

**PART 5**

**LOUD NOISES**

**§10-501. Definitions.**

CITY – the City of hermitage

EXCESSIVE NOISE – any sound or sounds which is unnecessary or unusually loud to be injurious or which unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

(Ord. 16-2005, 11/22/2005, §1)

**§10-502. Offenses Defined.**

1. It is unlawful for any person to make, continue, cause to be made or permit to be made within the City, any excessive noise.
2. Without limitation as to the types of noise producing acts which are in violation of this Section, noise produced by the following acts are declared to be excessive noise in violation of this Section:
  - A. Radios and Other Amplified Music. Use or operation of, or permitting the use or operation of any radio, CD player, television set, musical instrument, phonograph or other machine or device designed or intended to produce or reproduce sound to create excessive noise to disturb the peace, quiet and comfort of residential inhabitants with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle, or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operating of any such machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the residential property line or anytime at a distance of 50 feet from a vehicle in which it is located, shall be prima facie evidence of a violation of this Section;
  - B. Loudspeakers and/or Amplifiers Upon Public Streets. Use or operation of, or permitting the use or operation of any radio, CD player, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device audible upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any thing or activity, or to any building or structure;
  - C. Construction or Repair Activities. The performance of any construction or repair work of any kind upon, or excavating for, any building or structure, where any such work entails the use of any air compressor, jackhammer,

## HEALTH AND SAFETY

power-driven drill, riveting machine, excavator, hand hammer on steel or iron, or any other machine, tool, device or equipment which makes loud noise shall be prohibited on any Sunday or any other day between the hours of 8:00 p.m. and 7:00 a.m. The provisions of this subsection do not apply to any person, firm, partnership or corporation who performs any construction, repair or excavation pursuant to the express written permission of the City Manager, or his designee. Such person, firm, partnership or corporation must first apply for a permit for permission and pay a fee to the City of Hermitage pursuant to a resolution of the Hermitage Board of Commissioners. Upon receipt of an application in writing, stating the reasons for the request and the facts upon which such reasons are based, the City Manager, or his designee, may issue a permit if the activity is not otherwise prohibited by law or other regulation and he finds that:

- (1) The work proposed to be done is in the public interest; or
  - (2) Hardship, or injustice or unreasonable delay would result from the interruption hereof during the hours and days specified above; or
  - (3) The building or structure involved is devoted or intended to be devoted to a use immediately incidental to the public defense.
- D. Rubbish Collection. The performance of any rubbish collection utilizing any mechanical equipment in any residential zoning district or within 500 feet of any residential zoning district between the hours of 10:00 p.m. and 6:00 a.m. on any day.
- E. Landscape Maintenance Activities. Use of weedblowers, string trimmers, powered lawnmowers and/or other powered landscape maintenance equipment between the hours of 10:00 p.m. and 6:00 a.m. on any day.

(Ord. 16-2005, 11/22/2005, §2)

### **§10-503. Exceptions.**

This Part shall not apply to:

- A. The construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the City are closed or where such necessity requires immediate action prior to the time at which it would be possible to obtain required permits; provided, that the persons doing such construction, repair, or excavation obtain a permit therefore within one day after the office of the City Manager is first opened subsequent to the undertaking of such construction, repair, or excavation.

- B. The construction, repair, or excavation by a public utility which is subject to the jurisdiction of the Public Utilities Commission, or the Pennsylvania Department of Transportation, or the City of Hermitage, provided such work is necessary for the immediate preservation of the public health, safety or welfare, and where such necessity makes it necessary to construct, repair, or excavate during the prohibited hours.
- C. Vehicles, equipment or personnel of the City engaged in necessary public business.
- D. Any area of the City which is classified in the Hermitage Zoning Ordinance as a Light Industrial District or Heavy Industrial District and which is not less than 500 feet from any residential zoning district.

(Ord. 16-2005, 11/22/2005, §3)

**§10-504. Hearing.**

Any person aggrieved by the decision of the City Manager or his designee under §10-502(2) of this Part may request and shall then be granted a hearing before the Hermitage Board of Appeals; provided, he files with the City Manager within 10 days after the decision, a written notice requesting such hearing and setting forth a brief statement of the grounds therefore. The hearing shall commence not later than 30 days after the date on which the request was filed unless postponed for sufficient cause. After such hearing, the Hermitage Board of Appeals shall sustain, modify, or overrule the action of the City Manager, or his designee.

(Ord. 16-2005, 11/22/2005, §4)

**§10-505. Enforcement Procedures.**

Upon determination by a police officer that a violation under this Part has occurred or is occurring, the police officer shall first issue a written warning to the offender. Such warning notice shall set forth the specific acts in violation and notify the offender that continuing the violation shall be caused for the issuance of a citation. If, after receipt of the written warning and within a reasonable proximate amount of time, the same or substantially similar conduct causing the violation continues, then the offender shall be subject to the issuance of a citation and upon conviction be subject to the penalties under this Part.

(Ord. 16-2005, 11/22/2005, §5)

**§10-506. Penalties for Violation.**

## HEALTH AND SAFETY

Any person, firm, partnership or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$600, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this ordinance continues shall constitute a separate offense.

(Ord. 16-2005, 11/22/2005, §6)

### **§10-507. Remedies Available.**

The violation of any of the provisions of this Part shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances. The remedies provided herein for the enforcement of this Part, or any remedy provided by law shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Hermitage Board of Commissioners.

(Ord. 16-2005, 11/22/2005, §7)