

COPY

NOISE ORDINANCE

TOWNSHIP ORDINANCE NO. - 2009

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MORRIS, GREENE COUNTY, PENNSYLVANIA, PROHIBITING EXCESSIVE, UNNECESSARY OR UNUSUALLY LOUD NOISE AND LOUD AMPLIFYING DEVICES; ESTABLISHING FINES AND PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Board of Supervisors of Morris Township is desirous of prohibiting any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township; and

WHEREAS, the Board of Township Supervisors is desirous of prohibiting the use of loud amplifying devices to produce the aforesaid noise; and

WHEREAS, Section 1529 of the Second Class Township Code, 53 P.S. §66529 authorizes the Board of Supervisors to prohibit nuisances, such as loud and unnecessary noise.

NOW, THEREFORE, BE IT ENACTED and ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Morris Township, Greene County, Pennsylvania, as follows:

SECTION 1. It shall be unlawful for any person to unnecessarily and repeatedly sound the horn of any vehicle or use any loud signaling device thereon, on any street or public places of the Municipality, except as a danger warning or except when used on an emergency vehicle or vehicle on an emergency business use.

SECTION 2. No person shall operate or cause to be operated, any audio amplification or reproduction device including but not be limited to an oversized hand carried radio, cassette, compact disc player, or one that is installed in or audio powered by a vehicle, on any Township street or sidewalk, in any Township Park, or on any public conveyance, or in any other public property in excess of the limits set forth in Section 8, below.

SECTION 3. It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power in building or construction operations, except for emergency work on public improvements, work of public service utilities, and municipal services.

SECTION 4. No person shall make any unnecessary noise in the vicinity of any hospital, or church during hours of public worship, or school during school hours.

SECTION 5. No person shall cause, permit or continue any excessive, unnecessary and avoidable noise in the operation of a motorcycle, trail bike or other motorized two, three or four-wheeled vehicle. Any motorcycle, trail bike, or other motorized two, three, or four-wheeled vehicle must be equipped with a muffler to meet current noise level.

SECTION 6. No person shall operate any automobile, motorcycle or other motor vehicle so out of repair, so loaded or in any such manner as to create any loud and unnecessary grating, grinding, rattling or other unnecessary noise.

SECTION 7. A person shall be considered to be in violation of any of the above sections if the loud and unnecessary noise cause by any of the aforesaid activity generates an A-weighted sound level in excess of:

- A. 65dB(a) between the hours of 9:00 P.M. to 8:00 A.M.; and
- B. 90dB(a) between the hours of 8:00 A.M. to 9:00 P.M.;

measured at the property line nearest the origin of such noise.

SECTION 8. Sound levels as described in the previous Sections shall be measured with a sound level measuring device, either Type I or Type II as defined by the American National Standards Institute specifications. Section 1.4-1971.

SECTION 9. A person shall be exempt from the aforesaid prohibitions as follows: if any audio amplification, reproduction device horn or loud signaling device is being operated to request assistance or warn of a hazardous situation; if the device is used on an authorized emergency vehicle or a vehicle operated by a gas, electric, communication or water utility; or State or Municipal Road Department; the device is being used in connection with a parade, political activity, amusement activity or community event that is being conducted under any permit issued by the Township and is otherwise in compliance with all applicable codes of Morris Township and furthermore that the recommended sound level is not exceeded.

SECTION 10. The provisions of this Ordinance shall not apply to noise emanating from an agricultural operation.

SECTION 11. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 for the first offense, and a mandatory fine of \$600.00 for the second or any subsequent offense; and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Every day that a violation of this Ordinance continues shall constitute a separate offense. This

provision shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 12. Any violation of the provisions of this Ordinance is hereby declared a public nuisance, disturbing the peace and injurious to the public interest and shall be abated immediately. Abatement of a public nuisance as declared in this Ordinance may be enforced in an action in equity by the Township or any aggrieved person.

SECTION 13. If the standards and regulations established in this Ordinance are or come into conflict with the standards and regulations of any other ordinance in effect in Morris Township, the standards and regulations of the other ordinance in effect shall prevail.

SECTION 14. 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 of Morris Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 15. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance and passed by the Board of Supervisors of Morris Township, Greene County, Pennsylvania, in public session duly

assembled, on this 6th day of August, 2009.

MORRIS TOWNSHIP
BOARD OF SUPERVISORS

BY: Robert Keller
Robert Keller

Glenn Adamson
Glenn Adamson

Roger Creech
Roger Creech

ATTEST:

Judy Moninger
Judy Moninger, Secretary