

**TOWNSHIP OF WASHINGTON
Lehigh County, Pennsylvania**

Ordinance No. 103

(Duly Enacted October 8, 2002)

AN ORDINANCE IMPOSING RESTRICTIONS ON PERSONS AND BUSINESSES MAKING EXCESSIVE NOISE AND IMPOSING RESTRICTIONS ON OWNERS AND KEEPERS OF ANIMALS FROM ALLOWING ANIMALS FROM MAKING EXCESSIVE NOISE. THIS ORDINANCE ALSO IMPOSES FINES AND PENALTIES FOR VIOLATING THE TERMS AND CONDITIONS OF THIS ORDINANCE OF THE TOWNSHIP OF WASHINGTON, LEHIGH COUNTY, PENNSYLVANIA.

WHEREAS, the Township of Washington ("Township") is situate within a rural part of the County of Lehigh; and

WHEREAS, the officials and residents of the Township are becoming increasingly aware of excessive noises made by persons, businesses and animals within the Township which interfere with the rural standard of living which the residents of come to enjoy; and

WHEREAS, excessive and unnecessary noises rise to the level of a nuisance to those nearby; and

WHEREAS, in order to maintain its rural character, the Township desires to restrict excessive noise from being made within the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the authority vested in the Board of Supervisors of the Township of Washington, County of Lehigh, Commonwealth of Pennsylvania, and it is hereby **ORDAINED AND ENACTED** by the authority of the same that

SECTION I. UNNECESSARY NOISES A NUISANCE

A. No person, while on public or private grounds within the Township of Washington shall wilfully make or assist in the making of any unnecessary noise or diversion, including, but not limited to noise emanating from automobile horns, whistles, bells, sirens, engine or exhaust noise, radios, amplifying systems or otherwise, which disturbs or tends to disturb the peace or good order of the citizens of the Township of Washington is declared to be a public nuisance. For the purpose of this chapter, "noise" is defined as the presence of a sound or sounds of such intensity, duration, frequency or character which in the way, disturbing, or cause or tend to cause adverse psychological and physiological effects on a person or persons.

B. Sound reproduction devices.

No person shall operate or allow to be operated a radio, stereo, boom box, tape in or CD player or any other type of sound reproduction devices in any area within the Township having a sound level which is audible at any distance of greater than forty (40) feet from the location of any such sound reproduction devices.

No person, while residing or occupying or present in any dwelling, building or other structure, or while driving, occupying or in control of any moving vehicle or parked vehicle, or otherwise shall operate or allow to be operated a radio, stereo, boom box, tape and/or CD player or any other type of sound reproduction devices in any area within the Township having a sound level which is audible at a distance of greater than forty (40) feet from the location of such dwelling, building, or other structure, or the location of such vehicle.

The provisions of this Ordinance shall not apply to:

- (a) Police, fire and ambulance vehicles, devices or buildings.

The emission of sound, including radios, public address systems or other communications devices, from a police, fire and/or ambulance vehicle, device or building.

- (b) Municipal and utility services vehicles, devices or building.

The emission of sound from a municipal and/or utility services vehicle, device or building.

- (c) Places of Religious Worship.

The sound of any bell or chime in conjunction with places of religious worship.

- (d) Political and Labor Rallies, Athletic Events for Township Licensed, Permitted or Authorized Events.

The use of devices such as public address systems, amplifying systems, bullhorns, musical instruments, tape messages or similar devices which are used at political or labor rallies, or athletic events or other Township licensed, permitted or authorized events.

SECTION II. ASH, TRASH, GARBAGE CANS.

No person shall make unnecessary noise in the handling of trash and garbage cans, either in loading or unloading, and whether full or empty.

SECTION III. CAR ALARMS.

No person, while on public or private grounds located within the Township of Washington shall allow a car alarm to be discharged more than one time during any one 24 hour period.

SECTION IV. PEDDLERS

No peddler or salesperson, who plies a trade or calling of whatsoever nature on the streets of the Township shall use any horn, bell or other sound instrument, or make any noise which disturbs or tends to disturb the peace in good order of the citizens of the Township of Washington for the purpose of directing attention to his wares, trade or calling before 9:00 AM and/or after 9:00 PM.

No peddler shall cry his wares within a distance of 150 feet of any school, church or building in which religious services are held, during school hours or hours of public worship.

SECTION V. BUILDING CONSTRUCTION.

No person shall carry on any building construction between the hours of 6:00 PM and 6:00 AM, except by special permits issued by the zoning officer.

SECTION VI. ANIMALS.

On or after the effective date of this Ordinance, it shall be unlawful for any owner to keep or harbor any dog or dogs which habitually barks, howls, screeches, bays, or yelps incessantly for a period of 10 minutes or intermittently for a period of one hour between the hours of 7:00 AM and 10:00 PM or incessantly for a period of five minutes or intermittently for a period of one-half ($\frac{1}{2}$) hour between the hours of 10:00 PM and 7:00 AM to the discomfort or annoyance of its neighbors or other person(s) of reasonable sensitivities, or which materially disturbs, and noise or endangers the health, safety, welfare or repose of its neighbors or other person of reasonable sensitivities. Such dogs are hereby declared a public nuisance.

Whenever any person shall complain to the Township or Ordinance Enforcement Officer concerning a dog or dogs engaging in the conduct listed above, the Ordinance Enforcement Officer, or other designated person, shall notify the owner of the dog or dogs that a complaint has been received and that the owner must immediately take whatever steps are necessary to terminate such conduct (the "notice").

In the event that the conduct continues after the Enforcement Officer gives the notice as set forth above, then, upon the written complaint of two residents, which residents may not be related by blood or marriage and may not reside in the same household, concerning

the continued violation of this Ordinance, then the Ordinance Enforcement Officer shall, upon verification of the facts that form the basis of the complaint, issue to the owner a citation in accordance with the provisions of the Ordinance.

SECTION VIII. VIOLATIONS AND PENALTIES.

Any person who violates or permits a violation of this Ordinance shall, upon conviction and a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1000 plus costs of prosecution. In the default of payment thereof the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each Section of this Ordinance that has violated shall also constitute a separate offense.

SECTION IX.

All Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed.

SECTION X.

This Ordinance shall be effective immediately upon adoption by the Board of Supervisors.

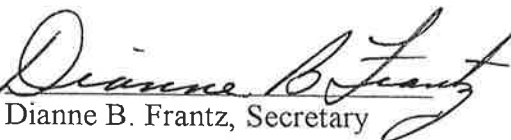
SECTION XI.

The provisions of this Ordinance are severable, and of any provisions or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions or parts thereof, of this Ordinance.

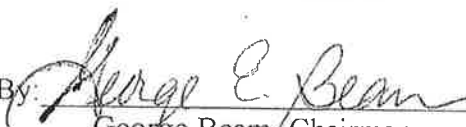
ENACTED AND ORDAINED the 8th of October, 2002, by the Board of Supervisors of the Township of Washington, Lehigh County, Pennsylvania, in lawful session duly assembled.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

Attest:


Dianne B. Frantz, Secretary

By:


George Beam, Chairman