

## ARTICLE 717

### Noises

717.01 Unnecessary noise a nuisance.

717.02 Peddlers.

717.99 Penalty.

### CROSS REFERENCES

Preventing noises - See 3rd Class §2403(25) [53 P.S. §37403(250)]

Peddlers declared a nuisance - See BUS. REG. Art. 311

**Disturbing the peace -See GEN. OFF. Art. 705**

Noisy houses - See GEN. OFF. Art. 705

#### 717.1 UNNECESSARY NOISE A NUISANCE

(a) **The making of unnecessary noise, while residing or occupying or present in or around a dwelling, building or other structure in the City by a person, animal, musical instrument, amplifying systems or otherwise, is declared to be a public nuisance.** Prohibited conduct shall include, but not be limited to the following:

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

(2) **No person or animal shall be permitted to create any sound or noise which endangers or injures the safety or health of another person or animal, which annoys or disturbs a reasonable person of normal sensitivities, or which endangers or injures personal or real property or a property right or interest.**

(3) No person shall make unnecessary noise in the handling of ash, trash, garbage receptacles, either in loading or unloading, and whether full or empty.

(b) The provisions of section 717.01(a) shall not apply to:

(1) 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.

(2) Municipal and Utility Services Vehicles, Devices or Buildings.

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

(3) Places of Religious Worship.

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

(4) Political and Labor Rallies, Athletic Events or City of Bethlehem Licensed, Permitted or Authorized Events.

The use of devices such as public address systems, amplifying systems, bull horns, musical instruments, tape messages or similar devices which are used at political or labor rallies, or athletic events or other City of Bethlehem licensed, permitted or authorized events to the extent already protected by law.

(5) Construction and Improvements

The operating of any tools or equipment used in construction, drilling or demolition work, provided that such work does not occur between 9:00 p.m. and 6:00 a.m. unless a special permit is obtained from the Community and Economic Development Director or his designated representative.

(6) Emergencies

The emission of sound for the purpose of alerting persons to the existence of an emergency or emitted in response to an emergency.

(7) Facilities that offer entertainment between the hours of 12:00 p.m. and 12:00 a.m. in outdoor venues located in an Industrial Redevelopment District and an Industrial Redevelopment – Residential District. (Ord. 2014-28. Passed 9/16/14.)

(Ord. 3946. Passed 3/16/99; Ord. 4400. Passed 11/8/06.)

#### 717.2 PEDDLERS

No peddler, who plies a trade or calling of whatsoever nature on the streets, shall use any horn, bell or other sound instrument, or make any noise tending to disturb the peace and quiet of the neighborhood for the purpose of directing attention to his wares, trade or calling on Sunday, nor before 7:00 A.M. or after 10:00 P.M. on other days of the week. 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.

#### 717.99 PENALTY

(a) Any person who violates any provision of this Article shall be subject to the following penalties:

- (1) First violation - A fine of not less than \$50.00 nor more than \$100.00;
- (2) Second violation - A fine of not less than \$100.00 nor more than \$300.00;
- (3) Third and Each Subsequent Violation - A fine of not less than \$500.00, or thirty days imprisonment, or both.

(Ord. 3946. Passed 3/16/99; Ord. 4400. Passed 11/8/06.)