

**BOROUGH OF WILMERDING
ORDINANCE NO. 1037**

**AN ORDINANCE AMENDING THE
WILMERDING BOROUGH CODE, CHAPTER
210, ARTICLE I REGARDING NUISANCES;
PROVIDING FOR THE PROHIBITION OF
OVERLY LOUD NOISE FROM MOTOR
VEHICLES OR OTHER DEVICES;
EFFECTIVE DATE.**

WHEREAS, Wilmerding Borough has heretofore Ordained the prohibition of nuisances in Chapter 210, Article I; and

WHEREAS, the Ordinance fails to adequately address loud noises; and

WHEREAS, Council has received many complaints regarding loud and amplified noise from motor vehicles and other amplification devices; and

WHEREAS, this Ordinance is found to be in the best interests of the residents of Wilmerding Borough; and

WHEREAS, this Ordinance is enacted pursuant to the Borough Code.

NOW THEREFORE, it is hereby Ordained as follows:

SECTION 1.

Chapter 210, Article I of the Borough of Wilmerding Code of Ordinances is amended as set forth herein.

SECTION 2.

Section 210-1 is amended to add the following definition:

NOISE NUISANCE - Shall mean any noise or sound emanating from a radio, tape player, compact disc player, loudspeaker or any other type of electronic or other device used for the amplification of music, entertainment, noise, sound or for any purpose whatsoever, if the sound produced or reproduced is plainly audible to a person of normal and reasonable sensibilities at a

distance of seventy-five [75] feet from the source of the noise. This prohibition is intended to be applicable to noise coming from a motor vehicle. It is also intended to include portable, hand-carried audio amplification or reproduction devices including but not limited to, hand carried radios, cassettes, compact disc players, 3M players, cellular telephones, Ipods or any other digital or other device.

SECTION 3. A new section is added as follows:

Section 210-2- [A] - Noise Nuisances.

- 1] It shall be a violation of this Ordinance for any person or entity to permit, cause, allow or be the source of a Noise Nuisance as described in Section 210-1.
- 2] The following shall be exempt from the application of a Noise Nuisance.
 - a] One having a current permit to amplify noises properly issued by the Borough Code Enforcement Officer;
 - b] The noise is being generated to request assistance or to warn of a hazardous situation;
 - c] The noise emanates from an authorized emergency vehicle or a vehicle operated by a gas, electric, communication or water utility;
 - d] The noise emanates from a bell, chime or similar device by a school or religious institution;
 - e] The noise emanates from a lawn care or other household maintenance equipment or tool used between the hours of 7:00 am to 9:00 pm, prevailing time;
 - f] The noise emanates from construction activity for which there is a valid, current permit issued by the Code Enforcement Officer between the hours of 7:00 am to 9:00 pm, prevailing time;
 - g] The noise emanates from the engine of a motor vehicle which is subject to the exclusive regulation by the PA Department of Transportation pursuant to PA Statutes or PennDOT regulations.

SECTION 4. For each violation of this Ordinance such person or entity shall be liable for a fine up to \$600.00 and court costs.

SECTION 5. If any portion of this Ordinance is found to be unconstitutional or illegal, it is the intent of Council that it would have ordained the balance of the Ordinance irrespective of the

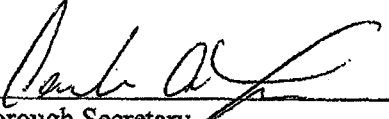
invalid portion.

SECTION 6. This Ordinance shall take effect immediately.

ORDAINED into law this 8 day of August, 2017.

ATTEST:

WILMERDING BOROUGH


Borough Secretary


Council President

Approved this 8 day of August, 2017.


Mayor