

ORDINANCE NO. 1-2013

**BOROUGH OF PORT CARBON**

AN ORDINANCE OF THE BOROUGH OF PORT CARBON PROHIBITING UNREASONABLE LOUD AND DISTURBING NOISES CREATED BY A DOG, PROHIBITION OF HARBORING DOGS, AND ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF

**WHEREAS**, the Borough of Port Carbon is a municipal corporation organized and operating under the Commonwealth Borough Code; and

**WHEREAS**, the Borough of Port Carbon possesses statutory authority to enact ordinances for the health, safety and welfare of its residents; and

**WHEREAS**, the Borough of Port Carbon seeks prohibition of unreasonable loud and disturbing noises as well as the harboring of animals that detract from the health, safety and welfare of its residents.

**NOW THEREFORE BE IT ORDAINED AND ENACTED**, and the Port Carbon Code of Ordinances is hereby amended to include the foregoing as follows:

**§ 80-1. Harboring Barking Dogs Prohibited.**

- A. No person shall keep or harbor any dog within the Borough which, by frequent and habitual barking, howling or yelping, creates unreasonable loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Borough of Port Carbon.
- B. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure which he occupies or owns shall be considered as harboring such dog.

**§ 80-1.5. Enforcement.**

The Port Carbon Borough Council shall possess the authority to appoint an enforcement officer for prosecuting the provisions under this Ordinance and shall perform all other duties which may be prescribed by this Ordinance or the Commonwealth Borough Code.

**§ 80-2. Violations and Penalties.**

**[Amended 4-8-2008 by Ord. No. 1-2008]**

Any person violating any of the provisions of this Article shall, upon conviction, be punishable as set forth in Chapter I, General Provisions, Article I, General Penalty, of this Code.

**Savings Clause.**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof, and any prior enacted ordinance shall remain in full force and effect as though not repealed and amended.

**Ordinances Not in Conflict.**

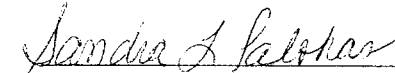
All ordinances previously adopted by the Borough not in conflict herewith shall remain full force and effect.

**Repealer.**

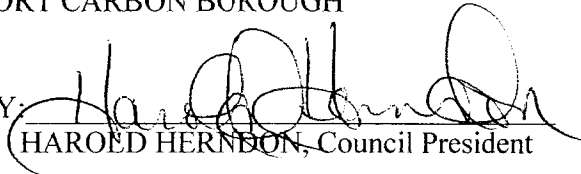
All ordinances, or parts of ordinances inconsistent with this Ordinance be and the same are hereby repealed.

**ADOPTED** this 12<sup>th</sup> day of March, 2013.

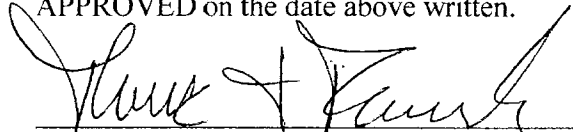
ATTEST:

  
\_\_\_\_\_  
SANDRA PALOKAS  
Borough Secretary  
(Seal)

PORT CARBON BOROUGH

BY:   
\_\_\_\_\_  
HAROLD HERNDON, Council President

APPROVED on the date above written.

  
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THOMAS PAVLICK, Mayor