

PART 2

NOISE NUISANCE

§201. Definitions.

The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

EMERGENCY — any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

NOISE DISTURBANCE — any sound which (1) endangers or injures the safety or health of humans or animals, or (2) annoys or disturbs a reasonable person of normal sensitivities, or (3) endangers or injures personal or real property.

PERSON — any individual, association, partnership, corporation, or other legally recognized entity. Whenever used in any subsection prescribing and imposing a penalty, “person” includes any individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporations, the officers and managers thereof or any of them.

PLAINLY AUDIBLE — any sound (including, but not limited to, bass reverberations) produced by a sound amplification system, musical instrument, similar device or any other method or way which clearly can be heard at a distance of 50 feet or more from its source. Words or phrases need not be clearly discernable and/or understood for a sound to be plainly audible.

PUBLIC RIGHT-OF-WAY — any street, avenue, boulevard, highway, sidewalk, ally or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE — any real property or structures thereon which are owned or controlled by governmental entity.

PROPERTY LINE (BOUNDARY) — an imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons, a demarcation or a line of separation of properties, and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purposes of this regulation, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing Borough official or employee.

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REAL PROPERTY — all land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to the public right-of-way.

SOUND — an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

SOUND AMPLIFICATION SYSTEM — any radio, tape player, compact disc player, loud speaker, or other device electronic or otherwise used for the amplification or production of sound.

(Ord. 813, 6/15/2000, §A)

§202. Prohibited Acts.

1. **Noise Disturbance Prohibited.** No person shall make, continue to cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right to control.
2. **Specific Prohibitions.** The following acts, without limitation, and the causing thereof, are declared to be noise disturbances and therefore in violation of this Part:
 - A. Use or operation of, or permitting the use or operation of, any sound amplification system or other device designed or intended to produce or reproduce sound in such a manner as to disturb the peace, quiet and comfort of residential inhabitants or at any time with louder volume than is necessary for convenient hearing by the person or persons who are in a motor vehicle in which such sound amplification system or other device is operating and who are voluntary listeners thereto. The operating of any such sound amplification system or other device in a motor vehicle, at any time, in such a manner as to be plainly audible at a distance of 50 feet from the source shall be evidence of a violation of this Part.
 - B. Any sound at any time in such a manner as to cause a noise disturbance across a property line (boundary) between the hours of 9:00 p.m. and 7:00 a.m. so as to be plainly audible across a property line (boundary).
 - C. Yelling, shouting, hooting, whistling, singing or creating any other noise disturbance on the public streets, public spaces, or public rights-of-way at any time in such a manner as to cause a noise disturbance across a property line (boundary) between the hours of 9:00 p.m. and 7:00 a.m. as to be plainly audible across a property line (boundary).

(Ord. 813, 6/15/2000, §B)

§203. Exceptions.

Notwithstanding the foregoing, the operation of a sound amplification system within a vehicle operated by police, fire or emergency medical service agency or within a vehicle responding to an emergency or by a person participating in a public activity such as a parade, festival or fair, customarily regulated and/or sanctioned sporting event or a civic celebration, which produces plainly audible sounds shall not be in violation of this Part. The aforementioned public activities shall include any municipal, school or college sanctioned event held within the real property controlled by the person or entity. The repair, construction or excavation of any utility such as sewer, water, natural gas, electric or other public utility during prohibited hours shall not be in violation of this Part. The provisions of this Part do not apply to a legal use classified by the Borough Zoning Ordinance [Chapter 27] within the Office-Industrial, General-Industrial or General-Commercial Zoning Districts. The collection of municipal waste and/or trash shall be regulated by other governing ordinances.

(Ord. 813, 6/15/2000, §C)

§204. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to a fine of not less than \$50 nor more then \$600 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day in which a violation of this Part shall take place shall be deemed a separate offense.

(Ord. 813, 6/15/2000, §D; as amended by Ord. 829, 11/15/2001)