

ORDINANCE NO. 04 - 2006

AN ORDINANCE OF THE BOROUGH OF FREEBURG, SNYDER COUNTY, PENNSYLVANIA, PROHIBITING UNREASONABLE NOISES AND OTHER DISTURBANCES OF THE PEACE; AND ESTABLISHING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

The Council of the Borough of Freeburg ordains as follows:

1. Authority. This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 1006(3) and 1202(3), (4), (6), (20), and (74) of The Borough Code [53 P.S. §§ 46006(3) and 46202(3), (4), (6), (20) and (74)], as amended.

2. Purpose. This Ordinance is enacted to promote and protect the health, safety, and welfare of the residents of Freeburg Borough by regulating and prohibiting unreasonable noises and other disturbances of the peace.

3. Disturbing The Peace Prohibited And Enumeration Of Prohibited Unreasonable Noises.

A. Public inconvenience, annoyance of alarm.

(1) A person is guilty of disturbing the peace if, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof he:

(a) Engages in fighting or threatening or in violent or tumultuous behavior;

(b) Makes unreasonable noise;

(c) Uses obscene language or makes obscene gesture; or

(d) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(2) As used in this Ordinance, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included, but not limited to, are highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any other premises which are open to the public.

B. The following acts, among others, are declared to be loud, unnecessary or unreasonable noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive:

1. Horns, signaling devices, etc. The creation by means of any horn or signaling device of any unnecessary or unreasonably loud or harsh sound, the

sounding of any such horn or signaling device for an unnecessary and unreasonable period of time and the sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Borough, except as a danger warning or as a part of any public parade or wedding celebration.

2. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing without legitimate purpose on the public streets in such a manner as to be as to be plainly audible at a distance of 20 feet from the person yelling, shouting, hooting, whistling or singing at the time of doing so.

3. Squealing tires. Causing the tires of any automobile or other vehicle to make a squealing noise or other harsh or loud sound except in the event of an emergency.

4. Construction or repairing of buildings. The erection (including excavation), demolition, alteration, or repair of any building or other structure between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to create loud or disruptive noises. The erection (including excavation), demolition, alteration or repair of any building or other structure between said hours in such a manner as to be plainly audible at a distance of 50 feet from the site of said activities shall be prima facie evidence of a violation of this Ordinance.

5. Pile drivers, hammers, etc. The operation between the hours of 11:00 P.M. and 7:00 A.M. of any pile driver, steam shovel, pneumatic hammer, pneumatic drill, derrick, steam or electric hoist, power saws and hammers, or other similar appliances or tools, the use of which is attended by loud or unusual noise, except in case of urgent necessity in the intent of public health and safety and then only with a permit from the Borough Council or the Street Committee, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues, and which permit may be renewed for periods of three (3) days or less while the emergency continues.

4. Exemptions. Civic events, including, but not limited to, parades, street fairs, block parties, demonstrations, baseball games, and other events and construction activities specifically authorized in writing by the Mayor or the President of Borough Council shall be exempt from the provisions of this Ordinance.

5. Violations And Penalties. Any person violating any provisions of this Ordinance is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50.00 nor more than \$1,000.00, plus costs of prosecution.

6. Repeal Of Previous Ordinance. All Freeburg Borough ordinances or parts of ordinances insofar as they are inconsistent herewith are hereby repealed.

7. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have enacted this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, illegal or invalid.

8. Effective Date. This Ordinance shall become effective immediately from the date of its enactment.

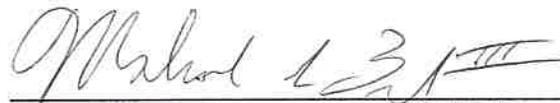
DULY ADOPTED Ordinance No. 04-2006 this ____ day of October, 2006.

FREEBURG BOROUGH,
SNYDER COUNTY, PENNSYLVANIA

ATTEST:


BOROUGH SECRETARY

(Freeburg Borough Seal)


PRESIDENT OF COUNCIL

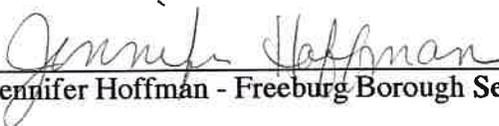
APPROVAL BY MAYOR

Ordinance No. 04-2006 is hereby approved this 18 day of October, 2006.


MAYOR

CERTIFICATION

I, Jennifer Hoffman, Secretary of the Council of the Borough of Freeburg, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Freeburg Borough Ordinance No. 04-2006, which was duly enacted at a regular meeting of the Council of the Borough of Freeburg on the 17 day of October, 2006.



Jennifer Hoffman - Freeburg Borough Secretary

(Freeburg Borough Seal)

NOTICE is hereby given that the Council of the Borough of Freeburg, Snyder County, Pennsylvania, intends to consider, and anticipates enacting, an ordinance entitled:

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This Ordinance is enacted to promote and protect the health, safety, and welfare of the residents of Freeburg Borough by regulating and prohibiting unreasonable noises and other disturbances of the peace. Copies of the proposed ordinance may be inspected at the Freeburg Borough Office, Church Street and Freeburg Road, Freeburg, Pennsylvania, or at the Law Office of Robert M. Cravitz, Freeburg Borough Solicitor, 503 North Market Street, Selinsgrove, Pennsylvania. The Council intends to consider, and anticipates enacting, the proposed ordinance at its regular meeting at the Council Chambers of the Freeburg Community Building, Church Street and Freeburg Road, Freeburg, Pennsylvania, on Tuesday, October 17, 200~~5~~⁶, at 7:30 p.m., or as soon thereafter as the matter may be considered.

Robert M. Cravitz,
Freeburg Borough Solicitor

Please publish this notice in the legal section of your publication of Oct. 7th, 2006, and send bill together with proofs of publication to Jennifer Hoffman, Freeburg Borough Secretary, Freeburg Borough Office, P. O. Box 198, Freeburg, Pennsylvania, 17827. Thank you.