

Chapter 284

NOISE

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[HISTORY: Adopted by the Borough Council of the Borough of Random 8-19-2014 by Ord. No. 1034. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 152

Curfew — See Ch. 194.

§ 284-1. Intent and purpose.

Borough Council finds that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough.

§ 284-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

BOROUGH — The Borough of Random, Berks County, Pennsylvania.

CONSTRUCTION OPERATION — The erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, grading and regulation of lots in connection therewith.

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

EMERGENCY WORK — Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

MUFFLER or SOUND-DISSIPATIVE DEVICE — A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

NOISE — Any sound which annoys or disturbs humans or animals or which causes or tends to cause an adverse psychological or physiological effect on humans or animals.

NOISE DISTURBANCE — Any sound which:

- A. Endangers or injures the safety or health of humans or animals.

- B. Annoys or disturbs a reasonable person of normal sensitivities.
- C. Endangers or injures a personal or real property.
- D. Is audible on a public street for a distance of 50 feet from the place or origin of such sound or noise.

PERSON — Any individual, firm, association, partnership, corporation or other entity, including the officers, employees, departments, agencies and instrumentalities of a state or any political subdivision of a state. Whenever used in any section prescribing and imposing a penalty, "person" includes the individual members, owners, partners, officers and managers of a partnership, association or other similar entity and the officers of a corporation or similar entity.

POWERED MODEL VEHICLE — Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

PROPERTY LINE (BOUNDARY) — An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separation of properties; and, for any two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purpose of this definition, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

PUBLIC RIGHT-OF-WAY — Any street, road, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon which are owned or controlled by a governmental entity.

REAL PROPERTY — All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

SOUND — An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

§ 284-3. Noise disturbance prohibited.

No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right to control.

§ 284-4. Prohibited acts.

The following acts, and the causing thereof, are declared to be noise disturbances and, therefore, in violation of this chapter.

- A. Radios, television sets, musical instruments and similar devices. Operating or playing, or permitting the operation or playing of, any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment, disc or tape player, loudspeaker or any other similar device, not in connection with the lawful operation of an emergency vehicle such as an ambulance, police or fire vehicle, nor in connection with a lawfully permitted

parade, public assembly or other activity for which a permit is issued by the duly constituted legal authority, or similar device which produces, reproduces or amplifies sound:

- (1) At any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a property line (boundary); or which is audible on a public street for a distance of 50 feet from the place or origin of such sound or noise.
 - (2) In such a manner as to create a noise disturbance across a property line (boundary) or at 50 feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right-of-way or public space.
 - (3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by a passenger on a common carrier.
- B. Yelling or shouting. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:
- (1) On the public streets between the hours of 10:00 p.m. and 7:00 a.m.
 - (2) At any time or place in such a manner as to create a noise disturbance.
- C. Construction tools or equipment. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:
- (1) On weekdays and Saturdays between the hours of 10:00 p.m. and 7:00 a.m. of the following day, or at any time on Sundays or legal holidays, such that the sound thereof creates a noise disturbance across a residential real property line (boundary), except for emergency work.
 - (2) This Subsection C shall not apply to the use of domestic power tools as hereinafter provided in Subsection D hereof.
- D. Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. on Mondays through Sundays so as to cause a noise disturbance across a residential property line (boundary), except in an emergency.
- E. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property line (boundary). This Subsection E shall not apply to municipal or utility services in or about the public right-of-way. **[Amended 11-19-2019 by Ord. No. 1117]**
- F. Animals and birds. For regulations regarding noise made by animals and birds, see § 152-13, Noise. **[Amended 3-20-2018 by Ord. No. 1080]**
- G. Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property line (boundary) between the hours of 10:00 p.m. and 7:00 a.m.
- H. Street sales. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound within any residential or commercial area of the Borough.
- I. Tampering. The following acts or the causing thereof are prohibited:

- (1) The removal or rendering inoperative by any person, other than for the purposes of maintenance, repair or replacement, of any muffler or sound-dissipative device or element of design or noise label of any product.
 - (2) The use of a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.
- J. Vehicle, motorboat or aircraft repairs and testing. Repairing, rebuilding, or testing any motor vehicle, motorcycle or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary).

§ 284-5. Motor vehicle prohibitions.

- A. Motor vehicles and motorcycles on public right-of-way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle or motorcycle, on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such vehicle or motorcycle, exceeds the level set forth in Chapter 157, Established Sound Levels, of Title 67 of the Pennsylvania Code.
- B. Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).
- C. Unnecessary horn blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually operating such vehicle.
- D. Sound trucks. No person shall operate sound-amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth in Subsection A hereof.
- E. The sensory mechanism used in connection with an automatic motor vehicle protection device shall be adjusted to suppress false indications of burglary or intrusion so that the device will not be activated by impulse or vibration caused by any force not related to the alarms. All components comprising such a device shall be maintained by the owner or lessee in good repair to assure maximum reliability of operation.

§ 284-6. Prima facie violation.

Prima facie evidence of a noise disturbance shall exist if the noise from any of the acts prohibited in §§ 284-3 through, and including, 284-5 of this chapter:

- A. Disturbs two or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences, including apartments and condominiums located within the same building, located across a property line (boundary) from the property on which the source of the noise is generated.
- B. Is solely witnessed/observed by a police officer when citing any section hereunder.

§ 284-7. Exemptions; special permits.

- A. The following sounds are exempted from the provisions of this chapter:

- (1) Amplified announcements. Stationary electronically amplified announcements at athletic events, school events, political events and civic events.
 - (2) Blasting. Blasting, under proper permit. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Mondays through Fridays, unless specifically authorized by permit.
 - (3) Construction operations. Construction activities, under proper permit. Such construction operations may occur only between the hours of 8:00 a.m. and 9:00 p.m., Mondays through Fridays, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and Sundays.
 - (4) Agriculture.
 - (5) Surface carriers. Surface carriers engaged in commerce by railroad.
 - (6) Concerts, etc. Band concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m. and all necessary permits, as required by Borough ordinances have been procured.
 - (7) Emergencies. Sounds caused by the performance of emergency work, by the ordinary and accepted use of emergency apparatus and equipment, or used to alert persons to the existence of an emergency.
 - (8) Municipal and utility services. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way.
 - (9) Domestic power tools. Domestic power tools, between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Sundays.
 - (10) School and public activities. Sounds not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.
 - (11) Warning devices. Sounds made by warning devices operating continuously for three minutes or less, except in the event of an actual emergency, the time limitation shall not apply.
- B. Special permits. The Chief of the Borough Police Department, or his or her designee, may, upon application, grant special permits for infrequent events or activities.

§ 284-8. Enforcement. [Amended 11-19-2019 by Ord. No. 1117]

This chapter shall be enforced by the Borough Police and Code Enforcement Departments.

§ 284-9. Violations and penalties.

- A. Whoever violates any provision of this chapter shall be, upon conviction thereof, sentenced to pay a fine not less than \$25 nor more than \$600, plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day during which any person violates any provision of this chapter shall constitute a separate offense. **[Amended 3-20-2018 by Ord. No. 1080]**
- B. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough or any person to such equitable or other remedies as may otherwise be available with or without process of law.