

TOWNSHIP OF WEST MAHANoy
COUNTY OF SCHUYLKILL IN THE
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE # 2004-4

AN ORDINANCE OF THE TOWNSHIP OF WEST MAHANoy, COUNTY OF
SCHUYLKILL IN THE COMMONWEALTH OF PENNSYLVANIA,
PROHIBITING UNNECESSARY OR EXCESSIVE NOISE. THE VIOLATION
OF THIS ORDINANCE WILL CONSTITUTE DISORDERLY CONDUCT.

ENUMERATION OF UNNECESSARY OR EXCESSIVE 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, 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.
- 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, hotel, dwelling, or other type of residence or any person 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 stationery boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- F. The erection, excavating, demolition 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 necessity in the interest of public health and safety and then only with a permit from the Twp. Supervisors, which permit may be granted for a period not to exceed thirty

(30) days while the emergency continues. If the township should determine that the public health and safety will not be impaired, 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.

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 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 constant running of a motor / generator of a truck while parked so as to cause attraction or attention or annoyance to public welfare.

I. Refuse compacting vehicles. Operating of or permitting to be operated the compact 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.

EXCEPTIONS

NONE OF THE TERMS OR PROHIBITIONS HEREOF SHALL APPLY TO OR BE ENFORCED AGAINST.

- A. Any vehicle or personnel of the township while engaged upon necessary public business.
- B. Excavation or repairs of bridges, streets, or highways by or on behalf of the township during the nighttime, when 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 divisions of the public schools.
- D. School sports 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. The reasonable use of amplifiers or loud speakers in the course of fund raising events within the township by the fire companies until the eleventh hour (11:00 p.m.)

VIOLATIONS AND PENALTIES

Any person who shall violate any provisions of this ordinance shall, upon conviction thereof, be punishable by a fine of not more than three hundred (\$300.00) 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 thirty (30) days; provided, however, that if the District Justice determines that the defendant is without financial means to pay

the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines and costs in installments and over such periods of time as the District Justice deems to be just.

SEVERABILITY

The provisions of this ordinance are severable. If any section, clause, sentence, part, or provision of the Ordinance shall be held illegal, invalid, or unconstitutional by any court or competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of West Mahanoy Township that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

This ordinance shall be and become effective and applicable on Nov. 21, 2004. Duty enacted and ordained this 16th day of November 2004, by the Board of Supervisors for the Township of West Mahanoy, County of Schuylkill in the Commonwealth of Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST MAHANAOY
COUNTY OF SCHUYLKILL, PA

BY:







ATTEST:


