

## ORDINANCE NO. 448

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, PENNSYLVANIA PROHIBITING THE HARBORING OF AN ANIMAL NUISANCE; EXCEPTIONS; PENALTIES.

BE IT ORDAINED by the Mayor and Council of the Borough of Southmont.

SECTION 1. No person shall keep or harbor any dog, cat, or other animal in the Borough so as to create offensive odors, excessive noise or unsanitary conditions on the owners property which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

SECTION 2. Any dog, cat or other animal, which by frequent and habitual barking, roaming, howling, screeching, yelping or baying, or in any way or manner disturbs the quiet of the community between 9:00 p.m. to 7:00 a.m., or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

A. The owner of said animal shall be warned once orally and second offense by a written notice by the Police Department after a police officer verifies such nuisance.

B. In the event that the noise is permitted to continue after the oral and written warnings, each occasion that the police officer verifies a violation, the verifying officer shall file charges at the District Justice's office for every subsequent offense.

SECTION 3. Any dog, cat or other animal which scratches, roams, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

SECTION 4. No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any school grounds, borough park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog, cat or other animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such type of nuisance shall be considered abated.

SECTION 5. Persons with physical handicaps while relying upon a dog specifically trained for these purposes shall be exempt from compliance with this section.

SECTION 6. Any person violating any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300) and costs or prosecution, for each offense thereof.