

ORDINANCE NO. 399

AN ORDINANCE OF THE BOROUGH OF  
BENTLEYVILLE, WASHINGTON COUNTY,  
PENNSYLVANIA, PROHIBITING THE  
KEEPING OF ANIMALS MAKING DISTURBING  
NOISES AND PRESCRIBING PENALTIES FOR  
VIOLATION.

SECTION 1. INTENT AND PURPOSE.

The Council of the Borough of Bentleyville, Washington County, Pennsylvania, 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 therefor 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 Bentleyville..

SECTION 2. NOISE DISTURBANCE.

It shall be illegal within the Borough of Bentleyville 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 on 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 the 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, in a summary proceeding before a District Magistrate, be sentenced to pay the costs of prosecution, to pay a fine of not less than \$100.00 or more than \$300.00 and in default of the payment of such costs and fine, shall be committed to the County Jail for a period not exceeding thirty (30) days, and each day's continuance of a violation of this Ordinance shall constitute a separate offense.

SECTION 5. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent

herewith are hereby repealed.

SECTION.66 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. EFFECTIVE DATE.

This Ordinance shall become effective on the 6th day of December, 1988.

ENACTED AND ORDAINED this 6th day of December, 1988.

ATTEST:

BOROUGH OF BENTLEYVILLE

*Lena Greenfield*  
Borough Secretary

By *Gene Saniga*  
President of Council

(BOROUGH SEAL)

EXAMINED AND APPROVED this 6th day of December, 1988.

*Paul Green*  
Mayor