

ORDINANCE #2004-1

AN ORDINANCE OF THE BOROUGH OF NEW HOPE, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA ESTABLISHING A BOROUGH POLICY PROHIBITING EXCESSIVE AND UNNECESSARY NOISE, PROVIDING EXCEPTIONS FOR EMERGENCIES, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

I.TITLE- This ordinance may be cited as the “Noise Control Ordinance of New Hope Borough, Bucks County, Pennsylvania.”

II.DECLARATION OF FINDINGS AND POLICY:

- A. Excessive sound is a serious hazard to the public health and welfare and the quality of life to the citizens of New Hope Borough.
- B. A substantial body of science and technology exists by which excessive sound may be substantially abated.
- C. Activities which generate excessive vibrations, dust, fumes, and vapors are detrimental to the health, safety and welfare of the citizens of New Hope Borough and interfere both with the quiet enjoyment of residential and public property and the operation of business and, therefore, should be controlled to the greatest extent possible.
- D. The Borough is empowered to ensure the public safety and to define conduct that constitutes disturbing the peace pursuant to Section 1202 (6) and (28) of the Pennsylvania Code 1965 P.L. 1656, No. 581 as Amended.
- E. This ordinance shall replace the prior noise ordinance, 2003-8.

III.EXCESSIVE AND UNECESSARY NOISE PROHIBITED:

- A. Definition of Noise Disturbance- Any sound that endangers the safety or health of any person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.
- B. Excessive Noise and Noise Disturbance Prohibited- it is hereby declared to be a nuisance and shall be unlawful for any person, firm or business entity to make, cause, suffer, or permit to be made or caused upon a property owned, occupied or controlled by him or it upon any public land, street, alley or thoroughfare in the Borough of New Hope any excessive noises, noise disturbance, or sounds, by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments) or by any other means or methods which are physically annoying to the comfort of any reasonable person or which are so harsh, prolonged, unnatural or unusual in their use, time and place, as to occasion physical discomfort, or which are otherwise injurious to the lives, health, peace, and comfort of the inhabitants of New Hope Borough or any number of residents thereof.

C. Special Prohibitions- The following acts and causes thereof are hereby declared to be a nuisance and in violation of this Ordinance.

1. Possessing, harboring or keeping an animal or bird which makes any noise continuously and/or persistently for a period of 15 minutes or more, in such a manner as to disturb or annoy any person at any time of the day or night, regardless of whether the animal is situated upon private property.
2. Operating, playing, or permitting the operation or playing of any radio, television, audio equipment, sound amplifier, musical instrument, or similar device that reproduces or amplifies sound through electric or battery means in such a manner as to create a noise disturbance or to cause annoyance to persons in the vicinity for any person other than the operator of the device.
3. Loudspeakers and public address systems- using or operating of any loudspeaker, public address system, or similar device, such that the sound therefrom creates a noise disturbance across a residential real property line.
4. Performing any construction operation or permitting the operation of any tools or equipment used in construction, drilling, blasting, demolition, excavation, and extraction of stone or other such activities between the hours of 7 p.m. and 7 a.m. or at any time on Sunday. This provision does not apply to domestic power tools or vehicles which are duly licensed, registered and inspected for operation on the public highways of this Commonwealth.
5. Repairing, rebuilding, modifying, testing, or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to persons across a real property boundary from the noise source.
 - a. All motorcycles built or rebuilt after 1982 and all car engines will be operated at or below held to the decibel level of 86 consistent with 42 U.S.C. 4905; 40C.F.R. 205 subparts D & E.
 - b. All motorcycles driven through New Hope Borough must be equipped with a muffler that meets legal requirements as defined by Pennsylvania Motor Vehicle Inspection Law and the decibel levels set forth in 5(a) above.
6. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used out of doors between the hours of 9 p.m. and 7 a.m. in such a manner as to cause annoyance to persons across real property boundary from the noise source.

7. Operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle, for a period of longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, with the exception of railroad engines which may idle during a warm-up period not to exceed 20 minutes.
8. The operation of a snow blower is permitted any time within a 24-hour period immediately after a snowstorm. Thereafter, the operation of a snow blower is not permitted in residential areas between the hours of 9 p.m. and 7 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
9. Burglar alarms sounding or permitting the sounding of any burglar alarm in or on any building or motor vehicle unless such burglar alarm shall terminate its operation within 10 minutes of its being activated.
10. Motor vehicles and motorcycles on public rights-of-way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle constitutes a noise disturbance.

IV. EXCEPTIONS

The restrictions set forth in Articles II and III hereof shall not apply to any of the following noise sources:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Emergency work performed to protect public health or safety, including fire protection, protection from flood or other disasters, and work performed to provide electricity, water or other public utilities when public health or safety is involved.
- C. Public gatherings, performances and the like for which a permit has been obtained from the Borough.
- D. Warning devices on authorized emergency vehicles and/or required for safety purposes.
- E. Vehicles, machinery, appliances and equipment used in the case of an emergency snow removal.

V. ENFORCEMENT, VIOLATION AND PENALTIES

- A. Any full or part time New Hope Borough Police Officer may issue a summary citation which shall specify the nature, date and time of the violation.
- B. Any person or business entity, including but not limited to property owner, renter, user and/or possessor, who shall violate any of the provisions of this ordinance shall, upon first summary conviction thereof, be punishable by a minimum fine of up to one hundred dollars (\$100.00). Each violation of any of the provisions of this ordinance shall be deemed to be a separate and distinct offense. When a second and/or subsequent violations are committed by the same person or entity within any twelve (12) month period, the fine shall be doubled the amount of the previous fine up to a maximum of one thousand dollars (\$1,000.00) for each separate and distinct offense.
- C. In addition to the above, the Borough may institute an action for injunctive relief to prohibit or abate any activity in violation of the provisions of this ordinance.

Now, therefore, be it Ordained by the New Hope Borough Council, Bucks County, Pennsylvania, that the effective date of this Ordinance shall be the date of passage.

So Voted this Day of 2004.

Council Vice-President

Acting Borough Manager

Notice

The **Borough Council of the Borough of New Hope** at its regular meeting of March 9, 2004, 7:30 P.M. at 180 West Bridge Street, New Hope PA will consider the adoption of **Ordinance #2004-1**, an Ordinance Prohibiting excessive and unnecessary noise, providing exceptions for emergencies, and providing for enforcement and penalties for violations. Copies of this Ordinance can be reviewed at the New Hope Borough Hall located at 41 North Main Street, New Hope PA Monday through Friday 8:30A.M. to 4:30 P.M.