

# Noise Ordinance

## ORDINANCE 2006-6

### Noise Ordinance

BE IT ORDAINED by the Council of the City of Hazleton as follows:

#### Purpose and Scope

A. The purpose and scope of this Ordinance is to prohibit noise and/or sound which disrupt the peace and harmony of the City of Hazleton and to protect the physical, mental and social well-being of the residents of the City of Hazleton by prohibiting such noise and/or sound.

B. This Ordinance aims to ensure that public health, safety and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive noises in the City of Hazleton. The residents of the City of Hazleton recognize that uncontrolled noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which the level of noise is minimized for the community good. This ordinance attempts to foster mutual respect among residents and to establish a community position against noise pollution. The community believes that it should rely on the good sense of all residents to respect one another's living and working environments and one another's right to an environment that is free from noise disturbances.

C. This Ordinance applies to all persons, property, animals, equipment, appliances, instruments and other sound-emitting devices, as regulated herein.

D. The provisions of this Ordinance are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, including the Crimes Code or Vehicle Code, Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in the other rules, regulations or Ordinances, the more stringent regulation shall apply.

#### Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the meanings indicated herein:

CITY - The City of Hazleton;

NOISE - Any sound emitted by a person, an appliance, equipment, an instrument, other device or animal.

NOISE DISTURBANCE &ndash; Any noise which endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, the safety or health of humans or animals, annoys, would annoy or is likely to annoy, or disturb a reasonable person of ordinary sensibilities; endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, personal or real property; disturbs, would disturb or is likely to disturb, the peace; or creates, would create or is likely to create, a nuisance.

PERSON - Any individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, &ldquo;person&rdquo; includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other forms of entity.

#### Prohibited Acts

A. General prohibition. It shall be unlawful for any person to make or cause to be made a noise disturbance within the limits of the City of Hazleton, except as otherwise permitted in this Ordinance.

B. Specific prohibitions. The following are specifically prohibited, except as otherwise permitted in or exempted from this Ordinance:

(1) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, sound amplifier or similar device which produces, reproduces or amplifies sound:

(a) In such manner as to cause a noise disturbance.

(b) In such manner, which is plainly audible at a distance of 50 feet from such source, when the source is operated in,

from or on a motor vehicle or hand carried on a public right-of-way or public space.

(2) No person shall operate or permit the operation of any tools or equipment used on construction operations, drilling or demolition or other work or in the sweeping of parking lots in areas adjacent to residential districts between the hours of 9:00 pm of one day and 7:00 am of the following day on weekdays and Saturdays or at any time on Sundays or legal holidays such that the sound there from causes a noise disturbance.

(3) No person shall operate or permit the operation of any electrically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device used outdoors between the hours of 9:00 pm of one day and 7:00 am of the following day so as to cause a noise disturbance.

(4) No person shall load, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects between the hours of 9:00 pm of one day and 7:00 am of the following day in such a manner as to cause a noise disturbance across a residential lot line. This subsection shall not apply to municipal or utility services in or about the public right-of-way.

(5) No person shall offer for sale or sell by shouting or outcry or by any other amplified or un-amplified sound, except between the hours of 7:00 am of one day and 7:00 pm of the same day.

(6) No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement or other work, any muffler or sound-dissipative device or element of design or noise label of any product; intentionally move or render inaccurate or inoperative of any sound-monitoring instrument or other device positioned by or for the City or other government entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality; or use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred.

(7) No person shall repair, rebuild or test or otherwise work on any motorcycle or other motor vehicle, motorboat or aircraft in such a manner as to cause a noise disturbance across a lot line of the receiving land use.

(8) No person shall create such other noise as might pose a danger to the public health, safety or welfare of the City or otherwise constitute a nuisance in fact.

(9) No person, including, without limitation, a pedestrian, shall make, continue or cause to be made or continued any noise, which creates or causes a noise disturbance.

(10) No person shall operate a motorcycle, truck, automobile or other motor vehicle in such a manner as to cause to create a noise disturbance.

### Exemptions

The following noises are exempted from the provisions above:

A. Blasting. Only if performed in accordance with a permit issued by the official in charge of the City's Code Enforcement Office or its designee. Such blasting may occur only between 8:00 am and 4:30 pm, Monday through Friday, unless specifically authorized otherwise by the permit.

B. Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between 11:00 pm on one day and 10:00 am on the following day.

C. Noises caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

D. Noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.

E. Noises created by organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than motor vehicle racing events.

F. Noises made by warning devices operating continuously for three minutes or less, except that, in the event of an actual emergency, the limitation shall not apply.

G. Noises made by bells, chimes, carillons used for religious purposes or in conjunction with national, state or local celebrations or public holidays; existing bells, chimes and carillons and clock strike mechanisms that are currently in use for any purpose.

## Violations and Penalties

Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this Ordinance that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Ordinance is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, and, upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term not more than 30 days.

ORDAINED BY COUNCIL this 22nd day of May 2006.