

Ordinance 108-2004
PEACE AND GOOD ORDER; NOISE

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100.1 Purpose. The purpose of this Ordinance is to provide for the peace, good order and dignity of the Township by prohibiting specified activities which create a nuisance or otherwise disturb the peace. The authority for this Ordinance is contained within Section 1529 of the Second Class Township Code.

100.2 Disturbing the peace.

- A. "Disturbing the peace," within the meaning of this Ordinance, shall constitute the making, causing or permitting to be made, anywhere within the Township, any unnecessary noise, clamor, din or other sounds which tend to disturb the good order, quiet and dignity of the Township, including the operation of any business, trade, industry, transportation, recreation and amusement, at a time, in a place or in such a manner to cause unnecessary noise and disturbance within the Township. Except in cases of emergency, any and all such noises, activities and disturbances are hereby prohibited, even though such noises are: (a) no louder than is customary, (b) unavoidable, (c) those noises usually attendant upon the ordinary use and occupation of premises or equipment situate thereon or attendant upon the ordinary operation or performance of business, trade, industry, transportation, recreation or amusement, if made at such times other than those times usual and customary for the work and activity performed so that such noises and disturbances cause disturbance of the peace in the Township.
- B. The following particular conduct shall be, within the meaning of this Ordinance, considered disturbing the peace without in any manner intending to limit or restrict the activities above defined as disturbing the peace:
 - 1. The unnecessary sounding of motor vehicle horns, sirens, bells, whistles or other similar devices.
 - 2. The operation of radios or other similar mechanical instruments or singing, shouting or the playing of musical instruments at a time or in a manner which unduly and unnecessarily disturbs the peace of the immediate neighborhood.
 - 3. The discharging on, over or across any street, highway or road of air guns, spring guns, rifles or firearms of any kind or nature.
 - 4. The occurrence of loafing or loitering along public ways or on footpaths or at public places within the Township or acting or congregating thereon:
 - a. In a noisy, loud, boisterous and unseemly manner or in such other manner as to disturb the peace, or

- b. While being visibly under the influence of intoxicating liquor or otherwise conducting oneself so as to present an unruly, immoral, unseemly or improper appearance, or
- c. When uttering vulgar, profane or immoral, abusive language in such a fashion as to attract the attention or cause annoyance to the public.

100.3 Noise

- A. Definitions. For the purpose of this section, the following words, terms and phrases shall have the meanings indicated herein:
1. AMBIENT NOISE LEVEL: The all-encompassing background noise associated with a given environment without the sound contribution of the specific source in question.
 2. CONSECUTIVE TIME BLOCK: A measurement of time, beginning with the first minute a noise source is detectable, including each successive minute and concluding with the one hundred twentieth (120) successive minute, irrespective of the actual number of minutes the noise source is detectable.
 3. DECIBEL: A standard unit for measuring the sound pressure level according to standard scientific principles. Standard notation is dB.
 4. EMERGENCY: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
 5. EMERGENCY APPARATUS/EQUIPMENT: A motor vehicle use in response to public calamity or to protect persons or property from imminent danger.
 6. MOTOR VEHICLE: As defined in the Commonwealth's Motor Vehicle Code.
 7. MOTORIZED OFF-ROAD VEHICLE: A motorized conveyance not designed, intended or licensed for use on or within a public street or right-of-way, including but not limited to motorcycles, motorized scooters and four wheeled go-carts.
 8. NOISE: Any sound emitted by a person, an appliance, equipment, an instrument, other device or animal.
 9. NOISE DISTURBANCE – Any noise which:
 - a. Endangers or injures the safety or health of humans or animals;
 - b. Willfully, recklessly or negligently annoys or disturbs a reasonable person of ordinary sensibilities;
 - c. Jeopardizes the value of property and/or erodes the integrity, peace or good order of the environment;
 - d. Is in excess of the allowable noise levels established in Subsection D of this Ordinance.
 10. NOISE PLAINLY AUDIBLE: Noise for which the information content of that noise is unambiguously communicated to the listener, such as but not limited to, spoken speech or musical rhythms.
 11. POWERED MODEL VEHICLE: Any powered vehicle, either airborne, waterborne or landborne, which is not designed to carry persons or

property, such as but not limited to model airplanes, boats, cars, or rockets propelled by mechanical means.

12. PROPERTY BOUNDARY (aka LOT LINE): An imaginary line which separates the real property owned, leased or possessed by one (1) person or entity from that owned, leased or possessed by another person or entity.
13. PURE TONE: A sound which can be distinctly heard as a single pitch or set of single pitches. For the purpose of this Ordinance, a pure tone shall exist if the one-third (1/3) octave band sound pressure level and the band with the tone exceeds the arithmetic average of the two (2) continuous one-third (1/3) octave bands by fifteen (15) dB for bands with center frequencies less than one hundred sixty (160) Hz, by eight (8) dB for bands with center frequencies of one hundred sixty (160) Hz to four hundred (400) Hz and by five (5) dB for bands with center frequencies greater than four hundred (400) Hz.
14. SOUND: A temporal and spatial oscillation in pressure or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.

B. Prohibited acts.

1. General prohibition. It shall be unlawful for any person to make or cause to be made a noise disturbance within the limits of the Township, except as otherwise permitted in this section. A noise disturbance can be prosecuted without the use of a noise meter so long as the noise disturbance:
 - a. Endangers or injures the safety or health of humans or animals;
 - b. Negligently, recklessly or willfully disturbs any neighborhood, business, residence or reasonable person of normal sensitivities; or
 - c. Jeopardizes the value of property.
2. Specific prohibitions. The following are specifically prohibited, except as otherwise permitted in this section:
 - a. No person shall make, continue or cause to be made or continued any noise which creates a noise disturbance.
 - b. No person shall create such other noise as might pose a danger to the public health, safety or welfare of the Township or otherwise constitute a nuisance in fact.
 - c. No person shall operate, play or permit the operation or playing of any radio, television, drum, musical instrument, music player, sound amplifier or similar device which produces, reproduces or amplifies sound in such manner as to cause a noise disturbance:
 - [1]. which is plainly audible at a distance of fifty (50) feet from such source when the source is operated in, from or on a motor vehicle or hand-carried on a public right-of-way or public space.
 - [2]. such that the operator of the vehicle cannot hear or comprehend emergency signals or devices.

- [3]. between the hours of 9:00 p.m. of one day and 8:00 a.m. of the following day such that the noise disturbance is plainly audible through partitions common to two (2) parties within a building.
- d. No person shall operate or permit the operation of any tool or equipment used on construction operations, drilling or demolition, or in the sweeping of parking lots, in areas adjacent to residential uses between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day such that the sound therefrom causes a noise disturbance.
 - e. No person shall operate or permit the operation of any powered saw, drill, sander, grinder, lawn or garden tool or similar device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in areas adjacent to a residential use.
 - f. No person shall load, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to cause a noise disturbance in areas adjacent to a residential use. This subsection shall not apply to municipal or utility services in or about the public right-of-way.
 - g. No person shall own, possess, harbor or control any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for thirty (30) minutes or more to the disturbance of any person at any time of the day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other cause which teased or provoked the animal or bird.
 - h. No person shall offer for sale or sell by shouting or outcry or by any other amplified or unamplified sound, except between the hours of 7:00 a.m. of one day and 7:00 p.m. of the same day.
 - i. No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement or other work, any muffler or sound-dispersing device or element of design or noise label of any product; intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Township or other governmental entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality; or use a product which has had a muffler or sound-dispersing device or element of design or noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred.
 - j. No person shall repair, rebuild, test or otherwise work on any motorcycle or other motor vehicle, motorized off-road vehicle, motorboat or aircraft in such a manner as to cause a noise disturbance

across a property boundary of the receiving land use in districts which allow residential uses.

- k. No person shall operate or permit the operation of a powered model vehicle between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day, and such operation from a single location shall not be for more than one (1) consecutive time block without a corresponding one (1) consecutive time block interval when the noise source is not detectable. Maximum sound pressure levels during the permitted period of operation shall not create a noise disturbance under the standards of Subsection D of this ordinance and shall be measured at the property boundary of the source or at a distance of one hundred (100) feet from the source if it is operated in a public place.
- l. No person shall operate or permit the operation of motorized off-road vehicles between the hours of hours of 10:00 p.m. of one day and 7:00 a.m. of the following day so as to cause a noise disturbance in areas adjacent to a residential use. Such operation from a single location shall not be for more than one (1) consecutive time block without a corresponding one (1) consecutive time block interval when the noise source is not detectable.

C. Exemptions. The following noises are exempted from the provisions above:

1. Blasting, only if performed in accordance with a permit issued by an appropriate governmental agency. Such blasting may occur only between 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized otherwise by the permit.
2. Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between 10:00 p.m. of one day and 9:00 a.m. of the following day, and provided the activity does not create a noise disturbance.
3. Noises caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
4. Noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.
5. Noises created by organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than motor vehicle racing events.
6. Noises made by warning devices operating continuously for three minutes or less, except that, in the event of an actual emergency, the time limitation shall not apply.
7. Noises made by bells, chimes, or carillons used for religious purposes or in conjunction with national celebrations or public holidays.
8. Farm related activities, but not to include rural or home occupations.
9. Shooting activity between the hours of 7:00 a.m. and 10:00 p.m. at outdoor or partially enclosed shooting ranges of organizations which are affiliated with or recognized by the Commonwealth or a national sport shooting organization.

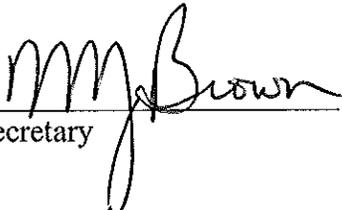
- D. Measurable noise standards. Any one (1) or combination of the following shall constitute a noise disturbance:
1. A noise which exceeds the ambient noise level by ten (10) dB, at the point of the complaint origination within the receiving lot, except as otherwise regulated by this Ordinance.
 2. Any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound if the sound exceeds the ambient noise level by five (5) dB.

100.4 Violations and penalties.

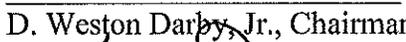
Any person, firm, association, partnership, corporation or entity who or which violates any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), plus the costs of prosecution, including reasonable attorneys' fees incurred by the Township, or in default of payment thereof, the defendant may be sentenced to imprisonment in the County prison for a term of not more than thirty (30) days. Each subsection of this Ordinance violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Ordinance is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than one hundred (\$100) and not more than one thousand dollars (\$1,000), plus the costs of prosecution, including reasonable attorneys' fees incurred by the Township, or in default of payment thereof, the defendant may be sentenced to imprisonment in the County prison for a term of not more than thirty (30) days. The imposition of a fine as provided herein shall not serve to prevent the abatement of any nuisance or to prevent the revocation of the license held by any person, firm, association, partnership, corporation or entity who or which shall violate the provisions of this Ordinance or any other law or ordinance while engaged in activities licensed under the provisions of this Ordinance.

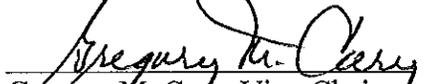
This Ordinance shall take effect as provided for by law. ENACTED AND ORDAINED THIS 11th DAY OF AUGUST, 2004.

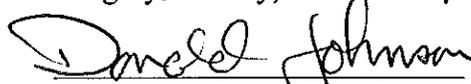
ATTEST:


Secretary

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