

ORDINANCE NO. 674

**AN ORDINANCE, REGULATING EXCESSIVE AND  
AMPLIFIED NOISE WITHIN THE  
BOROUGH OF BLAIRSVILLE, INDIANA COUNTY,  
COMMONWEALTH OF PENNSYLVANIA**

**WHEREAS, the citizens of the Borough of Blairsville have come forward requesting that Ordinance 430 be updated and amended in order to better meet the needs of our community.**

**WHEREAS, the Council of the Borough of Blairsville has examined and studied the issue relating to excessive and amplified noise within the Borough and believe it is in the best interest of the safety and welfare of the Borough residents to amend Ordinance 430 as follows:**

**Be it ordained and enacted by the Borough Council of the Borough of Blairsville and it is ORDAINED and ENACTED as follows:**

**SECTION 1.**

**No person, firm or corporation being the owner or person in possession of a motor vehicle on a public roadway, with any radio, phonograph, television, disk player, tape player, loud speaker or any other instrument, machine or device producing amplified sound from recording media of any type, shall cause or permit any sound or noise to emanate from the motor vehicle in such a manner and to be of such intensity and duration to create unreasonable noise or loud sound which causes inconvenience and annoyance to persons of ordinary sensibilities.**

**SECTION 2.**

**It shall be unlawful for a person, firm or corporation being the owner or person in possession of a motor vehicle on a public roadway with a device described above to cause or permit any noise emanating from a motor which is plainly audible at a distance of twenty-five (25') feet or greater from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.**

**SECTION 3.**

**It shall be unlawful for any person, firm or corporation to create 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 to continue is hereby prohibited and shall constitute disorderly conduct.**

## SECTION 4.

### Enumeration of Unnecessary or Excessive Noises

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 to 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 or 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 compact cycle of the motor vehicle which can compact refuse between the hours of 10:00 p.m. and 4:00 a.m.**

#### **SECTION 5.**

**An action or proceeding commenced under the authority of this Ordinance shall be an action or proceeding within the meaning of 42 Pa.C.S.A.6143 whereby the registration number of the motor vehicle shall give rise to an inference that the person to whom the registration number is officially assigned is the owner of the motor vehicle and was then operating the motor vehicle.**

#### **SECTION 6.**

##### **Exceptions**

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

- A. Any vehicle or personnel of the Borough while engaged upon necessary public business.**
- B. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough 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 or are in the course of a music or holiday festival.**

**F. Fireworks exhibits held under permit by the Borough.**

**G. The sound amplifying equipment of a motor vehicle being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle or safety condition;**

**H. The motor vehicle is a emergency vehicle or public safety vehicle and is on an emergency run;**

**I. The motor vehicle is owned and operated by the Commonwealth of Pennsylvania, any political subdivision thereof, or a public utility;**

**J. The motor vehicle is participating in a parade or other activity for which the sponsors have obtained the necessary permit(s) or authorization(s); and/or,**

**K. The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal, state or local law.**

## **SECTION 7**

### **Violations and penalties**

**Any person who shall violate any provision of this chapter, upon conviction thereof, be punishable by a fine as follows:**

**First offense - \$150.00**

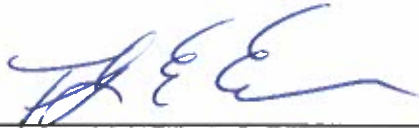
**Second or subsequent offense - \$300.00**

**Plus costs of such proceedings or upon default of payment of such fine and costs by imprisonment in the County Jail of a term of not more than thirty (30) days; provided, however, that if the Magisterial District Judge determines that the defendant is without financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Magisterial District Judge deems to be just.**

ORDAINED AND ENACTED into law this 15<sup>th</sup> day of MARCH, 2011.

ATTEST:

BOROUGH OF BLAIRSVILLE



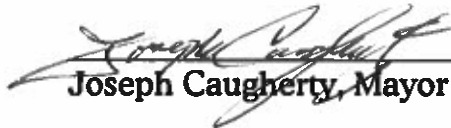
Timothy Evans, Secretary

BY



Ronald E. Evanko, President of  
Council

Approved this 15<sup>th</sup> day of MARCH, 2011.

  
Joseph Caugherty, Mayor