

**BOROUGH OF BEECH CREEK**  
Clinton County, Pennsylvania

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ORDINANCE NO. 2019- 01

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**AMENDING CHAPTER X OF THE CODE OF BEECH CREEK BOROUGH,  
CLINTON COUNTY, PENNSYLVANIA, ENTITLED "HEALTH AND SAFETY"  
TO ADD PART 3 "NOISE VIOLATIONS."**

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The Council of the Borough of Beech Creek, Clinton County, Pennsylvania, hereby enacts and ordains as follows:

**SECTION 1.** Chapter X of the Code of Ordinance of the Borough of Beech Creek is amended to add Part 3 as follows:

**PART 3**

**NOISE VIOLATIONS**

**SECTION 14. Definitions.**

The following words, as used in this Part, shall have the meanings hereby ascribed thereto:

**NUISANCE** – Any use of property, or conduct, or activity, or condition upon property within the Borough of Beech Creek which shall cause or result in noise creating annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the work "nuisance" shall include, but shall not be limited to, the following:

- A. Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.
- B. Operation of mechanically powered lawn mowers or garden tools, tractors, power tools, chainsaws, construction equipment and vehicles,

or similar devices within 150 feet of a residential use, between the hours of 10 PM and 6:30 AM the following day, which annoys or disturbs a reasonable person of normal sensitivities.

- C. Owning, possessing, controlling, or harboring any animal or fallow which barks, bays, cries, squawks or makes any other such noise continuously and or intermittently for a period of 30 minutes or more, which annoys or disturbs a reasonable person of normal sensitivities.
- D. Operating or permitting the operation of any public or private motor vehicle or motorcycle or any equipment attached to such a vehicle 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 exceeds the level set forth in Title 67, Chapter 157, of the Pennsylvania Department of Transportation Regulations, "Established Sound Levels," promulgated under Section 4523 of the Pennsylvania Vehicle Code.
- E. Operating or permitting the operation of any motor vehicle or motorcycle or any auxiliary equipment attached to such vehicle for a period of longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion within 150 feet of a residential area.

PERSON – Any natural person, partnership, association, firm, limited liability company, corporation, or similar entity:

**SECTION 15. Unlawful to Create or Maintain Nuisances.**

It shall be unlawful for any person to create, continue, cause maintain or permit to exist any nuisance within the Borough of Beech Creek.

**SECTION 16. Exemptions.**

- 1. The provisions of this Part shall not apply to the emission of noise for the purpose of alerting persons to the existence of an emergency or to the emission of noise resulting from the performance of emergency work.
- 2. The provisions of this Part shall not apply to the emission of sound resulting from the construction, maintenance, repair, replacement or improvement of any municipal or utility installation in or about the public right-of-way.

**SECTION 17. Removal or Abatement of Noise and Enforcement.**

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough of Beech Creek, shall after order from the Borough Council or a designated representative, including the Mayor of Beech Creek Borough, remove or abate such nuisance. If such person shall fail, neglect, or refuse to abate such nuisance as ordered, the Council of Beech Creek Borough shall have the authority in person or by its agents and or employees to cite such person for a violation of this Part and or to remove or abate such nuisance.

**SECTION 18. Penalties.**

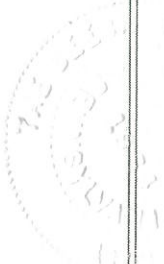
Any person who shall violate any provision of this Part, upon conviction of thereof, in action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in the event of default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

**SECTION II.** The provisions of this Ordinance shall become effective on the first date allowable under the Borough Code.

DULY ENACTED AND ORDAINED this 2<sup>nd</sup> day of April, 2019, by the Council of the Borough of Beech Creek, Clinton County, Pennsylvania.

ATTEST:

BOROUGH OF BEECH CREEK

  
Veronica Roan  
Secretary

By: Craig Lindsey  
JP President

Approved this 2<sup>nd</sup> day of April, 2019.

Melvin B Coakley  
Mayor