

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 389

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR
DEFINING AND REGULATING NOISE AND
PROHIBITING UNNECESSARY NOISE OR OTHER
SOUNDS TENDING TO DISTURB THE PEACE AND
QUIET OF THE COMMUNITY AND THE CARRYING ON
OF ANY BUSINESS, TRADE, TRANSPORTATION,
RECREATION OR AMUSEMENT AT CERTAIN TIMES
WHICH CAUSES UNNECESSARY NOISE OR
DISTURBANCE.**

BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the specific powers permitted by the Borough Code (53 P.S. §46202) as follows:

SECTION 1. TITLE.

This Ordinance shall be known as the "St. Clair Noise Ordinance".

SECTION 2. PURPOSE.

The purpose of this ordinance is to ensure the public health, safety and welfare shall not be abridged by the making and creating of noise pollution or of public nuisances from disturbing, excessive or offensive noises in the Borough. The residents of the Borough recognize that uncontrolled noise represents a danger to the health and welfare of neighbors and that each person in the community is entitled to live in an environment in which the level of impulsive and amplified noise is minimal for the community good. It is the purpose and scope of this ordinance to provide regulations defining the maximum sound levels that vehicles, appliances and equipment shall be allowed to produce at specified distances from these devices, and also to provide for the prohibition of other kinds of offensive noises. These regulations and prohibitions

are intended to protect the physical, mental and social well-being of the residents of the Borough of St. Clair.

SECTION 3. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

NOISE -- Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE -- Any sound which endangers or injures the safety or health of humans or animals; or annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.

NUISANCE -- Any use of property or conduct or activity or condition of property that shall cause or result in annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities. The word nuisance shall include, but not be limited to, the following:

- a. The unnecessary sounding of automobile horns, sirens, bells, whistles or other warning devices. The operators of motor vehicles shall at all times exercise due care and foresight in their operation and shall not substitute the sounding of warnings for careful driving and the maintenance of proper control over their respective vehicles. It is not intended hereby to prohibit the use of such warning devices in emergencies or at times when, in the exercise of good judgment, a prudent operator would use such devices.

b. The unnecessary noise created by minibikes, dirt bikes, cycles and go-carts which is considered excessive and is causing a disturbance of the peace within the immediate neighborhood.

c. The keeping of dogs or other animals under such conditions or in such a manner that by barking or otherwise they disturb the peace and quiet of the immediate neighborhood between the hours of 11:00 p.m. and 6:00 a.m. prevailing local time.

d. The operation of any radios, televisions, stereo equipment, amplification equipment, public address systems, electronic microphone or electronic amplification system or other electronic or mechanical equipment, or the singing, shouting or playing of musical instruments between the hours of 11:00 p.m. and 6:00 a.m. prevailing local time, in such a manner as to be plainly audible at a distance of 50 yards from the building, structure, vehicle or area from which the sound or sounds are emanating.

e. Acting in and about the streets or other public places in the Borough in a noisy, loud, boisterous and unseemly manner, engaging in fighting, violent or threatening behavior, or in such a manner as to disturb the peace and quiet of the community.

f. Permitting or giving one's consent to any person to violate the terms of this ordinance as above set forth upon his property or elsewhere.

PERSON – Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

PUBLIC RIGHT-OF-WAY – Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

REAL PROPERTY – All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

REAL PROPERTY BOUNDARY – An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, not including intra-building real property divisions.

WEEKDAY – Any day, Monday through Friday, which is not a legal holiday.

SECTION 4. PROHIBITED ACTS.

A. **Noise Disturbance Prohibited.** No person shall make, continue or cause to be made or continued any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

B. **Nuisance Prohibited.** No person shall make, continue or cause to be made or continued any nuisance, as defined herein. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

C. **Specific Prohibitions.** The following acts and the causing thereof are declared to be noise disturbances and/or a nuisance and therefore in violation of this ordinance.

1. **Construction.** Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or holidays such that the sound therefrom creates a noise disturbance across a

residential real property boundary, except for emergency work. This section shall not apply to the use of domestic power tools.

2. **Vehicle, motorboat or aircraft repairs and testing.** Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a residential real property line.

SECTION 5. VIOLATIONS AND PENALTIES.

Any person violating any of the Sections of this ordinance and upon conviction thereof before any District Justice, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than three hundred dollars (\$300.00), together with costs of prosecution, and in default of payment thereof, may be sentenced and committed to imprisonment for a period not to exceed thirty (30) days.

SECTION 6. ENFORCEMENT.

The responsibility for enforcement of this ordinance shall be by the Police Department of the Borough of St. Clair.

SECTION 7. GENERAL PROVISIONS.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for the purpose of this Section the provisions of this Ordinance are hereby declared to be severable.

Any past resolution or ordinance, or part or parts thereof conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

This Ordinance is enacted this 5th day of June, 2007, and shall be effective five (5) days following the said date of enactment.

ST. CLAIR BOROUGH



MICHAEL M. McCORD
Council President

ATTEST:



ROLAND PRICE, JR.
Borough Secretary

Approved by me this 5th day of June, 2007.



STEPHEN BOBELLA, Mayor