

Chapter 210

NOISE

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[HISTORY: Adopted by the Borough Council of the Borough of Mount Union 5-2-2005 by Ord. No. 1071. Amendments noted where applicable.]

§ 210-1. Unnecessary or excessive noise prohibited.

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

§ 210-2. Enumeration of prohibited noises.

"Prohibited noise," within the meaning of this chapter, 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 sound-producing device 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, hospital or any dwelling, hotel, 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 hospital, dwelling, hotel, or other type of residence or 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 the public.
- E. The erection (including excavating), demolition, alteration, or repair of any building in any residential district or section and the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, except in the case of urgent necessity in the interests of public health and safety, and then only with approval from the Mayor, which may be granted for a period

not to exceed 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 10:00 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 10:00 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 or neighborhood with such volume as to annoy or disturb, or which unreasonably interferes with, the quiet, comfort, or repose of the public.
- G. The use of any drum, loudspeaker, other instrument, or noise-producing device for the purpose of attracting attention.

§ 210-3. Exceptions.

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

- A. Any vehicle or personnel of the Borough of Mount Union while engaged in necessary public business.
- B. Excavations or repairs of bridges, streets, or highways by or on behalf of the Borough of Mount Union 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 or by civic organizations or by the public schools or divisions of the public schools.
- D. School sporting events that may or may not be accompanied by cheering and/or music.
- E. The reasonable use of amplifiers or loudspeakers in the course of public addresses that are noncommercial in character.
- F. Fireworks exhibits held under permits issued and approved by the Borough Council for the Borough of Mount Union.
- G. Any permitted Borough-approved activity, such as street fairs, circuses, carnivals, or community night out, etc.
- H. Any community-wide public recognition activity or ceremony (spontaneous or planned and approved) involving the use fire trucks or other official vehicles.

§ 210-4. Enforcement.

Police officers or the Code Enforcement Officer of the Borough of Mount Union and/or their duly appointed successors are hereby empowered to enforce all provisions of this chapter.

§ 210-5. Parental responsibility.

No parent, guardian, adult, or other person acting in such capacity shall permit a person under the age of 18 years to make such noise or noises so as to violate the provisions of this chapter as delineated in the terms specified above.

§ 210-6. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$300, and costs of such proceedings, or, upon default of payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days; provided, however, that if the Magisterial District Judge determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Magisterial District Judge deems to be just.

