

FRANKLIN TOWNSHIP ORDINANCE
NO. 2002 - 004
AN ORDINANCE PROHIBITING ANIMAL NOISE NUISANCE

THE BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP HEREBY ENACTS, AS FOLLOWS:

Title. This Ordinance shall be known and may be cited as "The Franklin Township Animal Noise Nuisance Ordinance of 2002."

Policy. Whereas, the Supervisors of Franklin Township having determined that animal noise nuisance is detrimental to the health, comfort, living conditions, welfare and safety of citizens of Franklin Township, it is hereby declared to be the policy of Franklin Township to safeguard the citizens of Franklin Township from such animal noise nuisance.

SECTION 1. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

ANIMAL – any domestic animal or fowl, any wild animal or any household pet.

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

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

PERSON – any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

SECTION 2. CONTINUOUS/INCESSANT NOISE PROHIBITED. It shall be illegal within Franklin Township for any person or persons to own, possess, harbor or control any animal, domestic animal, or household pet, which barks, bays, cries, or makes other such noise continuously and/or intermittently for an extended period upon any premises, and which noise annoys or disturbs a reasonable person of normal sensitivities beyond the boundaries of such premises; said noise being declared herein as a nuisance; provided, however, that at the time the animal, domestic animal or household pet is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal, domestic animal or household pet is situated, nor is there any other legitimate cause which justifiably provoked the animal, domestic animal or household pet.

SECTION 3. PENALTIES. Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues which shall be found to have been violated shall constitute a separate offense.

SECTION 4. EFFECTIVE DATE. The Ordinance shall become effective in accordance with law.

SECTION 5. SAVINGS CLAUSE. The provisions of this Ordinance, so far as it is the same as those ordinances and regulations in force immediately prior to the adoption of this Ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations, except as otherwise provided by law.

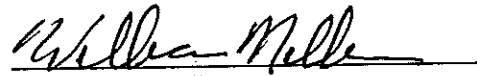
SECTION 6. SEVERABILITY OF PARTS OF ORDINANCE. It is hereby declared to be the intention of the Board of Supervisors that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competence jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.


ENACTED AND ORDAINED THIS 1st DAY OF July, 2002,
BY THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS


ATTEST:

FRANKLIN TOWNSHIP BOARD
OF SUPERVISORS


SECRETARY


SUPERVISOR


SUPERVISOR


SUPERVISOR