

POINT TOWNSHIP  
NORTHUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-01

AN ORDINANCE IMPOSING RESTRICTIONS ON EXCESSIVE SOUND/NOISE WITHIN  
THE TOWNSHIP OF POINT, NORTHUMBERLAND COUNTY; PRESCRIBING  
PENALTIES FOR VIOLATIONS; AND REPEALING PAST SIMILAR ORDINANCES

WHEREAS, the Municipality maintains an ongoing responsibility to provide for the health, safety and welfare of the residents of the Township; and

WHEREAS, the Municipality is legally authorized to enact and enforce ordinances to serve in the interest of the community as a whole that enhance the quality of life and improve the safety and general welfare of the residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Point, Northumberland County, by the Board of Supervisors at a regular public meeting on behalf of said Township:

SECTION 1 – SHORT TITLE

This Ordinance may commonly be referred to as the “Point Township Noise Ordinance”.

SECTION 2 – ENACTMENT

This Ordinance is enacted pursuant to the authority as granted in the Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), Reenacted and amended November 9, 1995 (P.L. 350, No. 60), As Amended

SECTION 3 – PURPOSE AND SCOPE

- A. The purpose of this Ordinance is to promote and protect the general health, safety and welfare of the citizens of Point Township by recognizing that excessive levels of sound/noise are detrimental to the physical, mental, and social well-being of the people.
- B. Therefore, the Board of Supervisors hereby declares it necessary to provide for the greater control and more effective regulation of excessive sound/noise within Point Township. The goal in regulating excessive noise is to foster mutual respect amongst residents and facilitate a harmonious community where all persons have an equal right to an environment that is free from unnecessary noise disturbances.

- C. This ordinance regulates sound/noise by establishing the objective reasonable person standard, and by defining certain enumerated violations and times, and by prescribing penalties for violations.
- D. This Ordinance applies to all persons, property, animals, equipment, appliances, instruments, and other sound/noise-emitting devices, as regulated herein. The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations, or ordinances, including the Pennsylvania Crimes Code, Pennsylvania Vehicle Code, or any Pennsylvania Consolidated Statutes. If more stringent requirements concerning sound/noise abatement are contained in the other rules, regulations, or ordinances, the more stringent regulation shall apply.

#### SECTION 4 – DEFINITIONS

The following words, terms and phrases when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

- A. 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.
- B. EMERGENCY – Any occurrence or set of circumstances involving actual or imminent physical trauma to person(s) or property damage.
- C. EMERGENCY WORK – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- D. MUFFLER or SOUND/NOISE DISSIPATIVE DEVICE – A device designed for decreasing or abating the level of sound/noise escaping from an engine or machinery system.
- E. PERSON - Any individual, association, trust, partnership, or corporation, including any members, directors, officers, employees, partners, or principals thereof. Whenever used in any clause prescribing and imposing a penalty, “person” includes the members, trustees, partners, directors, officers, managers, and supervisors, or any of them, of partnerships, associations, corporations, or other forms of entity.
- F. PUBLIC RIGHT-OF-WAY – Any street, avenue, boulevard, circle, highway, sidewalk, or similar place which is owned or controlled by a governmental entity.
- G. PUBLIC SPACE – Any real property, or structures thereon, which is owned or controlled by a governmental entity.
- H. PROPERTY LINE (BOUNDARY) – An imaginary line or “party wall” that separates adjoining lands or the dwelling units of apartments, condominiums, townhomes, or duplexes, drawn



through the points of contact of adjoining lands, or, in the case of apartments, condominiums, townhouses, and duplexes owned, rented, or leased by different persons, a demarcation or a line of separation between dwelling units or properties. In the circumstances of 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 or a common or shared area shall be deemed to be across the property line.

- I. REAL PROPERTY – All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to the public right-of-way.
- J. SOUND/NOISE - The all-encompassing sound/noise associated with a given environment, or composite of sounds/noises from many sources near and far. Generally, sound is what is heard and noise is unwanted sound.
- K. SOUND/NOISE DISTURBANCE - Any sound/noise which annoys, disturbs or endangers another reasonable person of ordinary sensibilities, or which causes or tends to cause an adverse psychological or physiological effect on another person, or which may cause damage to real property.
- L. TOWNSHIP – The Township of Point, Northumberland County, Pennsylvania

#### SECTION 5 – SOUND/NOISE DISTURBANCE PROHIBITION

- A. It shall be unlawful for any person to make, or to cause or permit to be made, a sound/noise disturbance, as enumerated, within the Township, except as otherwise permitted in this Ordinance.

#### SECTION 6 – ENUMERATION OF SOUND/NOISE DISTURBANCES

- A. The following enumerated acts are declared to be sound/noise disturbances in violation of this Ordinance, however said enumerations shall not be deemed to be exclusive, namely:

- 1. Quiet Hours – 10:00pm to 7:00am

- a. In addition to any other enumerations listed herein, all persons shall assure that all sound/noise disturbances cease and desist in the established quiet hours of 10:00pm to 7:00am (EST) daily, unless as otherwise specified in this Ordinance.

- 2. Motor Vehicles and related equipment

- a. Motor vehicle engines – No person shall operate or permit the operation of any motor vehicle, motorcycle or recreational vehicle without a muffler or sound/noise dissipative device, as either factory equipped, or comparable replacement, or in conformance with the standards set forth in 67 Pa. Code, Chapter 157 “Established Sound Levels”, as may

be applicable; nor shall any person unnecessarily or repeatedly 'rev' the engine of any vehicle so as to create a sound/noise disturbance across a property line (boundary), except;

- i. Any engine required for the refrigeration or protection of food or other perishable items, so long as said motor is properly maintained and equipped to limit the emitted sound/noise.
  - ii. Engine noise from a properly zoned mechanic repair shop for the purpose of vehicle testing, but then only for brief periods as may be necessary.
- b. Horns and similar devices – No person shall unnecessarily sound the horn or other signaling device so as to create a sound/noise disturbance across a property line (boundary), except;
- i. When absolutely necessary as a warning while actually driving such a vehicle;
  - ii. At a state certified inspection station for the purpose of vehicle inspection;
  - iii. A brief, momentary use of the automobile horn in appropriate situations, such as greeting a pedestrian or arriving at a residence, so long as such use does not become a nuisance.
- c. Squealing tires – Causing the tires of any automobile or other vehicle to make a squealing noise or other harsh or loud sound, except in the case of an emergency.

3. Radios, Television Sets, Musical Instruments, and Similar Devices

- a. Operating, using or playing of any radio, television, phonograph, drum, musical instrument, sound/noise amplifier, automobile radio, automobile stereo, high fidelity equipment, or similar device which produces, reproduces, or amplifies sound/noise to the extent that such use creates a sound/noise disturbance across a property line (boundary).

4. Yelling, shouting, etc

- a. Engaging in loud or raucous yelling, shouting or other noise created from the person in such a manner as to create a sound/noise disturbance across a property line (boundary), except in the case of summoning help for an emergency.



5. Construction Operation

- a. Construction Operation(s) shall occur within the hours of 7:00am to 10:00pm (EST), except bona-fide emergency work. (The Township Zoning and Code Departments should be contacted for any necessary permits)

6. Loud tools and equipment

- a. The use of loud tools and equipment, including but not limited to pile drivers, pneumatic hammers, derricks or other equipment, shall occur within the hours of 7:00am to 10:00pm (EST), except bona-fide emergency work.

7. Blasting

- a. Blasting may occur only between 9:00am to 4:00pm (EST), Monday through Friday.

8. Animals and Birds

- a. Owning, possessing, harboring, or controlling any animal or bird which howls, barks, meows, squawks, or makes any other sound/noise disturbance across a property line (boundary), when the nuisance occurs;
  - i. Continuously and/or incessantly for a period of ten minutes, or
  - ii. Intermittently for thirty (30) minutes or more to the disturbance of any person at any time of the day or night;
  - iii. Except, that at the time the animal or bird is making such sound/noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or attempting to tease or provoke the animal or bird.

SECTION 7 – EXEMPTIONS AND PERMITS

A. This Ordinance shall not apply to the following;

1. Any official law enforcement or emergency services functions.
2. Municipal and Utility Services in the performance of their duties.
3. Amplified Announcements by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities, or events, other than motor vehicle racing events.

4. Snow blowers or similar snow removal equipment used in the maintenance of private or public property following snowstorms.
5. Any agricultural sound device designed for the legitimate protection of crops
6. Celebrations by bells, chimes, carillons used for religious purposes, or in conjunction with national, state, or local celebrations or public holidays.
7. Special events or occasions that may be specifically permitted by the Township Board of Supervisors by permit, resolution or other official board action.
8. Any bona-fide Emergency Work as defined in this ordinance

#### SECTION 8 – ENFORCEMENT

- A. Enforcement of this Ordinance shall be by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses and Pursuant to 53 P.S. 66601 by any Township Police Officer or Code & Ordinance Enforcement Officer

#### SECTION 9 – VIOLATIONS AND PENALTIES

- A. Any person who violates the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine up to One Thousand Dollars, (\$1,000.00), or, in default of payment of said fine, undergo imprisonment for not more than thirty (30) days.
- B. A separate offense shall arise for any recurrence of a sound/noise disturbance as defined herein, after any preceding violation has been addressed by an enforcement official.

#### SECTION 10 – SEVERABILITY

- A. If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections shall not be affected, and shall remain in full force and effect
- B. If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 11 – CONFLICT / REPEALER

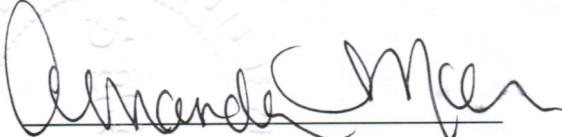
- A. Any previous Ordinances that relate to sound/noise disturbances that conflict with the provisions of this Ordinance, including but not limited to PTO 2006-01, (relating to Loud Unnecessary and Unusual Noises), and 213.01, (relating to Animals Making Disturbing Noises), are hereby repealed and incorporated into this Ordinance.

SECTION 12 – EFFECTIVE DATE

- A. This Ordinance, having been properly advertised, shall be effective immediately upon passage and approved in the manner prescribed by law.

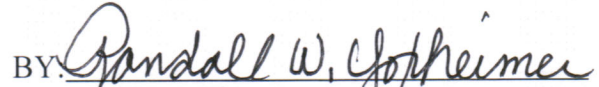
ORDAINED AND ENACTED as an Ordinance of the Township of Point, Northumberland County, Pennsylvania, this 10th day of July, 2018.

ATTEST:

  
Secretary

(SEAL)

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF POINT:

BY:   
Chairman  
