

ORDINANCE NO. 31

AN ORDINANCE OF THE TOWNSHIP OF CHERRY, BUTLER COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 13, AND BY ADOPTION HEREIN, PROHIBITING EXCESSIVE NOISE WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of Cherry Township, Butler County, Pennsylvania, as follows:

SECTION 1

Section 1-01: General Provisions.

- A. The term "person" in this ordinance shall include the plural as well as the singular, and shall also apply to any entity, company or corporation where appropriate.
- B. The term "Township" in this ordinance shall mean the Township of Cherry.

Section 1-02: Definitions.

Noise - Sound which, when heard by a reasonable person, is louder than expected or customary, creating a nuisance.

Public Nuisance - A condition causing danger or annoyance either to a limited number of persons or the general public.

Section 1-03: Noise.

- A. The creation, within the Township, of any unnecessary or excessive noise or any noise of such character, intensity or duration as to be detrimental to the health or life or any individual or in the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise or permitting any such noise to continue is hereby prohibited and shall constitute a public nuisance.
- B. Prohibited noise, within the meaning of this ordinance is hereby defined to include but not be limited to the following:

1. For any person at any time to use a horn or other warning device other than is a reasonable warning or to make any unnecessary or unreasonable, loud or harsh sound by means of a horn or other warning device.
2. The playing of any television, radio, phonograph or any musical instrument or other sound producing device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel, residence or of any persons in the vicinity thereof.
3. Yelling, shouting, hooting, whistling or singing, so as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel, residence or of any persons in the vicinity thereof.
4. The blowing of any whistle, except as given notice of the time to begin or stop work or as a warning of fire or danger, of such character or intensity as to disturb the comfort or repose of any person.
5. The excavation of properties, public or private, the demolition, construction or alteration of buildings shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., unless under emergency situations or special permission of the Township.
6. Commercial or industrial businesses, which function principally outside of a building, shall be prohibited from operating between the hours of 10:00 p.m. and 7:00 a.m., unless the Township grants a permit for special consideration limited to 10 days per year.

Section 1-04: Exceptions.

- A. The use of warnings and equipment used by public safety personnel responding to, but not limited to, such events as fires, accidents, criminal activity, natural disasters.
- B. Township recognized events such as, but not limited to, parades, festivals, sporting events, concerts, holiday celebrations.
- C. Customary noise associated with the normal conduct of businesses within buildings located in the commercial, industrial, and residential districts of the Township.
- D. Emergency utility line repair at any time or street repair during the hours of 7 a.m. and 10 p.m.

Section 1-05: Enforcement

Any person violating Section 1-03 shall be sent a written notice of the violation with instructions to cease the noise nuisance.

Section 1-06: Penalties

Any person who continues to violate Section 1-03 after notice shall be subject to a civil penalty not to exceed \$300.00 plus costs and reasonable attorney fees. Subsequent violations shall be subject to a fine not to exceed \$600.00 in lieu of payment thereof, to be imprisoned not to exceed 10 days.

SECTION 2

All ordinances or parts thereof that are inconsistent herewith are saved from repeal and it is the intent of this Ordinance that the stricter standard should apply.

SECTION 3

This Ordinance shall become effective immediately.

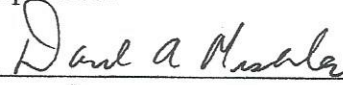
ORDAINED AND ENACTED this 1st day of April, 2008.

CHERRY TOWNSHIP


By:



Supervisor

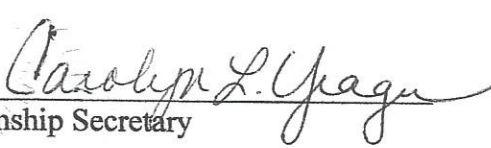


Supervisor



Supervisor

ATTEST:



Township Secretary