

ORDINANCE NO. 2008-2

**AN ORDINANCE OF THE TOWNSHIP OF LOWHILL,
COUNTY OF LEHIGH, PROHIBITING UNNECESSARY
NOISES WITHIN THE TOWNSHIP AND PROVIDING
FOR PENALTIES THEREFORE.**

NOW, THEREFORE, The Board of Supervisors of the Township of Lowhill, Lehigh County, Pennsylvania hereby ordains:

Section 1: Short Title

This Ordinance shall be referred to as the "Lowhill Township Noise Ordinance".

Section 2: Definitions

Township - The Township of Lowhill, Lehigh County, Pennsylvania

Owner - a person owning, leasing, occupying or having charge of any premises within the Township

Person - any natural person, firm, partnership, association, corporation, company, or organization of any kind.

Section 3: Ordinance-Prohibition of Excessive Noise

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 Township. Provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal.

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 of the Township 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 operating of any radio receiving set, television set, musical instrument, phonograph, tape player or other machine or device for the production of reproducing of sound in such a 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. Exhausts: The discharge into the open air of the exhaust of any motor vehicle, motorcycle, ATV, or stationary internal combustion engine except through an unaltered, properly maintained, and factory designed muffler or other device which will effectively prevent loud or explosive noises therefrom.

Section 4: Exceptions

- A. Legitimate Business Exception: Noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal under the provisions of this ordinance. Reasonable is to be deemed as acts that are standard for the particular business at hand. Additionally, this exception shall not be interpreted to mean those activities that are prohibited in a certain Zoning District are now allowed to be performed in said Zoning District.
- B. Act 43 of 1981 (Agricultural Area Security Law): Nothing contained herein shall be interpreted to regulate or prohibit any agricultural activity or operation conducted using normal farming operations within an agricultural area as permitted by Act 43 of 1981 if such agricultural activity or operation does not bear a direct relationship to the public health and safety will be exempt from the provisions of this ordinance.
- C. Other Farming Activities Outside an Agricultural Security Area: Nothing contained herein shall be interpreted to regulate or prohibit any agricultural activity or operation conducted using normal farming operations within the Township (where not designated an Agricultural Security Area) if the Zoning District allows farming activities to take place on said land/property.

Section 5: Enforcement

The provisions of this Ordinance shall be carried out and enforced by either the Township Code Enforcement Officer, Township Administrator, Pennsylvania State Police, or any other person appointed by the Township Board of Supervisors by resolution at a later date.

Section 6: Penalty

Any person violating any of the sections of this Ordinance shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than \$50.00 and not more than \$500.00, together with costs of prosecution and attorney's fees, 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 Lowhill Township.

Section 7: Severability

If a court of competent jurisdiction declares any provision of this Ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 8: Repealer

As of the effective date of this Ordinance, all prior Ordinance or part thereof inconsistent herewith are hereby repealed.

Section 9: Enactment

This Amendment shall be effective five (5) days after the date of passage.

DULY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lowhill, Lehigh County, Pennsylvania, in lawful session assembled this 21 day of May, 2008.

TOWNSHIP OF LOWHILL

By: Eugene R. Weiner
Eugene R. Weiner, Chairman

By: Richard B. Hughes
Richard B. Hughes, Vice Chairman

By: Frank R. Dengler
Frank R. Dengler, Supervisor

ATTEST:

Lucille C. Hahn
Lucille C. Hahn, Secretary
Lowhill Township

I, Lucille C. Hahn, Secretary of the Board of Supervisors of the Township of Lowhill, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted at a meeting of the Supervisors aforesaid convened and held on this the 1 day of May, 2008.

Witness my hand and seal of said Township this 1 day of May, 2008.

Lucille C. Hahn
Lucille C. Hahn, Secretary