

ORDINANCE NO. 2058

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN PROHIBITING THE MAKING OF CERTAIN NOISE DISTURBANCES AND PROVIDING FOR IMPOSITION OF PENALTIES FOR VIOLATION OF THE REGULATIONS SET FORTH HEREIN; AND FURTHER TO REPEAL THE DEED REGISTRATION ORDINANCE OF THE BOROUGH OF POTTSTOWN.

WHEREAS, the Borough of Pottstown is empowered to make such regulations as may be necessary to promote the health, safety, and general welfare of the Borough for the comfort of its residents, pursuant to the Borough Code, 53 P.S. Section 55101, et seq.; and,

WHEREAS, Borough Council has determined that excessive noise is detrimental to the health, safety and welfare of the Borough residents and interferes with both the quiet enjoyment of residential and public property and the operation of business, and, therefore, should be controlled to the greatest extent possible; and

WHEREAS, Borough Council has determined that the Code of Ordinances should be updated to create effective, current noise standards for the control of noise disturbances and impose appropriate penalties.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County,

Pennsylvania, and **IT IS HEREBY ENACTED AND ORDAINED** by the authority of same as follows:

**SECTION 1. General Provisions.**

A. **Title.** This Ordinance shall be known and may be cited as the "Pottstown Borough Noise Control Ordinance."

B. **Purpose.** This Ordinance aims to prohibit noise that disrupts the health, safety and welfare in the Borough. The residents of the Borough recognize that uncontrolled noise represents a danger to their physical, mental, and social well-being, and that each person in the community is entitled to live in an environment in which noise is minimized for the community good. This Ordinance attempts to foster mutual respect among residents and establish a community position against noise disturbances.

C. **Applicability.** The requirements of this Ordinance shall apply to the control of all sound originating within the limits of Pottstown Borough.

D. **Relationship with Other Restrictions.** The provisions of this Ordinance are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle Code) of the Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in the other rules, regulations or ordinances, the more stringent regulation shall apply.

SECTION 2. Definitions. For the purpose of this Ordinance, the following words, terms and phrases shall have the meaning indicated herein:

**BOROUGH** - The Borough of Pottstown

**NOISE** - Any sound emitted by a person, an appliance, equipment, an instrument, other device, or animal.

**NOISE DISTURBANCE** - Any noise which endangers, would endanger or is likely to endanger the safety or health of humans or animals; annoys, would annoy or is likely to annoy, or disturbs, would disturb or is likely to disturb, a reasonable person of ordinary sensibilities; endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, personal or real property; disturbs, would disturb or is likely to disturb, the peace; or creates, would create or is likely to create, a nuisance.

**PERSON** - An individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof.

SECTION 3. Prohibited Noise Disturbances.

A. General Prohibition. It shall be unlawful for any person to make, or cause or suffer or permit to be made or caused, upon premises owned, occupied or controlled by him or it or upon any public land, street, alley or thoroughfare in the Borough any unnecessary noises or sounds, by means of the human voice or by any

other means or methods that generate or reproduce sounds which are 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 said Borough or any number of residents thereof.

B. Specific Prohibitions.

1. No person shall possess, harbor or keep an animal or bird which makes any noise continuously and/or persistently for a period of fifteen (15) minutes or more, or makes such noise intermittently for a period of thirty (30) 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. No person shall operate or permit to be operated any type of vehicle, machinery, appliance, equipment or hand tool which emits noise beyond the boundary of the property upon which said machinery, appliance, equipment or hand tool is being operated or used between the hours of 9:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays and National Holidays) local time.

3. No garbage/recycling trucks shall be permitted to pick up trash/recycling material within the Borough between the hours of 6:00 p.m. and 6:00 a.m. (9:00 a.m. on Sundays and National Holidays).

4. No person shall use or permit the use of an automobile horn between the hours of 9:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays and National Holidays), except in the case of emergency situations.

5. No person shall operate, play or permit the operation or playing of any radio, television, stereo, musical instrument, sound amplifier, or similar type of device which creates, reproduces or amplifies sound:

- a. In such a manner as to cause a noise disturbance; or
- b. In such manner which is plainly audible at a distance of, at least, twenty-five feet (25') from such source, when the source is operated in, from or on a motor vehicle or hand carried.

6. No person shall load, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a residential lot line.

7. No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement or other work, any muffler or sound dissipating device or element of design or noise label of any product.

8. No person shall operate a motorcycle, truck, automobile or other motor vehicle in such a manner as to cause or create a noise disturbance. This prohibition is intended to include and encompass alarm devices on said motor vehicles.

9. No person shall make, continue, or cause to be made or continued any noise which creates or causes a noise disturbance.

**SECTION 4. Exemptions.** The following uses and activities shall be exempt from the noise regulations of this Ordinance:

A. Noise of safety signals, warning devices, emergency pressure relief valves, or other sound needed to alert people about an emergency;

B. Noise resulting from any authorized emergency vehicle when responding to an emergency all or from any source acting in time of emergency.

C. Noise resulting from the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

D. Noise resulting from public festivals, celebrations, lawful fireworks and noise-makers, when permitted by the Borough or use for celebration of an official holiday authorized by the Borough, Commonwealth or Federal Government.

E. Un-amplified human voices between the hours of 7:00 a.m. and 9:00 p.m.

F. Routine and customary ringing of bells and chimes by a place of worship.

G. Noise resulting from any official Borough, School District or private school athletic, recreational or other such outdoor activity.

H. A snow plow in operation or other snow removal equipment operated within the manufacture's specifications and with all standard noise reducing equipment in use, unmodified and in proper operating condition.

I. Blasting, only if performed in accordance with a permit issued by the Pennsylvania Department of Environmental Protection, the Borough or any other governmental agency having jurisdiction. Such blasting may occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different time by the appropriate permit.

J. Any train or aircraft operating pursuant to Commonwealth or Federal regulations.

K. The provision, repair and maintenance of municipal facilities, services or public utilities.

L. Appliances, lawn and garden equipment or household power tools in use between the hours of 7:00 a.m. and 9:00 p.m. provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment and use, unmodified and in proper operating condition.

M. Activities authorized by Borough permit as provided herein and activities conducted in accordance with the conditions of the permit for use of public property or the public rights-of-way approved by the Borough.

**SECTION 5. Enforcement, Violations and Penalties.**

A. Any Borough law or code enforcement officer may issue an order requiring the immediate abatement of any source of sound in violation of this chapter. The order may be verbal or in writing. If written, the owner or operator of the subject property or equipment shall be notified of the violation upon hand or certified mail delivery of the order, which shall specify the nature, date and time of the code violation and shall set forth the date and time by which the violation must be abated, which date and time shall not be more than seventy-two (72) hours from the time of notification. If a person or entity does not comply with the written or verbal abatement order upon its issuance within the time specified in the order, a summary citation may be issued for such violation.

B. Any person or business entity who shall violate any of the provisions of this chapter shall, upon summary conviction thereof, be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) plus costs of prosecution, and, in default of such fine and costs by imprisonment in the county jail for a term not exceeding thirty (30) days. Each violation of any of the



provisions of this Chapter shall be deemed to be a separate and distinct offense and each day that a violation continues beyond the time limits set forth in the abatement order shall be deemed to be a separate and distinct offense.

**SECTION 6. Special Relief.** A temporary waiver from strict compliance with this Ordinance may be granted for:

A. Emergencies as determined by the Borough Manager to protect the health, safety and welfare, or to comply with other laws, regulations, or ordinances; and

B. Special events as approved by Borough Council or its designee, upon the filing of a written request with the Borough Manager, together with such information as the Borough may reasonably require to determine whether such relief is appropriate.

**SECTION 7. Repeal of Deed Registration Ordinance.** Ordinance No. 1919 adopted April 9, 2001, as amended by Ordinance 2009 adopted April 11, 2005, requiring the registration of Deeds by the Borough prior to recording Deeds (as embodied in the Code of the Borough of Pottstown, Chapter 5, Part 14, Sections 1401 through 1407) is hereby repealed.

**SECTION 8. Repealer.** All Ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

**SECTION 9. Severability.** If any sentence, clause, section or other part of this ordinance is, for any reason, found to be

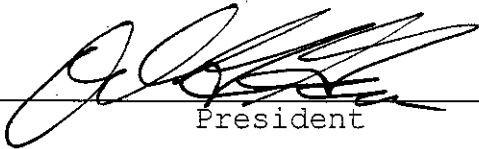
unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. Effective Date. This ordinance shall become effective immediately upon enactment.


ENACTED and ORDAINED this 9<sup>TH</sup> day of FEBRUARY, 2009.

THE BURGESS AND TOWN COUNCIL  
OF THE BOROUGH OF POTTSTOWN

BY: \_\_\_\_\_

  
President

ATTEST: \_\_\_\_\_

  
Secretary

Approved this 9<sup>TH</sup> day  
of FEBRUARY A.D., 2009.

  
Mayor