

**BOROUGH OF HARRISVILLE
BUTLER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 05 OF 2004

**AN ORDINANCE OF THE BOROUGH OF HARRISVILLE, BUTLER COUNTY,
PROHIBITING UNNECESSARY NOISES WITHIN THE BOROUGH AND
PROVIDING FOR THE PENALTIES THEREFORE**

The Borough Council of Harrisville, Butler County, Pennsylvania, pursuant to the authority granted to it by the Pennsylvania Second-Class Township Code, hereby ORDAINS AND ENACTS as follows:

ARTICLE I - DEFINITIONS

SECTION 1.01. For the purposes of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number and the word "shall" is always mandatory and not merely directory.

- A. "BOROUGH" is the Borough of Harrisville, Butler County, Pennsylvania.
- B. "OWNER" is the person owning, leasing, occupying or having charge of any premises within the Borough.
- C. "PERSON" is any natural person, firm, partnership, association, corporation, company or organization of any kind.

ARTICLE II – PROHIBITION OF EXCESSIVE NOISE; PENALTIES FOR VIOLATION

SECTION 2.01. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Borough, provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal.

SECTION 2.02. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- A. Horns, signaling devices, etc: Sounding any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place in the Borough except as a danger

warning; creating, by means of any such signaling device, any unreasonably loud or harsh sound; or the sounding of any such device for any unnecessary or unreasonable period of time.

- B. Radios, phonographs, television sets, etc: Using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort 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 or vehicle in which such machine or device is being operated. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P. M. and seven o'clock 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.
- C. Loud speakers, amplifiers for advertising: Using operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, 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 except in the course of legitimate business activity or auction sales.
- D. Yelling, shouting, etc: Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven o'clock P. M. and seven o'clock A. M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- E. Exhausts: The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

SECTION 2.03. Any person violating any of the Sections of this Article II shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars and not more than Three Hundred (\$300.00) Dollars, 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. Said fine and costs may be collected by suit or summary proceedings brought in the name of the Borough of Harrisville.


ARTICLE III: GENERAL PROVISIONS

SECTION 3.01. 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.

SECTION 3.02. 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 1st day of November, 2004 and shall be effective five (5) days following the said date of enactment.

BOROUGH OF HARRISVILLE

By 

By 

By 