

BOROUGH OF DURYEA

ORDINANCE NO. 90-11

AN ORDINANCE PROVIDING FOR THE REGULATION OF UNNECESSARY OR EXCESSIVE NOISE WITHIN THE BOROUGH OF DURYEA, AND THE PENALTY FOR VIOLATION OF SAME.

THE COUNCIL OF THE BOROUGH OF DURYEA HEREBY ORDAINS AS FOLLOWS:

UNNECESSARY OR EXCESSIVE
NOISE TO BE DISORDERLY
CONDUCT.

SECTION 1.

The creation, within the Borough of Duryea, of any unnecessary or excessive noise or of any noise of such character, intensity or duration as to be detrimental to the health or life of any individual or in the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise or suffering or permitting any such noise to continue is hereby prohibited and shall constitute disorderly conduct.

ENUMERATION OF UNNECESSARY
OR EXCESSIVE NOISES.

SECTION 2.

Prohibited noise, within the meaning of this chapter is hereby defined to include the following:

A. For any person at any time to use a horn or other warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonable, loud or harsh sound by means of a horn or other warning device.

B. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or any dwelling, hotel or other type of residence or of any persons in the vicinity thereof.

C. Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the

quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any persons in the vicinity thereof.

D. Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or long continued noise of such character or intensity as to disturb the comfort or repose of any person.

E. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger.

F. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays, except in the case of urgent necessity in the interests of public health and safety and then only with a permit from the Secretary of Council, which permit may be granted for a period not exceed thirty (30) days while the emergency continues. If the Borough Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 7:00 a.m. and if they shall further determine that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done between the hours of 10:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

G. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in session, which unreasonably interferes with the workings of sessions thereof and the making of any other noise so as to annoy the users and/or occupants of such places or buildings as are herein defined.

H. The use of any drum, loud speaker or other instrument of device for the purpose of attracting attention to the sale or display of merchandise of a commercial character.

I. Refuse compacting vehicles. Operating of or permitting to be operated the compacting cycle of the motor vehicle which can compact refuse between the hours of 6:00 p.m. and 6:00 a.m. the following day in residential areas.

EXCEPTIONS.

SECTION 3.

None of the terms or prohibitions hereof shall apply to or be enforced against.

A. Any vehicle or personnel of the Borough of Duryea while engaged upon necessary public business.

B. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough of Duryea during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the daytime.

C. Parades with band music on holidays or by civic organizations or by the public schools or divisions of the public schools.

D. School sports events which may or may not be accompanied by cheering and/or music.

E. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

F. Fireworks exhibits held under permit by the Borough of Duryea.

VIOLATIONS AND PENALTIES

SECTION 4.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300) and costs of such proceedings or, upon default of payment of such fine and costs, by imprisonment in the County Jail for a term of not more than thirty (30) days; provided, however, that if the District Justice determines

that the defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the District Justice deems to be just.

SECTION 5.

All ordinances and parts of ordinances inconsistent herewith be, and the same are hereby repealed.

DULY ENACTED AND ORDAINED into law at a regular meeting of the Borough Council of Duryea, Pennsylvania, held on this day of December 4, 1990.

BY: *Joseph J. J. J.*
President of Council

ATTEST: *Joseph J. J. J.*
Borough Secretary

APPROVED THIS

DAY OF _____, 1990.

Eugene C. C.
Mayor