

**ORDINANCE 2023-12-11-1**

**An Ordinance of the Township of Hazle,  
Luzerne County, Pennsylvania**

**Defining and Prohibiting Sound/Noise Disturbance and  
Providing Penalties for Violations**

**WHEREAS**, an increase in noise related disturbances has created a nuisance for the residents of the Township of Hazle (the "Township"); and

**WHEREAS**, the Pennsylvania Second-Class Township Code, 53 P.S. §66506 (the "Code"), provides that "(t)he board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the...maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers"; and

**WHEREAS**, the Township, pursuant to its authority under the Code, wishes to establish an Ordinance defining and prohibiting sound/noise disturbances and provide penalties for violations thereof.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF HAZLE TOWNSHIP AS FOLLOWS:**

**Section 1. Purpose and scope.**

**A.** The Supervisors for the Township find that excessive levels of sound/noise are detrimental to the physical, mental, and social well-being of the people, as well as to their comfort, living conditions, general welfare, and safety and being, constituting a public health and welfare hazard. Accordingly, the Supervisors for the Township hereby declare it necessary to provide for the greater control and more effective regulation of excessive sound/noise and the sources of excessive sound/noise within the Township.

**B.** This Ordinance aims to ensure that public health, safety and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive sound/noises in the Township. The residents of the Township recognize that uncontrolled sound/noise represents a danger to the health and welfare of their neighbors, and that each person in the community is entitled to live in an environment in which the level of sound/noise is minimized for the good of the community. This Ordinance attempts to foster mutual respect among residents and to establish a community position against sound/noise pollution. The community

believes that it should rely on the good sense of all residents to respect one another's living and working environments, and one another's right to an environment that is free from sound/noise disturbances.

C. To achieve the intent and purpose of the Supervisors for the Township of Hazle, this Ordinance regulates sound/noise in two manners: (1) through an objective, reasonable person standard of annoyance (as set forth in **Section 3**); and (2) through per se prohibitions on certain types of sound/noise known to cause annoyance (as set forth in **Sections 4 and 5**). Noncompliance with either of these two methods of sound/noise control constitutes a violation of this Ordinance and is subject to the penalties provided herein.

D. This Ordinance applies to all persons, property, animals, equipment, appliances, instruments, and other sound-/noise-emitting devices, as regulated herein.

E. The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations, or ordinances, including the Pennsylvania Crimes Code, Pennsylvania Vehicle Code, or any Pennsylvania Consolidated Statutes. If more stringent requirements concerning sound/noise abatement are contained in the other rules, regulations, or ordinances, the more stringent regulation shall apply.

## **Section 2. Definitions.**

For the purpose of this Ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning. All terminology used in this Section, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI and its revisions) or its successor body.

### **AMBIENT SOUND/NOISE**

The all-encompassing sound/noise associated with a given environment, being usually a composite of sounds/noises from many sources near and far.

### **CONSTRUCTION OPERATION**

The erection, repair, renovation, demolition, or removal of any building or structure; and the excavation, filling, grading, and regulation of lots in connection therewith.

### **EMERGENCY**

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

### **EMERGENCY WORK**

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

### **IMPULSIVE SOUND/NOISE**

Sound/noise of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound/noise include explosions, drop forge impacts, and the discharge of firearms.

### **MUFFLER or SOUND-/NOISE-DISSIPATIVE DEVICE**

A device designed for decreasing or abating the level of sound/noise escaping from an engine or machinery system.

### **PERSON**

Any individual, association, trust, partnership, or corporation, including any members, directors, officers, employees, partners, or principals thereof. Whenever used in any clause prescribing and imposing a penalty, "person" includes the members, trustees, partners, directors, officers, managers, and supervisors, or any of them, of partnerships, associations, corporations, or other forms of entity.

### **POWERED MODEL VEHICLE**

Any self-propelled airborne, waterborne, or land-borne plane, vessel, or vehicle which is not designed to carry persons including but not limited to any model airplane, boat, car, or rocket. This definition shall also include dirt bikes, four-wheelers, and all-terrain vehicles (ATVs) being used to carry persons, but which are not being operated on a street, boulevard, circle, highway, or similar place. To the extent that dirt bikes, four-wheelers, or ATVs are being operated on a public right-of-way, the restrictions in this article for such shall be governed by the motor vehicle prohibitions as set forth in **Section 5** below.

### **PROPERTY LINE (BOUNDARY)**

An imaginary line or "party wall" that separates adjoining lands or the dwelling units of apartments, condominiums, town homes, or duplexes, drawn through the points of contact of adjoining lands, or, in the case of apartments, condominiums, townhouses, and duplexes owned, rented, or leased by different persons, a demarcation or a line of separation between dwelling units or properties. In the circumstances of any two or more buildings sharing common ground, the line drawn midway between any two such buildings. All areas devoted to public right-of-way or a common or shared area shall be deemed to be across the property line.

### **PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, circle, highway, sidewalk, or similar place which is owned or controlled by a governmental entity.

### **PUBLIC SPACE**

Any real property, or structures thereon, which is owned or controlled by a governmental entity.

### **REAL PROPERTY**

All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to the public right-of-way.

### **SOUND/NOISE**

A. An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound/noise may include any characteristics of such sound/noise, including duration, intensity, and frequency.

B. Any sound/noise which annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans, excepting any law enforcement activity, including but not limited to training sessions.

### **SOUND/NOISE DISTURBANCE**

Any sound/noise which endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, the safety or health of humans or animals, annoys, would annoy or is likely to annoy, or disturb a reasonable person of ordinary sensibilities; endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, personal or real property; disturbs, would disturb or is likely to disturb, the peace; or creates, would create or is likely to create, a nuisance; a violation of **Sections 4 or 6** of this Ordinance.

### **TOWNSHIP**

The Township of Hazle, Luzerne County, Pennsylvania.

### **ZONING DISTRICTS**

The land use districts as established by the Code of the Township of Hazle, and all subsequent amendments.



### **Section 3. Sound/noise disturbance prohibited.**

It shall be unlawful for any person to make or cause to be made a sound/noise disturbance within the limits of the Township of Hazle, except as otherwise permitted in this Ordinance.

### **Section 4. Specific prohibited acts.**

The following acts, and the causing thereof, are declared to be sound/noise disturbances, and therefore in violation of this Ordinance:

**A. *Radios, television sets, musical instruments, and similar devices.*** Operating, using or playing of any radio, television, phonograph, drum, musical instrument, sound/noise amplifier, automobile radio, automobile stereo, high-fidelity equipment, or similar device which produces, reproduces, or amplifies sound/noise to the extent that such use creates a sound/noise disturbance:

(1) At any time and in such a manner as to cause a sound/noise disturbance across a property line (boundary), or between the hours of 10:00 p.m. and 7:00 a.m., so as to be plainly audible across a property line (boundary);

(2) In such a manner as to create a sound/noise disturbance across a property line (boundary) or at 20 feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right-of-way or public space; or

(3) In such a manner as to create a sound/noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

**B. *Yelling and shouting. Engaging in loud or raucous yelling, hooting, whistling, or singing:***

(1) On the public streets between the hours of 10:00 p.m. and 7:00 a.m.; or

(2) At any time or any place in such a manner as to create a sound/noise disturbance.

**C. *Construction tools or equipment.*** Operating or permitting the operation of any tools or equipment used in construction operations, drilling, or demolition work:

(1) Between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday, or at any time on Sundays or any holidays recognized by Luzerne County, such that sound/noise therefrom creates a sound/noise disturbance across a residential property line (boundary), except for emergency work; or

(2) This Subsection C shall not apply to the use of domestic power tools as hereinafter provided in Subsection D hereof.

(3) This Subsection C shall not apply when a permit is requested and a compelling reason is given for construction operations to be performed between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday, or at times on Sundays or any holidays. Any permit issued pursuant to this section shall be narrowly tailored to the least amount of time required to complete the operations and will not exceed thirty (30) days. If time is needed beyond thirty (30) days, the

applicant must reapply and be approved for a new permit. The permit needs to be requested through the Hazle Township Code Department and approved by the Board of Supervisors.

**D. Domestic power tools.** Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn/garden tool, or similar device used outdoors between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day, so as to cause a sound/noise disturbance across a residential property line (boundary), except in an emergency.

**E. Loading and unloading.** Loading, unloading, opening, closing, or otherwise handling of boxes, crates, containers, building materials, garbage cans, or other objects between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day, in such a manner as to cause a sound/noise disturbance across a residential property line (boundary). Such restrictions shall also apply to truck idling and truck refrigerants.

**F. Street sales.** No person shall offer for sale or sell by shouting, outcry, or by any other amplified or unamplified sound/noise, except between the hours of 7:00 a.m. of one day and 7:00 p.m. of the same day.

**G. Animals and birds.** Owning, possessing, harboring, or controlling any animal or bird which howls, barks, meows, squawks, or makes other sound/noises continuously and/or incessantly for a period of 10 minutes, or makes sound/noise intermittently for thirty (30) minutes or more to the disturbance of any person at any time of the day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such sound/noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or for any other legitimate cause which teased or provoked the animal or bird.

**H. Tampering.** No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement, or other work, any muffler or sound-/noise-dissipative device or element of design or sound/noise label of any product; intentionally move or render inaccurate or inoperative of any sound-/noise-monitoring instrument or other device positioned by or for the Township or other government entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality; or use a product which has had a muffler or sound-/noise-dissipative device or element of design or sound/noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred.

**I. Vehicle, motorboat, or aircraft repairs and testing.** No person shall build, repair, rebuild, test, or otherwise work on any motorcycle, automobile, or other motor vehicle, motorboat, or aircraft in such a manner as to cause a sound/noise disturbance across a property line (boundary).

**J. *Powered model vehicles.*** No person shall operate a motorcycle, truck, automobile, or other motor vehicle in such a manner as to cause or create a sound/noise disturbance.

**Section 5. Motor vehicle prohibitions.**

**A. *Motor vehicles and motorcycles on public rights-of-way.*** No person shall operate or cause to be operated a public or private motor vehicle, motorcycle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the sound/noise level emitted by the motor vehicle, motorcycle, or any equipment attached to such a vehicle, exceeds the level set forth in *67 Pa. Code, Chapter 157, "Established Sound Levels."*

**B. *Standing motor vehicles.*** No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within one hundred fifty (150) feet of any residential property line (boundary) in such a manner as to cause a sound/noise disturbance across a residential property line (boundary).

**C. *Unnecessary horn blowing.*** No person shall at any time sound the horn or other warning device of a vehicle, except when absolutely necessary as a warning while actually driving such a vehicle, or unless necessary in the testing of such for state inspection purposes. (Exception: A brief, momentary use of the automobile horn shall be permitted in appropriate situations, such as greeting a pedestrian or arriving at a residence, so long as such use does not become a nuisance or result in a danger to the public.)

**D. *Sound trucks.*** No person shall operate amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle sound/noise emissions as set forth herein.

**Section 6. Prima facie violation.**

The sound/noise prohibited in **Sections 3, 4 and 5** of this Ordinance that disturbs two or more residents who are in general agreement as to the times and durations of the sound/noise, and who reside in separate residencies, including apartments and condominiums located within the same building, located across a property line (boundary) from the property on which the source of the sound/noise is generated, shall be prima facie evidence of a sound/noise disturbance. This is not the exclusive example of a prima facie violation.

**Section 7. Exemptions.**

The following sounds/noises are exempted from these provisions:

A. Blasting. Only if performed in accordance with a permit issued by the official in charge of the Township's Code Enforcement Office, or its designee. Such blasting may occur only between 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized otherwise by the permit.

B. Concerts, etc. Band concerts, carnivals, or other performances, or similar activities, publicly or privately sponsored, and presented in any public or private space outdoors, so long as:

- (1) Such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m.; and/or
- (2) All necessary permits as defined by the Township of Hazle's ordinances have been procured, i.e., special event permit.

C. Emergency work. Sound/noises caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.

D. Municipal and utility services. Sound/noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.

E. Amplified announcements. Sound/noises created by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities, or events, other than motor vehicle racing events.

F. Warning devices. Sound/noises made by warning devices operating continuously for three minutes or less, except that, in the event of an actual emergency, the limitation shall not apply.

G. Celebrations. Sound/noises made by bells, chimes, carillons used for religious purposes, or in conjunction with national, state, or local celebrations or public holidays; existing bells, chimes, carillons, and clock strike mechanisms that are currently in use for any purpose.

H. Snow blowers. Sound/noises made by snow blowers or similar snow removal equipment used in the maintenance of private or public property following snowstorms.

### **Section 8. Enforcement.**

This Ordinance shall be enforced by the Pennsylvania State Police, Hazle Township Code Enforcement Office and/or the Hazle Township Fire Department.

### **Section 9. Violations and penalties.**

A. Upon the first violation, any person who violates or permits the violation of any provision of this Ordinance shall be issued a citation by the Township in the amount of \$150. Each section or



provision of this Ordinance that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Ordinance is found to exist shall constitute a separate offense, each of which violation shall be punishable by a separate fine imposed by the Township of \$500.

**B.** Upon any subsequent violations, any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a Magisterial District Judge, be guilty of a summary offense and shall be subject to shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, or imprisonment for not more than ninety (90) days, or both.

**C.** In addition to all other penalties and remedies provided by law, any person damaged by a nuisance caused by a violation of this Ordinance may, in an appropriate court action, obtain an award for damages, a temporary restraining order, a preliminary injunction or a permanent injunction. The Township may also obtain a temporary restraining order, preliminary injunction, permanent injunction and, if the Township receives actual financial damages, an award for such damages.

#### **Section 10. Other Ordinances.**

All relevant ordinances, regulations and policies of the Township of Hazle not amended hereby will remain in full force and effect.

#### **Section 11. Severance of Provisions.**

If any provision, paragraph, word, section, subsection, sentence or clause of this Ordinance is held to be invalid by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance.

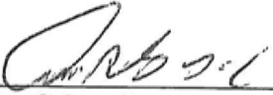
#### **Section 12. Inconsistent Ordinances Repealed.**

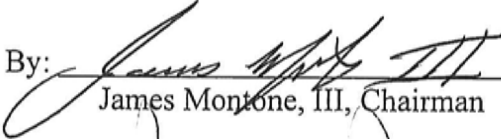
Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance, including the ordinance cited herein, is repealed to the extent of such conflict.


DULY RESOLVED, this 11<sup>th</sup> day of December 2023.

BOARD OF SUPERVISORS OF  
HAZLE TOWNSHIP

ATTEST:

  
\_\_\_\_\_  
Anthony Griguoli, Secretary

By:   
\_\_\_\_\_  
James Montone, III, Chairman

By:   
\_\_\_\_\_  
Dennis Dudeck, Vice Chairman