

TOWNSHIP OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE NO. 74

AN ORDINANCE TO AMEND THE STRASBURG TOWNSHIP DOG ORDINANCE TO ADD REGULATIONS GOVERNING NOISE NUISANCES.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. The Strasburg Township Dog Ordinance, Ordinance No. 59, Section 2, Definitions, shall be amended by adding definitions of the following terms in alphabetical order:

DISTURBANCE: What a reasonable person under normal circumstances would consider to be disturbing in that it creates an uncomfortable situation not unique to that person's particular sensibilities, but which would be uncomfortable to a normal person under such circumstances.

Section 2. The Strasburg Township Dog Ordinance, Ordinance No. 59, Section 3, Appointment and Duties of Dog Warden, shall be deleted in its entirety and a new Section 3, Appointment and Duties of Enforcement Officers, which shall provide as follows:

Section 3. Appointment and Duties of Enforcement Officers. The Board of Supervisors may appoint a Dog Warden and/or an Enforcement Officer to serve at the pleasure of the Board to enforce provisions of this Ordinance.

- A. A Dog Warden shall have responsibility for enforcement of Sections 4 through 7 of this Ordinance and of the Dog Law, 3 P.S. §459-101 et seq.; provided, that a Dog Warden shall not have the power to make arrests under the Dog Law or any other statute or ordinance of the Township.
- B. An Enforcement Officer shall have the power to enforce provisions of this ordinance governing noise nuisances.

Section 3. The Strasburg Township Dog Ordinance, Ordinance No. 59, Section 9, Abatement of Nuisance, shall be retitled Noise and Other Nuisances, and shall be amended to provide as follows:

Section 9. Noise and Other Nuisances.

A. It shall be unlawful for any owner to keep or harbor any dog which creates a disturbance through barking, howling, yelping, crying, or otherwise making noise continuously and/or incessantly for a period of fifteen (15) consecutive minutes or which makes such noise recurrently or intermittently within a consecutive twelve (12) hour period for 30 minutes or more. Notwithstanding the foregoing, such noise shall not be considered a disturbance and shall not violate this Ordinance if at the time the dog is making such noise a person is trespassing or threatening to trespass upon private property upon which the dog is situated or there is any other legitimate cause which justifiably provoked the dog.

B. This Section shall not be deemed to prohibit or otherwise declare unlawful any normal agricultural operation protected by the provisions of the Right to Farm Act or any other provision of the Agriculture Code of the Commonwealth. Notwithstanding the foregoing, a dog on a farm which creates a disturbance shall not be exempted from the provisions of this Section simply because the dog is owned by the operator of an agricultural operation.

C. Whenever any person shall complain to the Enforcement Officer that a dog is causing a disturbance, the Enforcement Officer shall provide the owner of the dog with a written notice of violation setting forth that a complaint has been received. The owner shall take whatever steps are necessary to eliminate the alleged offense.

D. If an owner fails to take action necessary to eliminate a disturbance caused by a dog, upon complaint by two (2) persons to the Enforcement Officer that the disturbance is continuing, the Enforcement Officer may seek approval from the Board of Supervisors to commence an enforcement action. Prior to seeking approval to initiate an enforcement action, the Enforcement Officer shall contact the persons who filed complaints, shall notify such persons that they may have to serve as witnesses during a hearing, and shall request that they confirm to the Enforcement Officer in writing that they are willing to appear and testify. The Enforcement Officer shall inform the Board of Supervisors whether the persons filing complaints have agreed to testify when the Enforcement Officer informs the Board of Supervisors of the status of outstanding complaints.

E. The Enforcement Officer shall not be required to respond to complaints filed by persons who have indicated that they are not willing to testify in actions to enforce this Ordinance. The Enforcement Officer shall not be required to send written notices of violation to the owner of a dog if the persons filing such complaints have been requested pursuant to Subsection D above to confirm in writing that they will testify in an enforcement

proceeding and have refused to do so.

F. In addition to any other remedy provided by this Ordinance, any violation of the provisions of this Ordinance shall constitute a nuisance and may be abated by the Township by seeking equitable relief from a court of competent jurisdiction.

Section 4. All other sections, parts and provisions of the Strasburg Township Dog Ordinance, Ordinance No. 59, shall remain in full force and effect as previously enacted and amended.

Section 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 6. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 2011,
by the Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF STRASBURG
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]