

OFFICIAL
TOWNSHIP OF NORTH HUNTINGDON
NOISE ORDINANCE
PROPOSED ORDINANCE NO. 3 OF 2024
ORDINANCE NO. 2298

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING STANDARDS AND REGULATIONS PERTAINING TO NOISE, DEFINITIONS, EXCESSIVE NOISE PROHIBITED, EXEMPTIONS, VIOLATIONS AND PENALTIES PERTAINING THERETO.

WHEREAS, The North Huntingdon Township Board of Commissioners believe excessive levels of noise are detrimental to the physical, mental and social well-being of residents as well as to their comfort, living conditions and general welfare.

WHEREAS, The North Huntingdon Township Board of Commissioners desires to implement an ordinance to prevent excessive levels of sound that may cause annoyance to the residents of North Huntingdon Township thereby disturbing the peace of those residents.

BE IT ORDAINED, AND IT IS HEREBY ENACTED by the Board of Commissioners of North Huntingdon Township, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: DEFINITIONS

KNOWINGLY: Having general knowledge of, or grounds for belief which warrants further inspection of the character, nature and level of the sound or noise which would cause annoyance to inhabitants of the Township.

DISTURBING, OFFENSIVE, LOUD NOISE or SOUND: Any loud, unnecessary, or unusual

sound which unreasonably disturbs the peace and quiet of any neighborhood or which causes annoyance to any reasonable person.

PERSON: Any individual, association, partnership or corporation that includes any officer, employee, department, agency or instrumentality of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes the individual members, partners, officers and managers, or any of them, of partnerships and associations and, as for corporations, the officers and managers thereof, or any of them.

ANIMAL NOISE: Barking, whining, screeching, calling, howling, chirping or yowling in an excessive, continuous, habitual or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use enjoyment of neighboring premises. Any such sound which is made for more than fifteen (15) minutes during any thirty (30) minute period shall be deemed an annoying sound.

SECTION 2: DISTURBING, OFFENSIVE, LOUD NOISE OR UNLAWFUL SOUNDS

It shall be unlawful for any person to make, produce or cause any disturbing, offensive, loud noise or sound by their own conduct or action or by their operation of any radio, TV, speakers or similar devices. Operation of any piece of equipment, machinery, vehicle or other noise or sound-making device or instrument of such a high volume or of such a nature, between the hours of 10:00PM and 7:00AM Sunday through Thursday, 11:00PM - 7:00AM Friday and Saturday along with Memorial Day, July 4th and Labor Day. If there is a noise complaint during the hours not listed above, the police shall investigate and verify the noise complaint before any enforcement actions or penalties are taken. If the noise complaint is verified and the noise is determined to be disturbing, loud and offensive, then action may be taken.

SECTION 3: COMMERCIAL & RESIDENTIAL USE OF MACHINERY AND/OR POWER TOOLS

Operating or permitting the operation of any tools machinery or equipment used in construction operations, in a residential or commercially zoned district is prohibited between the hours of 9:00PM and 7:00AM Monday through Friday and 9:00PM and 8:00AM Saturday through Sunday.

SECTION 4: ANIMAL NOISE DECLARED UNLAWFUL

It shall be unlawful for any person during any hour of the day to knowingly permit or allow animal noise, and upon written or verbal request by the North Huntingdon Township Police shall take action to stop or abate the animal noise immediately.

SECTION 5: ABATEMENT OF NOISE

Any person responsible for creating or causing such a disturbing, offensive, loud noise or sound, and upon a complaint being received and verified by the North Huntingdon Township Police, the person shall abate, suspend, alter or remove the annoying sound or noise promptly upon written or verbal notice. Failure or refusal to comply shall result in a citation being issued for violation of this ordinance.

SECTION 6: VIOLATIONS AND PENALTIES

Any person who violates any provision of this ordinance and verified by the North Huntingdon Township Police shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$150 for the first offense, \$500 for the second offense and \$1,000 for a third and subsequent offense.

SECTION 7: DECLARING A NUISANCE PROPERTY

- A. Any person who violates any provision of this ordinance at a single property as verified by the North Huntingdon Township Police and found in violation of this ordinance three (3) consecutive times in a twelve-month period shall have the property declared a nuisance property by the North Huntingdon Township Police Department.
- B. Fines for subsequent violations after the initial third offense of \$1,000 shall be doubled to \$2,000 and no warnings shall be issued for such violations.
- C. If the nuisance property is not owner occupied, the owner of the property shall be notified via Certified U.S. Mail of the violations and the declaration of nuisance by the North Huntingdon Township Police Department.
- D. A property will be released from the nuisance declaration, upon petition of the owner, for twelve (12) consecutive months without a violation or by change in tenants and/or ownership.

EXCEPTIONS:

- 1. **Government/ Public Utility:** State, Municipal and Public Utility Service work anytime within the 24-hour day.

2. **Emergency work:** Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus.
3. **Outside Organized Activities:** School activities, bands, concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public space outdoors, provided that such activities do not occur during the prohibited hours.
4. **Shooting Ranges:** Shooting ranges shall be exempt from the provisions of this ordinance pursuant to Pennsylvania Statute 35 P.S. § 4501.

SECTION 8: VARIANCES


The North Huntingdon Township Board of Commissioners may grant a variance to any portion of this ordinance upon application by any person who owns, controls or operates the sound source that does not comply with the provisions or standards of this ordinance.

SECTION 9: SEVERABILITY

Each section, paragraph, sentence and provision of this ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance.

ORDAINED AND ENACTED at a Regular Meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 20 day of March, 2024

TOWNSHIP OF NORTH HUNTINGDON


Jason Atwood, President
Board of Commissioners

ATTEST:


Harry R. Faulk, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice