ORDINANCE NO. 449

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, PENNSYLVANIA THAT UNNECESSARY OR EXCESSIVE NOISE TO BE DISORDERLY CONDUCT.

BE IT ORDAINED by the Mayor and Council of the Borough of Southmont.

The creation, within the Borough, of any unnecessary or excessive noise or of any noise of such character, intensity or duration as to be detrimental to the health or life of any community or in the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise to continue is hereby prohibited and shall constitute disorderly conduct.

Prohibited noise, within the meaning of this ordinance is hereby defined to include the following:

A. For any person at any time to use a horn or other warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonable, loud or harsh sound by means of a horn or other warning device.

B. The playing of any radio or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, or any dwelling, or other type of residence or of any persons in the vicinity thereof.

C. Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the quiet, comfort or repose of any persons in any dwelling or other type of residence or of any persons in the vicinity thereof.

D. Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or long continued noise of such character or intensity as to disturb the comfort or repose of any person.

E. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 9:00 p.m., except in the case of urgent necessity in the interests of public health and safety and then only with a permit from the Manager of Council, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the Borough Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m. and if they shall further determine that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done between the hours of 9:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

F. The creation of any excessive noise on any street adjacent to any school, institution of learning or church while the same are in session, which unreasonably interferes with the working of sessions thereof and the making of any other noise so as to annoy the users and/or occupants of such places or buildings as are herein defined.

G. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to the sale or display of merchandise of a commercial character.

H. The use of any mowers, leaf blowers and other such noisy devices are to be used only between 7:00 a.m. to 9:00 p.m.

None of the terms or prohibitions hereof shall apply to or be enforced against:

A. Any vehicle of the Borough while engaged upon necessary public business.

B. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the daytime.

C. Parades with band music on holidays, by civic organizations, by the public schools or divisions of the public schools or fire fighting equipment and sirens.

D. School sports events which may or may not be accompanied by cheering and/or music.

E. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300) and costs of such proceedings.