

**TOWNSHIP OF LOWER SOUTHAMPTON
ORDINANCE NO.**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, COUNTY OF
BUCKS, COMMONWEALTH OF PENNSYLVANIA,
REPEALING SECTIONS 2-202, 23-109, AND CHAPTER 10 PART 3, DEALING WITH
MAXIMUM NOISE LEVEL ORDINANCES AND ADOPTING A NEW CHAPTER 10
PART 3 MAXIMUM NOISE LEVELS ESTABLISHING PENALTIES FOR VIOLATION
OF PROVISIONS OF THE ORDINANCE REPEALING INCONSISTENT
ORDINANCES OR PARTS AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Lower Southampton Township is a Township of the Second Class, organized and operated in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Second-Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Lower Southampton Township (“Board”) has the authority to enact and amend provisions of the Lower Southampton Township Code (the “Code”) at any time it deems proper; and

WHEREAS, the Board has determined that it is necessary to control noise in the interest of public health safety and welfare and establishing penalties for the violations of the provisions of the Ordinance.

NOW THEREFORE, be it **ORDAINED** and **ENACTED**, by the Board of Supervisors of the Township of Lower Southampton, Bucks County, Pennsylvania, as follows:

SECTION I - Maximum Noise Levels

§10-301. Purpose and scope.

It is the purpose and scope of this part to provide regulations defining the sound levels that vehicles, appliances and equipment shall be allowed to produce at specified disturbances from these devices, and also to provide for the prohibition of other kinds of prohibited noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of the Township.

§10-302. Application.

- A. To all types of vehicles, appliances and equipment, whether privately or publicly owned.
- B. To sounds of any time duration.
- C. To both the owner and operator of vehicles, appliances, equipment, devices, animals or any other object creating noises.

§10-303. Exemptions.

- A. Aircraft (except model aircraft).
- B. Police, fire, ambulance and other governmental emergency vehicles.
- C. Back-up alarm devices on trucks and other equipment when installed and operated in accordance with Society of Automotive Engineers Recommended Practice J 994, "Criteria for Back-Up Alarm Devices."
- D. Governmental warning devices, i.e., civil defense or fire siren.
- E. Public projects of a governmental agency when waived by the Board of Supervisors.

§10-304. Definitions.

APPLIANCE

Any device or combination of devices used or capable of being used as a means of accomplishing a desired end, such as a window air-conditioning unit.

DAY

The twenty-four-hour period starting at local midnight.

DAYTIME

7:00 a.m. to 6:00 p.m.

EQUIPMENT

Any devices or combination of devices to accomplish a desired end, such as a chain saw, bulldozer, etc.

EXCESSIVE NOISE

Excessive Noise is a sound which: (1) unreasonably interferes with the comfortable enjoyment of life and property; (2) is annoying to a person of ordinary sensibilities; (3) can be heard for in excess of one minute 50 feet from the property line or 50 feet from the appliance, equipment, animal, vehicle or other device.

NOISE

Noise is any sound emitted by a person, animal, vehicle, appliance,

equipment or other device and its environmental interaction.

ORDINANCE ENFORCEMENT OFFICER

Any person appointed by the Township with responsibility to enforce municipal ordinances; or any member of the Township Police Department.

PERSON

Either the owner of the property or operate of vehicles, appliances, equipment or devices.

VEHICLE

Any device, or combination of devices, used for or capable of being used for transporting person or property. Vehicles include, but are not limited to, the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders and semitrailers.

§10-305. Noise limitations.

- (1) General. No person shall make, permit or cause to be made any excessive noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound-amplifying or other similar electronic device.
- (2) Musical instruments. No person shall use or perform on any hand organ or other musical instrument or device, for pay or in expectation of payment, in any public way or public open space of the Township before 7:00 a.m. or after 10:00 p.m. of the day unless said person has obtained a special permit from the Enforcement Officer/Police Department.
- (3) Noise from premises. No person owning or in possession or control of any building or premises shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood as measured at the property line in which such building or premises is situated, or be dangerous or detrimental to health.
- (4) Equipment noise. It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power in building or construction operations from 6:00 p.m. to 7:00 a.m. of the following day, except for

emergency work on public improvements, work of public service utilities, and municipal services, unless such equipment has been manufactured or modified for sound control and meets the provisions of this part.

- (5) Noise in handling refuse cans. No person shall make any unnecessary noise in the handling of ash, trash and garbage cans, either in loading or unloading, whether full or empty.
- (6) Noise in vicinity of hospitals, schools and churches. No person shall make any unnecessary noise in the vicinity of any hospital or church during hours of public worship or school during school hours.
- (7) Unlawful to keep noisy animals. No person shall keep, or permit to be kept, harbor or otherwise maintain any animal which shall disturb the quiet of any public street or other public place or of any neighborhood; provided, however, that a noisy animal shall be defined as one or more animals which makes excessive habitually noise.
- (8) Noise by peddlers. No peddler or other person who plies a trade or calling of any nature on the streets of the Township shall use any horn, bell or other sound instrument to make any noise tending to disturb the peace and quiet of the neighborhood for the purpose of directing attention to his wares, trade or calling.
- (9) Use of horns and other devices on vehicles. No person operating any vehicle, other than police, fire, public service or ambulance operators, shall sound any horn, bell, gong siren or whistle, except for the ordinary horn installed on such vehicle by the manufacturer, or sound any type of horn except when reasonably necessary to prevent accidents or to otherwise comply with the law of motor vehicles.
- (10) Vehicles. No person shall operate either a motor vehicle of a type subject to registration, except in police, fire department, ambulances or other government emergency vehicles, at any time or under any condition of grade, load, acceleration or deceleration in such manner as to produce excessive noise.

§10-306. Enforcement.

1. Written Notice To Violators Required

Whenever a condition constituting a nuisance develops or is maintained, the Township, by and through the Code Enforcement Officer, or any other duly authorized Township officer, shall cause written notice to be served upon the owner and/or occupier of the property creating such condition. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding,

or in some way confining the limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within five days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's or occupier's expense.

2. Service Of Notice

Whenever a condition constituting a nuisance develops or is maintained, the Township, by and through the Code Enforcement Officer, or any other duly authorized Township officer, shall cause written notice to be served upon the owner and/or occupier in one of the following manners:

- A. By making personal delivery of the notice to the owners and/or occupiers; or
- B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
- C. By fixing a copy of the notice to the door at the entrance of the premises whereat the violation exists; or
- D. By mailing a copy of the notice to the last known address of the owner by certificated mail and first-class postage prepaid; service will be presumed on the third day following mailing if the certified mail is returned undelivered but the first-class mail is not.

3. Failure To Act

If, after notification, the owner and/or occupier does not contact the Township within the five days referred to in Section V above to confirm removal or correction of the nuisance, or to confirm steps have been commenced to adequately abate such nuisance in a manner acceptable to the Township, the Township may presume the owner or occupier agrees with the designation of the condition as a nuisance by the Township.

4. Enforcement; Vioaltions And Penalties

The Ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to Section 1601 of the Pennsylvania Second Class Township Code (53 P.S. § 68601) in the manners outlined below, subject to any amendment to the applicable enforcement sections cited.

- A. Any person, firm or corporation who shall violate any provision of

this part, upon conviction thereof in an 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 less than \$100 nor more than \$1,000 plus costs. 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.

- B. The Township, by and through the Code Enforcement Officer, may direct the abatement of any nuisance, by removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township and the Township Solicitor. The cost of such abatement including as the case may be removal, repairs or alterations, shall be a municipal lien upon such property from the time of such abatement which date shall be determined by the certificate of the person doing such work, and filed with the Township and the Township Solicitor. The Township Solicitor may file a municipal lien in the Bucks County Prothonotary's Office upon completion of the abatement work, and may recover attorney's fees as provided by applicable law. The Township shall have no liability for any damages caused in abating any nuisance as provided for under this Ordinance.
- C. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

SECTION II – REPEALER

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict and specifically:

- A. Section 2-202 Noise disturbance is hereby repealed.
- B. Section 23-109 Unnecessary noise is hereby repealed.
- C. Chapter 10. Health and Safety, Part 3 Maximum Noise Levels Title will remain the same however the provisions of Part 3 are repealed in their entirety and replaced by the foregoing.

SECTION III - SEVERABILITY

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the Board of Supervisors, hereby declares its intent that the Ordinance shall have been

enacted without regard to the invalid, enforceable, or unconstitutional portion, part, or provision of this Ordinance.

SECTION IV - EFFECTIVE DATE

This Ordinance shall become effective five (5) days following enactment by the Board of Supervisors.

ORDAINED and **ENACTED** an ordinance of the Township of Lower Southampton this ____ day of _____, 2024.

BOARD OF SUPERVISORS

Attest:

Township Manager

