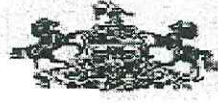


**OFFICE OF THE MOUNT CARMEL TOWNSHIP BOARD OF  
SUPERVISORS**



AARON DOMANSKI, CHAIRMAN  
RICHARD MYCHAK, SUPERVISOR  
CHARLES KOVELESKIE, SUPERVISOR

MOUNT CARMEL TOWNSHIP  
300 LAUREL STREET  
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**ORDINANCE 2022-02  
NOISE**

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT CARMEL,  
NORTHUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA,  
WHICH SEEKS TO SECURE THE PUBLIC HEALTH, SAFETY AND  
GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF  
THE TOWNSHIP AND PRESCRIBE THE PENALTIES FOR THE VIOLATION  
THEREOF.**

**SECTION 1. DEFINITIONS**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial: A use of property for purposes other than residential.

Construction: Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private right-of-way, structures, utilities or similar property.

Emergency Vehicle, Machinery or Alarm: Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

Person: Any individual, firm, association, partnership, joint venture, corporation, limited liability company or other entity.

Property Line: The imaginary line which represents the legal limits of the property, including an apartment, condominium, room or other dwelling unit, owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the “property line” shall be the nearest boundary of the public right-of-way.

## **SECTION 2. PROHIBITED NOISES**

### A. General Regulation

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner within the Township.

### B. Specific Prohibitions

The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted. These regulations apply to commercial properties, activities or uses between the hours of 10:00 PM and 7:00 AM and residential properties between the hours of 11:00 PM and 7:00 AM.

1. The operation of power tools or equipment.
2. The sounding of any bell, chime, siren, whistle or similar device, except:
  - a. To alert persons to the existence of an emergency, danger or attempted crime; or
  - b. As provided in Section 3.
3. The operation or playing of any radio, television, phonograph, audio equipment, drum or musical instrument. Also, the creation or activity of music.
4. Construction, repair, remodeling, demolition, drilling or excavation work Monday-Sunday, except as permitted in Section 3.
5. The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds indoors or outside the premises.
6. The creation of any loud, unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers.
7. The use of any drums, loud-speakers, musical devices or other instruments or devices for the purposes of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.

### C. Special Prohibitions

It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance at any time (24 hours a day) to people in the neighborhood or people on the streets of the neighborhood by loud or frequent or habitual barking, howling or yelping.

### **SECTION 3. GENERAL EXEMPTIONS**

The following activities and noises are exempted from the requirements of Section 2:

1. Otherwise lawful regular or permitted activities or operations of governmental units or agencies.
2. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
3. Devices or activity creating sound made to alert persons to the existence of an emergency, danger or attempted crime.
4. Any vehicle or equipment designed and used for the purpose of snow and/or ice removal, or garbage/trash removal, when in use for such purposes.
5. Other activities as approved by the Township as specified in Section 4.

### **SECTION 4. REQUEST FOR A PERMISSION TO EXCEED NOISE LIMITS**

1. An request for permission to engage in any activity, noise or use which would otherwise violate Section 2 of this Ordinance must be made in writing and submitted to the Township Supervisors. Request shall be made at least thirty (30) days prior to the date of the proposed use or event. The person requesting the permission must be the taxpayer of record for the property on which the use or event will take place. The request shall contain the following information:
  - a. Name and mailing address of the person making the request.
  - b. A statement of the type of event to take place which will require special permission.
  - c. The address and legal description of the property the event is to be held on.
  - d. The date and hours during which the event will be conducted.
  - e. An estimate of the maximum number of attendants expected at the event.
2. Upon receipt of the request by the Township Supervisors, copies of the request shall be forwarded to the Chief of Police and the Fire Chief/Marshal serving the subject area, and to such other appropriate agencies as are deemed necessary. Such officers and officials shall review matters relevant to the

request and within ten (10) days of receipt thereof, shall report their findings and recommendations to the Township Secretary.

3. Within 20 days of the filing of the request, the Township Secretary shall issue a letter of permission or denial. The Township Secretary may attach reasonable conditions to the permission granted. Where conditions are imposed as prerequisite to the permission being granted, or where permission is denied, within five (5) days of such action, notice thereof must be mailed to the applicant, and in the case of denial, the reasons therefore shall be stated in the notice. A denial (or condition attached to the permission) may be appealed to the Township Supervisors if the applicant files a written notice of appeal with the Township Secretary within ten (10) days of the date of the decision.

## **SECTION 5. ADMINISTRATION AND ENFORCEMENT**

### A. Complaints

Complaints by a resident or property owner in the Township regarding any violations of this Ordinance shall be filed with the Township Police Department. Complaints may be investigated after two complaints for the same violation on the same date are filed from residents who reside at different households.

### B. Enforcement

The Mt Carmel Township Police Department is hereby authorized, empowered and directed to enforce all provisions of this Ordinance and any subsequent amendments hereto (including issuing civil infraction tickets) and is authorized to employ the necessary assistants to aid in the enforcement of this Ordinance.

### C. Penalties

Any person who violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction, subject to payment of a fine of not less than \$100.00 for the first offense. Repeat offences under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) violation of this Ordinance committed on a specific parcel or property within any one (1) year period and for which the person admits responsibility or is determined responsible. The increased fine for repeat offenses shall be as follows:

1. 2<sup>nd</sup> offense – not less than \$500.00
2. 3<sup>rd</sup> and subsequent offense(s) – not less than \$1000.00.

Persons Chargeable with a violation of this Ordinance and subject to being responsible for a Municipal infraction may include the following:

1. The owner, agent, lessee, tenant, contractor or any other person using or having control or possession of the land, building or premises where such violation has been committed or shall exist;
2. Any person who knowingly commits, aids and abets, takes part or assists in any such violation; or
3. Any person who owns or maintains any land, building, or premises on which such violation shall exist.

#### **SECTION 6: SEVERABILITY**

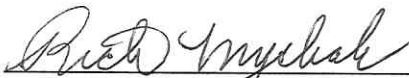
If any part of this Ordinance shall be found to be invalid or unconstitutional by any court of competent jurisdiction, such findings shall not affect the remaining portions hereof, which shall remain in full force and effect.

This ordinance shall become effective upon the date of its enactment. Enacted and ordained as an Ordinance of the Township of Mount Carmel, Northumberland County, Pennsylvania, this 3rd day of January, 2023.



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Aaron Domanski, Chairman



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Richard Mychak, Vice Chairman



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Charles Koveleskie, Supervisor