution action against such person or persons responsible for the property from which such nuisance emanates.

Section 4. Civil Remedies Unaffected. Nothing herein shall be deemed to in any way limit the right of any person to take such legal action as may be available to such person in the civil side of a court with competent jurisdiction, to cause such a nuisance from being abated by injunction, or from the recovery of any damages that may be available, or from any other civil remedy (legal or equitable).

Section 5. Declaration of Authority. This Ordinance is adopted pursuant to the power of Townships of the Second Class to prohibit nuisances. It is declared that this Ordinance is enacted to regulate noise pollution and ensure public health and safety.

Section 6. Penalty. Any person who is convicted of violation of this Ordinance by a district justice shall be punished by the imposition of a fine not to exceed the sum of One Thousand Dollars (\$1,000.00), or in default thereof, by the imposition of a term of imprisonment to the extent allowed by the law for the punishment of summary offenses. Each day of violation of this Ordinance shall be deemed a separate offense.

ENACTED AND ORDAINED this 2nd day of April, 2002.

Attest:

[Signature]  
Its Secretary

TOWNSHIP OF LIBERTY

[Signature]  
Chairman

[Signature]  
Supervisor

[Signature]  
Supervisor