

**EXETER BOROUGH**  
**ORDINANCE NO. 4 of 2019**

**OFFENSIVE NOISE**

**I. Certain noises prohibited.**

The creation within the Borough of Exeter of any unnecessary or excessive noise or of any noise of such character, intensity or duration as to be detrimental to the health or life of any individual or in the disturbance of the public peace and welfare or the aiding and abetting in the creation of any such noise or suffering or permitting any such noise to continue is hereby prohibited and shall constitute disorderly conduct.

**II. Enumeration of prohibited noises.**

Prohibited noise, within the meaning of this chapter, is hereby defined to include the following:

A. The use by any person at any time of a horn or other warning device otherwise than as a reasonable warning or making any unnecessary or unreasonable, loud or harsh sound by means of a horn or other warning device.

B. The playing of any radio, phonograph, or electronic device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, business or any dwelling or other type of residence or of any persons in the vicinity thereof.

C. Yelling, shouting or whistling on the public streets so as to annoy or disturb the quiet, comfort or repose of persons in any office, business or any dwelling or other type of residence or of any persons in the vicinity thereof.

D. Permitting any animal under one's control to make any frequent or long, continued noise of such character or intensity as to disturb the comfort or repose of any person.

E. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section or the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in the case of urgent necessity in the interests of public health and safety, and then only with a permit from the Zoning Officer, which permit may be granted for a period not to exceed 30 days while the emergency continues. If the Borough Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m., and if it shall further determine that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done between the hours of 9:00 p.m. and 7:00 a.m., upon

application being made at the time the permit for work is awarded or during the progress of the work.

F. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same are in session, which unreasonably interferes with the workings of sessions thereof and the making of any other noise so as to annoy the users and/or occupants of such places or buildings as are herein defined.

G. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to the sale or display of merchandise of a commercial character.

H. The operating of, or permitting to be operated, the compact cycle of the motor vehicle which can compact refuse between the hours of 6:00 p.m. and 6:00 a.m. the following day in residential areas.

I. The operating of any machinery or mechanical system which produces noise in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, business or any dwelling or other type of residence or of any persons in the vicinity thereof.

J. Conducting any commercial, industrial or non-commercial activities which produce loud noises, banging sounds, truck engine idling sounds or other loud noises in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, business or any dwelling or other type of residence or of any persons in the vicinity thereof.

### **III. Exceptions.**

None of the terms or prohibitions hereof shall apply to or be enforced against:

A. Any vehicle or personnel of the Borough while engaged upon necessary public business.

B. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough during the nighttime, when the public welfare and convenience renders it impracticable to perform such work during the daytime.

C. Parades, events and picnics with musical bands or such other music or dialogue on holidays or by civic organizations or by the public schools or divisions of the public schools, or otherwise permitted.

D. School sports events which may or may not be accompanied by cheering and/or music.

E. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

F. Fireworks exhibits held under permit by the Borough.

G. Repairs or maintenance to Borough sanitary and storm sewer manholes and mains by the Borough, the Wyoming Valley Sanitary Authority, or contractors designated by the Borough.

H. The nighttime or weekend removal of snow from Borough streets by the Borough or a designated contractor.

I. The outdoor broadcasting of music or other information by a commercial enterprise, at such a volume as may be reasonable.

### III. Violations and penalties.

This chapter shall be enforced by the Exeter Borough Police Department and/or the Borough Code Enforcement Officer. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$300, and costs of such proceedings, or, upon default of payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days; provided, however, that if the Magisterial District Judge determines that the defendant is without financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Magisterial District Judge deems to be just.

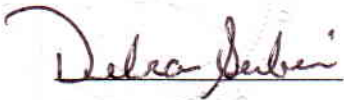
### V. Remediation.

In addition to the fines and penalties herein, any person or entity who shall violate any provision of this chapter shall be required to abate the activities producing the offensive noises, and/or undertake remediation measures to eliminate the offensive noises within 30 days of the offense.

ORDAINED AND ENACTED this 1 day of October, 2019.

Attest

EXETER BOROUGH COUNCIL



Secretary



Richard Murawski, Chairperson



CERTIFICATION

I, DEBRA SERBIN, SECRETARY OF THE BOROUGH OF EXETER, HEREBY CERTIFY THAT

THE FOREGOING IS A TRUE AND CORRECT COPY OF AN ORDINANCE DULY ADOPTED

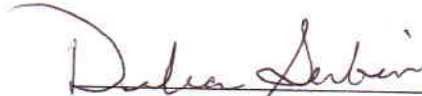
BY A MAJORITY VOTE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER AT

A MEETING DULY HELD ON OCTOBER 1, 2019 AND THAT THE MINUTES OF

SAID MEETING SHOW HOW EACH MEMBER VOTED HAVING BEEN DULY RECORDED IN

THE OFFICIAL MINUTES OF THE BOROUGH OF EXETER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS  
1st DAY OF OCTOBER 1, 2019.

  
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DEBRA SERBIN (SEAL)  
SECRETARY, EXETER BOROUGH