

I, Michael G. Crotty, Esquire of Siana Law, LLP, Solicitor of West Fallowfield Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the West Fallowfield Township Board of Supervisors at the Township meeting on February 16, 2022.

Michael G. Crotty, Esquire  
Siana, Law, LLP – Township Solicitor

**WEST FALLOWFIELD TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 89**

**AN ORDINANCE OF WEST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, TO  
ESTABLISH REGULATIONS FOR DISTURBANCES OF THE PEACE BY BARKING  
DOGS PURSUANT TO SECTIONS 1529 AND 1530 OF THE PENNSYLVANIA  
SECOND CLASS TOWNSHIP CODE**

**§ 1. Title.**

This article shall be known and cited as the "West Fallowfield Township Dog Barking Ordinance."

**§ 2. Definitions.**

For purposes of this article, the following words shall have the following definitions:

**DAY**

A twenty-four-hour period.

**DOG**

Any canine, whether a domestic breed or otherwise, which is in whole or in part a recognized breed of dog, whether kept for breeding, as a pet, for show, or for any other purpose, whether legal or illegal.

**DOG OWNER**

Every person having a right of property in any dog, and every person who keeps or harbors any dog or has it in his/her care, and every person who permits any dog to remain on or about any premises occupied by him/her.

**ORDINANCE ENFORCEMENT OFFICER**

The appointed agent by the Township Board of Supervisors, including the Township Codes Officer, Zoning Officer, and Township Police Department.

**REPETITIVE BARKING NUISANCE**

The barking, howling, baying or making of noise by dogs, which noise interferes with or deprives any person of the peace, quiet, rest, sleep or legitimate enjoyment of his or her

property within the Township, and which barking has no reasonable or legitimate purpose to prevent trespass or harm to personal safety or property. This provision shall not apply to any dogs being used within an approved agricultural operation within the AG Agriculture Zoning District.

**§ 3. Prohibition; noise as nuisance.**

It shall be unlawful and a violation of this article for the owner of any dog to cause or permit a dog or dogs to bark, howl, bay or otherwise make any repetitive barking noise or disturbance which results in a Repetitive Barking Nuisance as defined in this article. A nuisance shall be presumed by proof of the continual barking or making of such noise for a period in excess of five (5) minutes or intermittently for 1/2 hour or more during any Day and which is audible on any adjacent property or public right-of-way. Upon the first offense, the dog owner or keeper will be given a written warning notice.

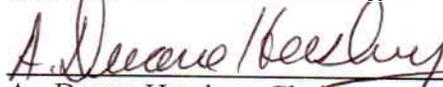
**§ 4 Violations and penalties.**

The Ordinance Enforcement Officer is authorized to enforce the provisions of the Article. After the initial written warning, any person determined to be in further violation of any of the provisions of this article by a Magisterial District Judge in a summary proceeding shall be ordered to pay a penalty of not more than \$1,000 per violation, plus costs of prosecution, including reasonable attorneys' fees, incurred by the Township in the enforcement of this article. Each violation of any of the provisions of this article shall constitute a separate violation and shall be subject to separate and distinct penalties.

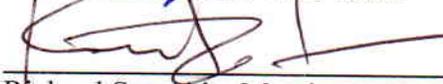
§ 5. This Ordinance shall become effective five (5) days from the date of enactment.

**DULY ENACTED AND ORDAINED** this 16th day of February, 2022.

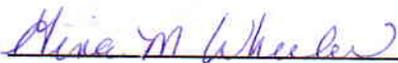
**WEST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS:**

  
A. Duane Hershey, Chair

  
Anne Deffenderfer, Vice-Chair

  
Richard Sprenkle, Member

ATTEST:

  
Tina M. Wheeler