

**EAGLES MERE BOROUGH
SULLIVAN COUNTY, PENNSYLVANIA**

ORDINANCE 2010-01

AN ORDINANCE OF THE BOROUGH OF EAGLES MERE, COUNTY OF SULLIVAN, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 67, "PEACE AND GOOD ORDER" TO ADD ARTICLE II "NOISE" OF THE CODE OF ORDINANCES OF THE BOROUGH OF EAGLES MERE; PROHIBITING EXCESSIVE NOISE AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Eagles Mere, Sullivan County, Pennsylvania, and is hereby enacted by the authority of the same as follows:

Chapter 67 "Peace and Good Order" is hereby amended to add the following:

ARTICLE II

NOISE

Section 67-3 Statutory Authority

This Article is enacted pursuant to the authority granted to the Borough in Sections 1202 (4) ,(5), (6) and (20) of the Borough Code.

Section 67-4 Definitions

- A. Property Owner. A person owning, leasing, occupying or having charge of any premises within the Borough.
- B. Person. Any natural person, firm, partnership, association, corporation, company or organization of any kind.
- C. Public Nuisance. The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

Section 67-5 Disorderly Conduct; Disturbance of the Peace

- A. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, unusual or unreasonable 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.
- B. It shall be unlawful for any property owner to permit any loud, disturbing and unnecessary noises prohibited by Subsection A on the property.

Section 67-6 Public Nuisance – Prohibition of Excessive Noise

The following acts, among others, are declared to constitute a public nuisance and a threat to the health, convenience, comfort and general welfare in violation of this Article, but said enumeration shall not be deemed to be exclusive, namely:

- A. Yelling shouting, etc: Yelling, shouting, hooting, whistling, singing, or banging 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.
- 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, CD player, i-pod or other machine or electronic devise 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 necessary for convenient hearing for the person or persons who are on the property or 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 one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- C. Horns, signaling devices, etc.: Sounding any horn, instrument, signaling device or fireworks 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.
- D. It shall be unlawful for any property owner to permit any act prohibited by Subsections A, B or C on the property.

Section 67-7 Penalty

Any person violating any of the Sections of this Article shall, upon conviction thereof before any District Judge, be sentenced to pay a fine of not more than \$600.00, 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. Said fine and costs may be collected by suit or summary proceedings brought in the name of Eagles Mere Borough.

ARTICLE III

This ordinance shall be effective immediately.

DULY ENACTED AND ORDAINED this 7th day of June, 2010 by the Council of the Borough of Eagles Mere, Sullivan County, Pennsylvania.

ATTEST:

BOROUGH OF EAGLES MERE

By: Kay Wilson
Kay Wilson, Secretary

By: William Feese
William Feese, Council President

DULY approved this 7th day of June, 2010.

By: Betty M. Hays
Betty M. Hays, Mayor