

ORDINANCE NO. 2008-2

NOISE ORDINANCE

**AN ORDINANCE OF BRANCH TOWNSHIP, SCHUYLKILL COUNTY,
PROHIBITING UNNECESSARY NOISES WITHIN THE TOWNSHIP AND
PROVIDING FOR THE PENALTIES THEREFORE.**

The Supervisors of Branch Township, Schuylkill County, Pennsylvania, pursuant to the authority granted to it by the Pennsylvania Second Class Township Code, hereby ORDAINS AND ENACTS as follows:

ARTICLE 1 – DEFINITIONS

SECTION 1.01. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context words used in the present tense included the future, words in the plural number include the singular number, and words in the singular number include the plural number and the word “shall” is always mandatory and not merely directory.

- A. “TOWNSHIP” is the Township of Branch, Schuylkill County, Pennsylvania.
- B. “OWNER” is a person owning, leasing, occupying or having charge of any premises within the Township.
- C. “PERSON” is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- D. “NUISANCE” is described as any use of property or conduct or activity or condition within Branch Township that shall cause or result in annoyance or discomfort beyond the boundaries or such property, which would disturb a reasonable person of normal sensitivities.

**ARTICLE II – PROHIBITION OF EXCESSIVE NOISE;
PENALTIES FOR VIOLATION**

SECTION 2.01. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which constitutes a nuisance as defined herein or either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township, provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal.

SECTION 2.02. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

A. A. Horns, signaling devices, etc.: Sounding any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the Township except as a danger warning; creating, by means of any such signaling device, any unreasonably loud or harsh sound; or the sounding of any such device for any unnecessary or unreasonable period of time.

B. Radios, phonographs, television sets, etc.: Using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is being operated. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

C. Loud speakers, amplifiers for advertising: Using, operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure except in the course of legitimate business activity or auction sales.

D. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

E. Exhausts: The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

SECTION 2.03 Exemption – The use of public athletic and recreational facilities for events organized and operated by state, county or local associations or organizations; state, county or municipal road service or utility or emergency service personnel as well as persons engaged in commercial agriculture or livestock are exempt from the provisions of this ordinance.

SECTION 2.04. Any person violating any of the Sections of this Article II shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 together with costs of prosecution, and in default of payment thereof, may be sentenced and committed to imprisonment for a period not to exceed thirty (30) days. Said fine and costs may be collected by suit or summary proceedings brought in the name of Branch Township.


SECTION 3.01. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for the purpose of this Section, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3.02. Any past Resolution or Ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

This Ordinance is enacted this 28th day of July, 2008 and shall be effective five (5) days following the said date of enactment by the Board of Supervisors of Branch Township, Schuylkill County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS OF
BRANCH TOWNSHIP**



James M. Beach
Secretary

Robert Keifer
ROBERT KEIFER, Chairman

Joseph Wank
JOSEPH WANK, Supervisor

John M. Purcell
JOHN PURCELL, Supervisor