

Chapter 174, NOISE

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 4-2-1990 by Ord. No. 452 (Ch. 55 of the 1973 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Continuously barking dogs -- See Ch. 76, Art. I.

Nuisances -- See Ch. 56.

§ 174-1. Title.

This chapter shall be known as the "Noise Control Code" and may be referred to in this chapter in the short form as "this code."

§ 174-2. General prohibition.

It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

§ 174-3. Enumeration of prohibited acts.

A. Without intending to limit the generality of § 174-2, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this chapter:

(1) Radios, televisions and phonographs: the playing, use or operation or the permitting of the playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. so that it is clearly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

(2) Yelling and shouting: yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m., or at any time or place which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.

(3) Animals and birds: the keeping of animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a licensed dog pound or kennel. EN

(4) Horns: the sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law or when necessary to give timely warning of the approach of the vehicle or as a warning of impending danger to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound or for an unnecessary or unreasonable period of time.

(5) Exhaust: the discharge into the open air of the exhaust of a steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises.

(6) Defect in vehicle or load: the use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates loud and unnecessary grating, grinding, rattling or other noise.

(7) Construction or repair: the carrying on of excavation, demolition, construction, repair or alteration work other than between the hours of 7:00 a.m. and 8:00 p.m.; the carrying on of construction, repair or alteration work by a homeowner on his own dwelling or property, other than between the hours of 7:00 a.m. and 9:00 p.m. In case of urgent necessity or in the interest of public health or safety, the Borough Construction Code Official may grant a permit for excavation, demolition, construction, repair or alteration work for a period not to exceed three days, by the terms of which permit such work may be carried on between 8:00 p.m. and 7:00 a.m.

(8) Schools, courts, churches and hospitals: the creation of excessive noise on a street adjacent to a school, institution of learning, church or court while in use or adjacent to a hospital which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such a street indicating that it is a school, hospital or court street.

B. The above enumeration is intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

§ 174-4. Exceptions.

Nothing herein contained shall be construed to apply to:

A. The use of bells, chimes or sound amplifiers by churches engaged in church activities.

B. Activities of the municipal departments in the performance of their duties, drills or public demonstrations.

C. Activities in public parks, playgrounds or public buildings under permission or authority of municipal officials.

D. The playing of a band or orchestra in a hall or building or in the open air, where duly authorized.

§ 174-5. Regulation of sound trucks.

A. Sound trucks may be operated in accordance with the following regulations upon the issuance of a permit by the Council for each occasion and each location.

(1) Sound trucks shall not be operated in residential zones before 9:00 a.m. and after 7:00 p.m.

(2) Sound trucks shall not be operated in commercial zones in the Borough before 9:00 a.m. and after 9:00 p.m.

(3) Moving sound trucks shall keep to the extreme right-hand side of the road and shall proceed at a speed of not less than 10 miles per hour.

(4) Stationary sound trucks are prohibited in all residential zones in the Borough, but may be operated in commercial zones during the hours referred to above.

B. For the purposes of this section, "residential zones" shall mean the zones so described on the Zoning MapEN of the Borough, and "commercial zones" shall mean and include all parts of the Borough other than the residential zones.

§ 174-6. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction thereof before the Municipal Court of the Borough, be subject to the penalties provided in Chapter 1, § 1-15, in the discretion of the Municipal Judge before whom such defendant shall be convicted. A separate offense may be deemed committed on each day during or on which a violation occurs or continues.