

## ORDINANCE 29

AN ORDINANCE RESTRICTING LOUD, UNNECESSARY OR UNUSUAL NOISES IN THE TOWNSHIP OF ADAMS AND PROVIDING THE PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED AND ENACTED by the Supervisors of the Township of Adams as follows:

I. The Board of Supervisors hereby finds and declares that:

(a) The making and creation of loud, unnecessary or unusual noises within the limits of the township is a condition which has existed for some time and the extent and volume of such noise is increasing.

(b) The making, creating or maintenance of such loud, unnecessary and unnatural or unusual noises which are prolonged, unusual or unnatural in their time, place and use, affect and are detrimental to public health.

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety welfare and prosperity and the peace and quiet of the township and all its inhabitants.

II.

It shall be unlawful for any person to make, continue or generate any loud, unnecessary or unusual noise that; disturbs, injures or endangers the peace or safety of others, within the limits of Adams Township.

III.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any motor vehicle, motor cycle, locomotive or other means of conveyance within the limits of the township, except as a danger warning; the creation by means of such signaling of any such device for any unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or by electricity; The use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

(2) Racing Motors. The unnecessary or unnatural acceleration, deceleration or racing of motors in motor vehicles, whether in motion or within the limits of the township.

(3) Exhausts. The discharge upon the open air or the exhaust of any steam or diesel locomotive, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(4) Defect in vehicle or load. The use of any motor vehicle, motorcycle or other piece of machinery or equipment so out of repair or so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises.

(5} Radios, phonographs, etc. The using, operating or permitting to be played, used or operated any radio receiving sets, musical instruments, sound amplifiers, phonographs, or other machines or devices for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, comfort and repose of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(6) Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(7) Yelling, shouting etc. Yelling, shouting, hooting whistling or singing on the public streets, particularly between the hours of 11:00 pm and 7:00 am. or at, any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any school, church or office, or in any dwelling, hotel or other type of residence, or of any person. in the vicinity.

(8} Loading, unloading, opening boxes. The creating of a loud, excessive noise in connection with loading vehicle or the opening and destruction of bales, boxes, crates and containers.

(9) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(10) Construction or repairing of .buildings. The erection (including excavation), demolition, alteration or repair of any Streets, highways, lands, and buildings other than between the hours' of 8:00 am and 6 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit maybe granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alterations or

repairs of any building or the excavation of streets and highways within the hours of 6:00 PM and 8:00 AM and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 PM and 8:00 AM upon application being made at the time the permit for the work is awarded or during the progress of the work.

(11) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(12) Railway, operation thereof. The causing, permitting or continuing and excessive, unnecessary and avoidable noise in the operation of any railway locomotive or railway car or trains of cars.

#### IV

Any person, firm or corporation violating this ordinance shall upon conviction thereof before any magistrate in the County of Cambria be punished by a fine of not more than \$300.00 or in default of such fine, be imprisoned for not more than thirty (30) days. Each day that any violation of this ordinance continues

#### V

This ordinance shall take effect five (5) days after passage.