

PART 3

NOISE

§10-301. Unnecessary or Excessive Noise to be Disorderly Conduct.

The creation, within the Borough of Philipsburg, 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 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. Two Borough officials will agree the noise has gone beyond a reasonable level.

(Ord. 987, 5/18/2000; as amended by A.O.)

§10-302. Enumeration of Unnecessary or Excessive Noises.

Prohibited noise, within the meaning of this Part, 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, television, phonograph 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 person in the vicinity thereof. [A.O.]
- 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 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 blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- F. 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 10:00 p.m. on weekdays, except in the case of urgent neces-

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sity in the interests of public health and safety and then only with a permit from the Zoning and Code Enforcement Officer, which permit may be granted for a period not to exceed 30 days which 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 part 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.

- G. 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 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.
- H. 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.
- I. 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 residential areas.
- J. Yelling, shouting or any other noise that creates a disturbance across property lines. [A.O.]

(Ord. 987, 5/18/2000; as amended by A.O.)

§10-303. Exceptions.

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

- A. Any vehicle or personnel working for the Borough of Philipsburg or PennDOT while engaged upon necessary public business. [A.O.]
- B. Excavations or repairs to bridges, streets or highways by or on behalf of the Borough of Philipsburg or PennDOT during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the daytime. [A.O.]
- C. Parades with band music on holidays or by civil organizations or by the public schools or divisions of the public schools.

- D. School sport 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.
- F. Fireworks exhibits held under permit by the Borough of Philipsburg.
- G. Activities such as athletic events, public address systems, concerts or municipal and utility services. [A.O.]

(Ord. 987, 5/18/2000; as amended by A.O.)

§10-304. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$150 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days; provided, however, if the district justice 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 fine or costs in installments and over such periods of time as the district justice deems to be just. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Violations of this Part shall be enforced by police and/or ordinance officer, or by two Borough officials.

(Ord. 987, 5/18/2000; as amended by A.O.)

