

OFFICAL
TOWNSHIP OF NORTH HUNTINGDON
PROPOSED ORDINANCE NO. 7 OF 2020
ORDINANCE NO. 2261

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON ESTABLISHING STANDARDS AND REGULATIONS PERTAINING TO NOISE, DEFINITIONS, EXCESSIVE NOISE PROHIBITED, EXEMPTIONS, VIOLATIONS AND PENALTIES PERTAINING THERETO.

WHEREEAS, The North Huntingdon Township Board of Commissioners believe excessive levels of noise are detrimental to the physical, mental and social well-being of residents as well as to their comfort, living conditions, general welfare.

WHEREEAS, The North Huntingdon Township Board of Commissioners desires to implement an ordinance to prevent excessive levels of sound that may cause annoyance to the residents of North Huntingdon Township thereby disturbing the peace of those residents.

BE IT ORDAINED, AND IT IS HEREBY ENACTED by the Board of Commissioners of North Huntingdon Township and it is hereby ordained and enacted by the authority of the same as follows.

Section 1 Definitions

As used in this article, the following terms shall have the meanings indicated:

KNOWINGLY: Having general knowledge of or reason to know or a belief or grounds for belief which warrants further inspection of the character, nature and level of the sound or noise which would cause annoyance to inhabitants of the Township

DISTURBING, OFFENSIVE, LOUD NOISE or SOUND: It shall be unlawful for any person to willfully make or continue, or cause to permit to be made or continued, any loud, unnecessary, or unusual which unreasonably disturbs the peace and quiet of any neighborhood or which causes annoyance to any reasonable person.

PERSON: Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes the individual members, partners, officers and managers, or any of them, of partnerships and associations and, as for corporations, the officers and mangers thereof, or any of them.

Definitions Continued:

Animal Noise: Allowing or knowingly permitting an animal to make frequent or long continued sounds, including (but not limited to) barking, whining, screeching, calling, howling, chirping or yowling in an excessive, continuous, habitual or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use enjoyment or neighboring premises. Any such sound which is made for more than fifteen (15) minutes during any thirty (30) minute period shall be deemed to be an annoying sound.

Section 2 Disturbing, Offensive, Loud Noise or Sounds declared unlawful:

It shall be unlawful for any person to make, produce or cause any disturbing, offensive, loud noise or sound by their own conduct or action or by their operation of any radio, tv, speakers or similar devices. Operation of any piece of equipment, machinery, vehicle or other noise or sound-making device or instrument of such a high volume or of such a nature, between the hours of 10:00pm and 7:00am Sunday through Thursday, 11:00pm-7:00am Friday and Saturday along with Memorial Day, 4th of July and Labor Day. If there is a noise complaint during the hours not listed above, either code enforcement officer or police officer shall investigate and verify the noise complaint before any enforcement actions or penalties are taken. If the noise complaint is verified and the noise is determined to be disturbing, loud and offensive, then action may be taken.

Section 3 Commercial and Residential Use of Machinery and/or Power Tools:

Operating or permitting the operation of any tools machinery or equipment used in construction operations, in a residential or commercially zoned district between the hours of 9:00pm and 7:00am Monday through Friday and 9:00pm and 8:00am Saturday through Sunday so as to be plainly audible across a property boundary.

Section 4 Animal noise declared unlawful:

It shall be unlawful for any person any time of the 24 hours day to knowingly permit or allow animal noise and upon written or verbal request by the Township of North Huntingdon Code Enforcement Officer or Police Officer shall take action to stop or abate the animal noise immediately.

Section 5 Abatement of Noise:

Any person responsible for creating or causing such a disturbing, offensive, loud noise or sound, and upon a complaint being received by the Township of North Huntingdon and verified. The person shall abate, suspend, alter or remove the annoying sound or noise promptly upon notice (verbal or written) by a police officers or zoning officer of North Huntingdon Township. Failure or refusal to abate the noise shall result in a citation being issued for violation of the Ordinance.

Section 6 Violations and Penalties:

Any person who violates any provision of this ordinance and verified by the Zoning Officer or Police Officer shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$150.00 for the first offense, \$500 of the second offense and \$1,000.00 for a third and subsequent offense. Verbal or Written warnings may be issued when dealing with a first offense violation of this ordinance or the second or subsequent offenses if the acts are random and not habitual.

Section 7 Declaring a Nuisance Property:

1. Any person who violates any provision of this ordinance at a single property as verified by the Zoning Officer or Police Officer and found in violation of this ordinance three (3) consecutive times in a twelve month period shall have the property declared a Nuisance Property by North Huntingdon Township.
2. The fines for subsequent violations shall be doubled and no warnings shall be issued for violations.
3. If the nuisance property is not owner occupied, the owner of the property shall be notified via Certified U.S. Mail of the violations and the declaration of nuisance by North Huntingdon Township.
4. A property will be released from the nuisance declaration, upon petition of the owner, once going twelve (12) consecutive months without a violation or by change in tenants and/or ownership.

Section 7 Exceptions:

1. **Government / Public Utility:** State, Municipal and Public Utility Service work anytime within the 24-hour day.
2. **Emergency work:** Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus.
3. **Outside Organized Activities:** School activities, bands, concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public space outdoors, provided that such activities do not occur during the prohibited hours.
4. **Shooting Ranges:** Shooting ranges shall be exempt from the provisions of this ordinance pursuant to Pennsylvania Statute **35 P.S. § 4501**.

Section 8 Variances

The Township of North Huntingdon may grant a variance to any portion of this ordinance upon application by any person who owns, controls or operates the sound source that does not comply with the provisions or standards of this ordinance.

Section 9 Severability

EACH SECTION, PARAGRAPH, SENTENCE, AND PROVISION OF THIS ORDINANCE IS SEPARABLE, AND IF ANY PROVISION IS HELD UNCONSTITUTIONAL OR INVALID FOR ANY REASON, SUCH DECISION SHALL NOT AFFECT THE REMAINDER OF THIS ORDINANCE.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 18th day of November, 2020.

TOWNSHIP OF NORTH HUNTINGDON
BOARD OF COMMISSIONERS

By: _____


Zachary J. Haigis, President

ATTEST:



Jeffrey F. Silka, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice, Esquire