

ORDINANCE NO. 1995-2

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

The Borough of Coaldale hereby ordains as follows:

Section 1. Intent and Purpose. The Council of the Borough of Coaldale, finding that excessive levels of sound 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 the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough of Coaldale.

Section 2. Noise Disturbance. It shall be illegal within the Borough of Coaldale 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. 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. Penalties. Any person, firm or corporation who 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, to imprisonment for a term not to exceed thirty (30) days.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Section 6. 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 Council 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. This ordinance shall become effective immediately upon its adoption.

Ordained and enacted this 11th day of April, 1995.

Borough of Coaldale

By: *Henry Polli*
President

Attest:

[Signature]
Secretary

Approved this 11th day of April, 1995

[Signature]
Mayor