

ORDINANCE NO. 2007-2

**EAST BETHLEHEM TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF EAST BETHLEHEM TOWNSHIP,  
WASHINGTON COUNTY, PENNSYLVANIA, PROHIBITING ANY  
UNNECESSARY OR EXCESSIVE NOISE OR ANY NOISE OF SUCH  
CHARACTER, INTENSITY OR DURATION AS TO BE  
DETRIMENTAL TO THE HEALTH, SAFETY OR WELFARE OF  
ANY INDIVIDUAL OR DISTURBANCE OF PUBLIC PEACE, AND  
PRESCRIBING PENALTIES FOR VIOLATION THERETO.**

**WHEREAS**, the Board of Commissioners for East Bethlehem Township has received numerous complaints from its residents concerning unnecessary and/or excessive noise within the Township; and

**WHEREAS**, the Board of Commissioners of East Bethlehem Township is concerned that this unnecessary and/or excessive noise is of such character, intensity or duration as to cause a disturbance of the public peace and welfare of the residents of the Township; and

**WHEREAS**, the Board of Commissioners is concerned that this unnecessary and/or excessive noise is of such character, intensity or duration as to be detrimental to the health, safety or welfare of its residents; and

**WHEREAS**, it is now deemed necessary for the promotion of the health, safety and welfare of the citizens of East Bethlehem Township to enact this Ordinance.

**NOW THEREFORE**, pursuant to the authority conferred upon it by the Pennsylvania First Class Township Code, the Board of Commissioners of East Bethlehem Township, Washington County, Pennsylvania, does hereby ENACT AND ORDAIN the following:

## **SECTION 1. TITLE**

This Ordinance shall be known and may be cited as the Township "NOISE ORDINANCE".

## **SECTION 2. PURPOSE**

The purpose of this Ordinance is to prohibit the creation of any unnecessary or excessive noise, or of any noise of such character, intensity or duration as to be detrimental to health, safety or welfare of any individual or the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise to continue.

## **SECTION 3. SPECIFICATIONS OF UNNECESSARY OR EXCESSIVE NOISE**

Prohibited noise, determined without benefit of using a sound level meter under the provisions of SECTION 4 of this Ordinance, shall include and are hereby defined within this Ordinance as follows:

ANIMAL/BIRD- 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.

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

COMMERCIAL ADVERTISING- 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 commercial character.

CONSTRUCTION OR DEMOLITION WORK- 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 11:00 p.m. on weekdays, except in the case of urgent necessity in the interests of public health and safety and then only with a permit from the Secretary of the East Bethlehem Township Council, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the 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 11:00 p.m. and 7:00 a.m. and if they shall further determine the loss or inconvenience would result to any party in interest, they may grant permission for such work to be done between the hours of 11:00 p.m. and 7:00 a.m., upon written application being made at the permit for the work is awarded or during the progress of the work.

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

INTERFERENCE WITH SCHOOL, CHURCH, ETC., HOURS- The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in session, which unreasonably interferes with the workings 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.

REFUSE COMPACTING VEHICLES- Operating of or permitting to be operated the compacting cycle of the motor vehicle which can compact refuse between the hours of 6:00 p.m. and 6:00 a.m. the following day in East Bethlehem Township.

VOCAL- 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 office, dwelling or any other type of residence or of any person in the vicinity thereof.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**SECTION 4. SPECIFICATIONS OF UNNECESSARY OR EXCESSIVE NOISE AS DETERMINED BY THE USE OF A SOUND METER**

**A.** Prohibited noise, under this Section, is defined as follows: No person shall cause or permit any steady-state sound to emanate from a source property that exceeds the levels set forth in paragraph B of this Section when measured at the following locations:

- (1) Within 25 feet of any Receiving Building located in any district, or
- (2) At any point along the boundary line between the Source Property and the Receiving Property in all areas of the Township.

**B.** Maximum permissible noise levels are:

- (1) Daytime (7:00 a.m. to 10:00 p.m.) – 75 DBA
- (2) Nighttime (10:00 p.m. to 7:00 a.m.) – 70 DBA.

**C.** Sound measurements made to determine compliance with the conditions and standards of this Section shall be made using a sound level meter which conforms to Type 1 or Type 2, as specified in ANSI specifications 51, 4-1971, and/or any other sound level meter which conforms to the standards of law and/or is approved for operation and use in the Pennsylvania Bulletin.

## **SECTION 5. PENALTIES**

Any person, firm or corporation who shall violate any provision of the Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars, together with the cost of prosecution, and/or to imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance is determined constitutes a separate offense.

## **SECTION 6. REPEALER**

Any ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

## **SECTION 7. SEVERABILITY**

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 Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

## **SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon final enactment.

**ORDAINED** and **ENACTED** as an Ordinance for the Township of East Bethlehem by the Board of Commissioners of the Township of East Bethlehem this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

TOWNSHIP OF EAST BETHLEHEM

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman, Board of Commissioners

(SEAL)