

CHAPTER 20

NOISE

**BOROUGH OF WYALUSING
ORDINANCE NO. 20**

AN ORDINANCE CHAPTER NO. 20, NOISE, OF THE CODE OF THE BOROUGH OF Wyalusing, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate Nuisances as authorized under the Borough Code found at 53 P.S. § 46202, Specific powers.

(4) Nuisances. To prohibit and remove any obstruction or nuisance in the streets of the borough.

The Borough of Wyalusing hereby ordains and enacts as follows:

SECTION 01. Declaration of policy and prohibition.

It is hereby declared to be a nuisance and disorderly conduct for any person, firm or corporation to make, cause or permit on any premises owned, occupied or controlled by it or up on any public street in the Borough of Wyalusing or any other public place in the Borough of Wyalusing any unnecessary noise by means of human voices or by any other means or methods which are so loud, harsh, prolonged, unnatural or unusual in their use or time as to be physically annoying to people or which affect and are a detriment to the public health, peace, convenience, safety, welfare, prosperity and comfort of the residents of said borough.

SECTION 02. Enumeration of prohibited acts and noises.

The following acts and noises are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but this enumerations shall be deemed to be illustrative only and not an exclusive enumeration of such noises:

1. Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, public conveyance or other vehicle on any street or other private of public place in the borough, except as a danger warning.
2. Car alarms. The sounding, or allowing to be sounded, of any vehicle alarm for any reason other than an emergency, on any vehicle parked on any street or public place

within the Borough of Wyalusing for a length of time which exceeds 10 minutes. For the purpose of this Code, the registered owner of the vehicle shall be deemed the person responsible for any violation involving an unoccupied vehicle. More than two instances of any alarm sounding on the same vehicle for any cause other than an emergency within an eight-hour period shall authorize the towing of the offending vehicle, at the owner's expense, from any public area or area accessible to the public.

3. Burglar, intruder, security, etc. alarms. The sounding, or allowing to be sounded, of any burglar, intruder, or security or fire alarm at a residence or a commercial establishment for a length of time that exceeds 10 minutes, for any reason other than an emergency for which the system was designed and installed. For the purpose of this Code, the owner of the property, or the lessee, if said lessee is responsible for maintenance of the alarm system, shall be deemed the person responsible for any violation involving a nonemergency sounding of the alarm more than one (1) hour of continuous sound will constitute a violation. More than two instances of an alarm sounding at the same location for any cause other than an emergency within an eight-hour period shall be cause for the imposition of a fine or such penalty as provided by this Code or the Borough Council of the Borough of Wyalusing.

a. Radios, tape players, compact disc players, phonographs, amplified musical instruments, motor vehicle sound systems, musical instruments and similar devices. The using, operating or permitted to be played, used or operated of any radio, musical instrument or instruments, phonograph or other machine or device for the producing or reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume that is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. Neighboring inhabitants shall be interpreted to mean those persons in close proximity to the operator of an above-listed device in a park or playground. The operation of any such set, instrument, phonograph, machine or device between the hours of 12:00 midnight and 7:30 a.m. in such manner as to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this section.

b. Loudspeakers, amplifiers or advertising. The using or operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine device for the producing or reproducing of sound which is cast upon the public street for the purpose of advertising or attracting the attention of the public to any building or structure without the prior written authorization of the Borough Council, upon such terms as will not impair public health as determined by the Borough Council using reasonable standards.

b. Motor Vehicles.

(1) Noise emanating from the operation on a motor vehicle on public highways regulated by the Commonwealth of Pennsylvania Motor Vehicle Code. The maximum levels set forth in the Motor Vehicle Code for the operation of vehicles on public highways as they may be amended from time to time are hereby designated to be the maximum permissible noise levels for the operation of motor vehicles on all other property as well as, public highways within the Borough of Wyalusing.

(2) Allowing the engine of a truck or bus, including school buses, to idle while the vehicle is standing for a period exceeding five (5) minutes, with the exception of vehicles with refrigeration systems where the engine must be running in order to power the refrigeration unit or vehicles that are parked in the Wyalusing Borough Zoning Ordinance Industrial District.

- c. Schools and churches. The creation of any excessive noises on any street adjacent to any school, institution of learning, or church while the same is in use, which unreasonably and unnecessarily interferes with the workings of such institutions.
- d. Restaurants and Private Clubs. The playing, causing to be played or permitting to be played of music of any kind or description, including instrumental music, radio, player piano, jukebox, recorder, electronically produced or vocal music, which interferes with the repose, health, comfort, safety or welfare of any person, and is plainly audible from adjacent properties in any restaurant, bar, tavern and/or other public place licensed to sell liquors, wines or beer to be consumed on the premises. This section will not supercede the regulations of the Pennsylvania Liquor Control Board.

SECTION 03. Military or civil parades; use of loudspeakers.

The provisions of this chapter shall apply to military or civil parades and celebrations at public gatherings. .

SECTION 04. Exceptions.

Noise emanating from the following:

- (1) Parades, authorized by Borough Council

- (2) Carnivals or similar events authorized by Borough Council
- (3) Public Celebrations authorized by Borough Council
- (4) Borough grounds rental events
- (5) Sirens whistles used by the Fire and Police Agencies
- (6) Sirens used by authorized emergency vehicles
- (7) Civil defense and any other municipal department or agency for emergency functions shall not be subject to the provisions of this article.
- (8) Events with permits issued by the Borough using reasonable standards, by the Borough Council, for any use of loudspeakers or amplifiers
- (9) The Borough shall have the right to limit the permit hours that the permit will be enforced based on the attendance at the event and the type of event.

SECTION 05. Violations and penalties.

Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed two hundred dollars (\$200.) for the first offense, a fine or not less than two hundred dollars (\$200.) but not to exceed five hundred dollars (\$500.) for the second offense and a fine of not less than five hundred dollars (\$500.) but not to exceed six hundred dollars (\$600.) for the third and subsequent offenses; or by imprisonment for a period not to exceed ten (10) days; or both fine and imprisonment, and each violation of the provisions of this chapter and each day the same violations continues shall be determined and taken as a separate and new offense.

THIS ORDINANCE shall take effect immediately upon adoption.