

**SHREWSBURY BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2003-06

**AN ORDINANCE OF SHREWSBURY BOROUGH, YORK COUNTY,
PENNSYLVANIA, REGULATING THE CONTROL OF BARKING DOGS AND
EXCESSIVE NOISE OF OTHER ANIMALS.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of Shrewsbury Borough, York County, Pennsylvania, under authority of law as follows:

SECTION 1: BACKGROUND OF ORDINANCE AND PURPOSE. Uncontrolled or excessive noise from animals is detrimental to the physical, mental and social well-being of the residents of Shrewsbury Borough. Uncontrolled, and particularly incessant, barking of dogs or the making of noises from other animals can result in stress to people who are within audible range of such noise. Such stress can and does adversely affect the health of such individuals and interferes with the peaceable enjoyment of the property on which they reside. The purpose of this Ordinance, adopted under Section 1202 of the Borough Code, is to promote the public health, safety and welfare by making it unlawful to permit an animal to create such an offensive situation by barking or otherwise creating detrimental noise.

SECTION 2: NOISE DISTURBANCE. It shall be illegal within Shrewsbury Borough for any person to own, possess or control any animal that makes noises continuously or repeatedly either for a period of at least fifteen (15) minutes between the hours of 7:00 a.m. to 10:00 p.m. daily, or for a period of at least five (5) minutes between the hours of 10:00 p.m. to 7:00 a.m. daily, regardless of whether the animal is physically situated in or upon private property. Such noises are hereby determined by the Shrewsbury Borough Council to be annoying or disturbing of a reasonable person of normal sensitivities. Accordingly, such noises shall be considered a nuisance and shall be illegal provided that none of the exceptions, set forth hereinbelow, are applicable.

Each day that such noises occur shall constitute a separate violation of this Ordinance; and multiple violations may be cited if such noises occur on different days.

SECTION 3: EXCEPTIONS. The following shall not be considered a violation of this Ordinance:

A. Noises made by farm animals located on farms that constitute agricultural operations protected from nuisance suits by the Right to Farm Law or any similar legislation now in

force or hereinafter enacted to protect farm operations from legal actions that have the effect of restricting lawful agricultural operations.

B. Barking or other noises made by dogs or other animals in response to a person who is trespassing upon private property in or upon which the animal is lawfully situated or if the noise is made in response to an unlawful physical assault upon the dog or other animal or upon a person lawfully on the property on which the dog or other animal is situated. By way of illustration, but not limitation, this exception does not apply to noises made in response to a person walking, running or being present on a sidewalk intended for the public or within the public right-of-way of any road regardless of whether the animal may perceive the presence of such person as being intrusive or alarming.

C. Barking or other noises made by dogs or other animals located in a kennel, veterinarian's office or other similar lawful place of business, provided that the operator of the facility has adopted and implemented reasonable policies to avoid adverse impacts to the occupants of neighboring properties such as, by way of illustration, but not limitation, installing or constructing buffers between the location of the animals and affected neighboring properties, the placement of loud animals indoors or the refusal to accept, on other than an emergency basis, animals which have previously created noise problems for the operator.

SECTION 4: PENALTIES. Any person, firm or corporation who or which shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred and 00/100 (\$300.00) Dollars, plus all costs of prosecution, including, but not limited, to attorneys' fees, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

SECTION 5: ENFORCEMENT. The provisions of this Ordinance shall be enforced by the Shrewsbury Borough Zoning Officer, Shrewsbury Borough Animal Enforcement Officer, any Shrewsbury Borough official appointed from time to time by resolution of the Borough Council, or by any police officer having authority within Shrewsbury Borough.

SECTION 6: REPEALER. All Ordinances or parts of Ordinances which focus primarily on barking dogs are hereby repealed. All other Ordinances which regulate the keeping or handling of animals shall remain unaffected by this Ordinance except to the extent that the specific provisions are in conflict with those of this Ordinance in which case this Ordinance shall control.

SECTION 7: 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 Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 11th day of June 2003, by the Borough Council of the Borough of Shrewsbury, York County, Pennsylvania, in lawful session, duly assembled.

ATTEST:

**BOROUGH OF SHREWSBURY
YORK COUNTY, PENNSYLVANIA**

Cynthia Z. Proby
Secretary

By: *Robert W. Schmalz*
President of Council

APPROVED this 11th day of June, 2003.

James W. Reedy
Mayor