

**ADAMS TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING THE DEFACATION BY ANIMALS UPON PUBLIC AND PRIVATE PROPERTY AND DESIGNATING SUCH DEFECATION AS BEING A NUISANCE, PROHIBITING NOISE DISTURBANCE OF ANIMALS AND DESIGNATING SUCH NOISE DISTURBANCE AS A NUISANCE, IMPOSING A DUTY UPON OWNERS OF ANIMALS TO DISPOSE OF ANIMAL FECES, EXEMPTING DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS, AND FIXING A FINE FOR VIOLATION HEREOF.

WHEREAS, the Supervisors of the Township of Adams have received complaints from various residents of the Township relative to dogs, other animals or fowls barking, howling or making other loud noises to their annoyance and discomfort; and

WHEREAS, the Board of Supervisors of the Township of Adams are desirous of alleviating such annoyance(s) - discomfort - nuisance(s) by enacting this Ordinance on behalf of the said Township in accordance with authority granted to them in the Second Class Township Code, 53 P.S. 65101, et seq.

NOW, THEREFORE BE IT ORDAINED and ENACTED by the Board of Supervisors of the Township of Adams on behalf of said Township, and it is hereby ORDAINED and ENACTED as follows:

SECTION 1 - The township declares the following Activities of dogs, fowl, animals or other living creatures kept by a township resident to be nuisances and subject to the penalties prescribed hereinafter;

A. Loud Noises, It shall be unlawful to own, harbor or keep in custody any dog, other animal or fowl which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Township of Adams. Continuous barking, howling or the making of other loud noises by any dog, other animal or fowl for more than any one (1) hour, or continuous barking for periods of less than one (1) hour but more than one-half (½) hour, which periods occur on two (2) or more consecutive days, shall be deemed to be a disturbance of the peace and cause of annoyance and discomfort to persons in the Township of Adams.

B. Any animal or fowl which scratches 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 and such action is in violation(s) of this Ordinance.

C. Any person having possession, custody or control of any dog or other animal

which commits a nuisance (defecation) in any area other than the private property of the owner of such dog, as prohibited above, shall be required to immediately remove the said feces from such surface and carry the feces in a non-leaking container and dispose of same in a proper and healthful matter. Failure to immediately clean up said feces shall constitute a separate violation of this ordinance

SECTION 2 -Warnings required for noise violations,

The Adams Township Dog Enforcement Officer and/or Adams Township Police Department shall warn any person who shall own, harbor or keep in custody any dog, other animal or fowl which disturbs the peace by barking, howling, or making other loud noises to the annoyance and discomfort of persons in the Township of Adams at the first occurrence evidenced by a complaint within a six month period.

SECTION 3 - Complaints,

Complaints of noise violations shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the dog, other animal or fowl and shall identify and specify the name and address of the person making the complaint. Township employees including poolice officers who observe a violation may make a complaint.

SECTION 4 - Delivery of Warning for noise violations,

A warning by the Dog Enforcement Officer and/or the Adams Township Police Department includes and/or shall consist of delivery of a copy of this Ordinance to the residence in the Township of Adams of any such owner, keeper or custodian. Such delivery shall be made by the Dog Enforcement Officer and/or member of the Adams Township Police Department.

SECTION 5 - A violation of this Ordinance shall be deemed to have occurred upon a second or subsequent violation of Section 1 A hereof, after delivery of the warning. Violations of sections 1B, and 1C do not require warnings prior to prosecution.

SECTION 6 - Any person who owns, harbors or keeps in custody any dog or other animal or fowl which disturbs the peace by barking, howling, or making other loud noises to the annoyance and discomfort of persons of the Township of Adams as set forth in Section 5 hereof shall, upon conviction, be guilty of a summary offense and be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Six Hundred (\$600.00) Dollars; and in the event of default of payment of such fine, to undergo imprisonment for non payment as provided for under the law.

SECTION 7 -The provisions of Section 1 B shall not apply to a guide dog or other assistance animal accompanying any blind or disabled persons.

SECTION 8 - If any section 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 of this Ordinance. It is hereby declared as the intent of the Township of Adams that this Ordinance would have been adopted had such unconstitutional, illegal or invalid section not been included herein.

SECTION 9 - Any owner, person, firm, association or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than **twenty-five dollars (\$25.00) nor more than one thousand dollars (\$600.00), or to imprisonment for a term not less than five days nor** more than ninety days.

SECTION 10 - All ordinances and regulations, inconsistent herewith are hereby repealed. Adams Township-Ordinance No. 29-B_ - Dogs-Section 1-General, is specifically repealed to the extent in consist with Section Four hereof.

Enacted and Ordained this _____ day of _____, 2009.

TOWNSHIP OF ADAMS

ATTEST:

By: _____
William J. Smith, Chairman

Diana Baxter, Twp. Secretary

(Seal)