

ORDINANCE NO. 2011-03

AN ORDINANCE OF LANGHORNE BOROUGH, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER VI, SECTION 609 OF THE 2000 LANGHORNE BOROUGH ZONING ORDINANCE REGULATING NOISE LEVELS.

WHEREAS, the Langhorne Borough Council has determined that the health, safety and general welfare of the citizens of Langhorne Borough will be served by controlling noise levels beyond property lines and while in public areas to levels that do not disturb the peace and well-being of neighbors;

WHEREAS, the Langhorne Borough Council has determined that property owners, vehicle owners, guests or occupants who allow noise levels to operate or occur at levels sufficient to annoy, disturb or bother their neighbors must exercise control of the sources of noise to prevent it from interfering with, harming or annoying their neighbors;

WHEREAS, the Langhorne Borough Council has determined that property owners, vehicle owners, guests or occupants who fail to control noise levels should be subject to penalties; and,

WHEREAS, the Langhorne Borough Council has determined that the control of noise levels will insure the safety and health of the citizens of Langhorne Borough;

NOW THEREFORE, BE ORDAINED AND ENACTED that Chapter 600, Section 609 is amended as provided:

Section 609 Noise

A. General Requirements

1. Purpose: To protect the residents of the Borough from Noise Disturbances. Although it is recognized that certain amounts of noise are unavoidable, residents are entitled to be protected from unnecessary disturbance, annoyance, or injury from sound.
2. Noise Disturbance: It shall be prima facie, unlawful for a person, firm or corporation to create, cause or permit any noise which is: a) plainly audible at a distance of fifty (50') feet or greater from the source of the sound; b) at such a level as to interfere with the peaceful enjoyment of neighbors at a distance of fifty (50') from the property line; c) at such a level as to be audible from the interior of adjacent occupied (residential or business) structures; or, d) at such a pitch, duration, intensity or reverberation to cause harm, annoyance or inconvenience to persons of ordinary sensibilities; or, e) at such a level to constitute a nuisance or disturbance by persons of ordinary sensibilities;

3. General Prohibitions: No person, having possession, custody or control of any method or manner of emitting or creating noise, shall knowingly or negligently create or permit noise to occur at such a level as to constitute a nuisance, interference, or harm beyond the property line; while on any public property, public right-of-way, street, alley, curb, or sidewalk in the Borough; upon the floors or stairways of any building or place frequented by the public or used in common by the tenants; upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting a public street or park; upon the grounds of any public park, playground, recreation area, or public area; or, upon any private ground, at any level, without the consent or permission of the property owner or legal occupant.
4. Impulsive Sounds: No sound shall be permitted for a duration of more than five seconds or more than two incidents within a 24-hour period which can be heard in the interior of adjacent buildings.
5. Specific Prohibitions concerning creating, permitting or causing noise on any private structure, land, sidewalk, parking area or driveway within the Borough: The following acts, and the causes thereof, are declared to be in violation of this Ordinance:
 - a. Operating, playing, or permitting the operation or playing of any device, instrument or machine capable of emitting sound between the hours of 10 p.m. and 10 a.m. in such a manner as to create a noise disturbance.
 - b. Owning, possessing, or harboring any animal which frequently or for any continued duration howls, barks, or makes any other sound so as to create a noise disturbance.
 - c. Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7 p.m. and 7 a.m. if such operation creates a noise disturbance.
 - d. Repairing, rebuilding, modifying, testing, or operating a motor vehicle, motorcycle, powered vehicle, or recreational vehicle in such a manner as to create a noise disturbance. This section shall not apply to the operation of any vehicle, with customary and usual equipment, in a normal manner.
 - e. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device between the hours of 9 p.m. and 8 a.m. if such operation creates a noise disturbance.
 - f. Operating or permitting the operation of mechanically powered equipment or trucks used in waste management or disposal and trash collection or disposal between the hours of 10 p.m. and 6 a.m.

- g. Causing or permitting any noise emitting from a motor vehicle in such a manner as to be plainly audible at a distance of fifty (50') feet or greater from the motor vehicle.
5. Specific Provisions concerning creating, permitting or causing noise on any **public property**, facility, structure, sidewalk, road, street, alley, parking lot or driveway within the Borough: The following acts, and the causes thereof, are declared to be in violation of this Ordinance:
- a. Operating, occupying or being in possession of a motor vehicle on any sidewalk, road, street, alley, parking lot or driveway within the Borough and using, permitting or causing any device, instrument or machine, any human or any animal to emit sound from the motor vehicle in such a manner and of such intensity and duration to create a noise disturbance.
 - b. Causing or permitting any noise emitting from a motor vehicle to be plainly audible at a distance of fifty (50') feet or greater from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.
 - c. Causing, permitting or being in possession or control of an animal, while on any property, facility, structure, sidewalk, road, street, alley, parking lot or driveway sidewalk, road, street, alley, parking lot or driveway within the Borough, any device, instrument, machine, person, or animal to produce sound or noise in such a manner and to be of such intensity and duration to create a noise disturbance.
 - d. Being in possession or control of an animal, which creates any noise, plainly audible at a distance of fifty (50') feet or greater from that person, at such a pitch, duration, intensity, or reverberation to create a noise disturbance.
7. Exceptions:
- a. The emission of sound while alerting the public to the existence of an emergency, performing emergency public work, warning others of a hazardous road, vehicle or safety condition, performing street, street light, utility pole, water and sewer or other utility work, or performing Borough service operations or activities are exempt from these provisions.
 - b. The emission of sound while performing emergency home and building repairs or operating or permitting the operation of any tools or equipment used in emergency heating, plumbing, structural, fire, or demolition work after the hours of 7 p.m. and before 7 a.m. if such operation cannot be delayed until permissible hours and such operation is necessary to ensure human safety, preserve structural integrity, or prevent environmental contamination or harm.

- c. The emission of sound while participating in a parade, community event, community function, community activity or organized sports event and emitted as a result of normal and expected activity at such a time; provided said activity has received the required permits and approvals.
- d. Borough Council may grant approval for one-time activities which would violate these provisions, but which will not cause serious harm to the health of residents or unduly disturb the public.
- d. Pursuant to Section 1102, the Zoning Hearing Board may grant a Variance for permitted activities or uses of a property that violate this Section and cannot be reasonably brought into compliance with the requirements of this Section.

8. Violations:

- a. No noise disturbance shall be created or allowed to continue by any person, persons, sponsor of an event or activity, firm, partnership, corporation or business. Any person or entity having possession, custody, or control of the source of noise emitting in violation of this Section shall be required to immediately bring noise levels under control and into compliance with this Section.
- c. Any person or entity violating any provision of this Section shall, upon judgment or conviction, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars, or to imprisonment for a term not to exceed thirty (30) days. Each instance of violation shall be considered a separate violation.


Repealer. All ordinances or parts of ordinances that are inconsistent are repealed.

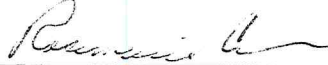
Severability. If any section or provision of this amending ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this amending ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Effective date. This Ordinance shall become effective in accordance with the provisions of the Borough Code.

ORDAINED AND ENACTED this 14th day of December, 2011.

LANGHORNE BOROUGH COUNCIL


 William Gilmore, President


 Rosemarie Curran, Secretary

Examined and Approved this 14th day of December, 2011.


 Chris Blaydon, Mayor