

**MORRISVILLE BOROUGH
BUCKS COUNTY, PENNSYLVANIA
ORDINANCE #2024 - 1046**

AN ORDINANCE OF THE COUNCIL OF MORRISVILLE BOROUGH, BUCKS COUNTY, PENNSYLVANIA PROVIDING FOR THE REGULATION OF AND IMPOSITION OF PENALTIES FOR NOISE, BEHAVIOR AND ACTIVITIES THAT ARE A NUISANCE, DISORDERLY AND/ OR DISTURB THE PEACE

Section 1. Chapter 293 “Noise” of the Code of the Borough of Morrisville is Amended to include new Article II “Disturbing the Peace”.

1. Declaration of policy. The Borough of Morrisville finding that excessive levels of sound are detrimental to the physical, mental and social well-being of citizens of the Borough of Morrisville as well as to their comfort, living conditions, general welfare and safety, hereby declares it to be necessary to provide for the greater good and more effective regulation of excessive sounds through the adoption of this Article II.
2. Definitions. All definitions appearing in this Section shall be applicable to this Article, except to the extent of inconsistency with any definition appearing herein; all terminology used in this chapter, not defined herein, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) and the Acoustical Society of America (ASA) as referenced in this chapter.
 - A. *Ambient noise level (background noise)*: The all-encompassing background noise associated with a given environment without the sound contribution of the specific source in question.
 - B. *Emergency*: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate actions.
 - C. *Emergency vehicle*: A motor vehicle used in response to public calamity or to protect persons or property from imminent danger.
 - D. *Motor vehicle*: As defined in the motor vehicle code of the Commonwealth of Pennsylvania, or any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies or racing vehicles.
 - E. *Muffler*: Any apparatus whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.
 - F. *Noise*: Any sound which is unwanted or which causes or tends to cause an adverse physiological or psychological effect on human beings.
 - G. *Noise disturbance*: Any sound which:
 - (1) Endangers or injures the safety or health of humans or animals, or
 - (2) Annoys or disturbs a reasonable person of normal sensibilities, or
 - (3) Jeopardizes the value of property and erodes the integrity of the environment

- H. *Noise, plainly audible*: Any noise that can be detected by a person using unaided hearing faculties for stationary sound sources at a property boundary in a residential district or a distance of 50 feet in public places from the sound source for which the information content of the sound is unambiguously communicated to the listener, such as, but not limited to, understandable speech or musical rhythms, including bass tones with a repetitive and impulsive sound.
 - I. *Powered model vehicles*: Any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as, but not limited to model airplanes, boats, cars, rockets, which can be propelled by mechanical means.
 - J. *Property boundary*: An imaginary line at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, or institution, corporation, business or governmental entity.
 - K.
 - L. *Sound*: A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.
 - M. *Stationary source of sound*: A device which creates sound while in a fixed position, including but is not limited to commercial or industrial machinery, pumps, fans, compressors, air conditioners, and refrigeration equipment. It also includes but not limited to residential pumps, fans, compressors, and refrigeration equipment. Residential air conditioners, backup generators in an emergency, and heat pumps in good working order are exempt from this definition.
 - N. *Weekday*: Any Monday, Tuesday, Wednesday, Thursday or Friday which is not a legally designated holiday.
3. Allowable Noise Levels.
- A. Unless a person(s) has been granted a special waiver, in accordance with the provisions of this chapter, it shall be unlawful for any person(s) to create a noise disturbance as determined by an enforcement officer.
 - B. The enforcement officer may make a determination concerning a noise disturbance by:
 - (1) By walking beyond the real property boundaries from the source of the specific noise and untiln the specific noise is no longer heard; or
 - (2) If a complaint is made within an apartment building, duplex, or through partitions, and a similar building exists as part of a total complex, the enforcement officer may enter another unit or second building of similar design.
4. Motor vehicles and other noise levels.
- A. Vehicle repairs. It shall be unlawful for any person within any residence district to repair, rebuild or test any motor vehicle between the hours of 9:00 p.m. and 7:00 a.m. of the following day in such a manner that would create a noise disturbance.

B. Vehicular noise limits. All vehicles operating within the boundaries of the Borough of Morrisville must comply with the applicable Commonwealth of Pennsylvania Statutes and Regulations.

C. Aircraft and railroad noise limits. All aircraft and railroads operating within the confines of the Borough of Morrisville shall comply with all applicable federal and state noise regulations.

5. Prohibited Acts.

A. General prohibitions. It shall be unlawful for any person or person to make, permit, continue, or cause to be made, or to create a noise disturbance within the limits of the Borough of Morrisville, except as provided in this Article. Any owner of premises within the limits of the Borough of Morrisville that such owner does not occupy will be presumed to permit a noise disturbance to occur after receiving a written order in accordance with the provisions of this chapter herein.

B. Specific prohibitions.

(1) Horns and signaling devices: consistent use of horn or other vehicle signaling device when unnecessary for its intended purpose.

(2) Radios, television sets, phonographs and similar devices:

(a) Operating or permitting the use or operation of any radio receiving set, musical instrument(s), television, phonographs, drum or other device for the production or reproduction of sound in such a manner as to cause a noise disturbance.

(b) Operating or permitting the operation of any such device between the hours of 9:00 p.m. and the following 7:00 a.m. in such a manner as to be plainly audible across real property boundaries or through partitions common to two parties within a building, or through such partitions between a person within a building and the public way including, but not limited to, common areas and parking lots, or plainly audible at 50 feet from such device when operated within a motor vehicle on a public right-of-way or on a public space.

(3) Exterior loudspeakers: Using or operating, or permitting the use or operation of any mechanical device or loudspeaker in a fixed or movable position exterior to an building, or mounted upon any aircraft or motor vehicle such that the sound therefrom is plainly audible at or beyond the property boundary of the source, or on a public way except as provided for below.

(4) Street sales: Selling anything by shouting or by outcry.

(5) Animals: Regulated in Chapter 5.

(6) Loading operations: Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or otherwise similar objects between the hours of 9:00 p.m. and 7:00 a.m. the following day, in such a manner as to create noise disturbance within a residence district, except during an emergency.

(7) Construction noise: Operating or causing to be operated any equipment used in commercial construction, repair, alteration, or demolition work on buildings, structures, streets, alleys, or appurtenances thereto, in the following manner:

- (a) With sound control devices which have been tampered with.
 - (b) In violation of any regulation of the United States Environmental Protection Agency.
 - (c) Between the hours of 9:00 p.m. and 7:00 a.m. the following day on weekdays and between 9:00 p.m. on Saturday evenings and 9:00 a.m. on Sunday mornings; or between 9:00 p.m. the day before and 9:00 a.m. the day of a legal holiday which creates a noise disturbance; except as provided below.
- (8) Explosives, firearms and similar devices: The use or firing of explosives, firearms or similar devices which create impulsive sound as to cause a noise disturbance within a residence district or on a public right-of-way.
 - (9) Powered model vehicles: Operating or permitting the operation of powered model vehicles between the hours of 9:00 p.m. and 7:00 a.m. the following morning.
 - (10) Refuse compacting vehicles: The operating, or permitting to be operated, any motor vehicle which can compact refuse and which creates a noise disturbance between the hours of 9:00 p.m. and 7:00 a.m. the following day in residence zoned districts.
 - (11) Yelling, shouting, hooting, or whistling on public streets between the hours of 9:00 p.m. and 7:00 a.m. in a manner which annoys and disturbs the quiet comfort or repose of reasonable persons of normal sensibilities in any business or residence or in the vicinity.
 - (12) Power equipment: Operating, or permitting to be operated, any power saw, sander, drill, grinder, garden equipment or tools of a similar nature, outdoors in residence zoned districts between the hours of 9:00 p.m. and 7:00 a.m. the following day, in such a manner as to create a noise disturbance.
 - (13) Exhausts: Discharge into air of any exhaust, mobile or stationary, except through a muffler or other device which will effectively prevent a noise disturbance.
6. Exceptions and special waivers.
- A. Exceptions. The following uses of an activity shall be exempt from noise level regulations:
 - (1) Noise of safety signals and warning devices.
 - (2) Noises resulting from any authorized vehicle, when responding to an emergency.
 - (3) Noises resulting from the provision of municipal services.
 - (4) Any noise resulting from activities of a temporary duration permitted by law and/or for which a waiver has been granted by the city.
 - (5) The unamplified human voice (except as specified above).
 - (6) Parades and public gatherings for which a permit has been issued by the Borough.
 - (7) Bells, chimes, carillons while being used for religious purposes or in conjunction with religious services, or for national celebrations or public holidays, and those bells, chimes, carillons that are presently installed, and in use, for any purpose.

- B. Exemptions for time to comply. Upon good cause shown by the owner or responsible party for any noise source, the Borough Manager shall have the power to grant an exemption from the requirement of this chapter in order to allow sufficient time for installation of needed control equipment, facilities, or modifications to achieve compliance, not to exceed ten days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the Borough Manager.
- C. Use exemptions. The following uses and activities shall be exempt from noise level regulations:
 - (1) Lawn maintenance equipment when it is functioning within manufacturer's specifications and with all mufflers and noise reducing equipment in use and in properly operating condition between the hours of 7:00 a.m. and 9:00 p.m.
 - (2) Nonamplified crowd noises resulting from the activities such as those planned by day care centers, schools, governmental or community groups.
 - (3) Amplified announcements, electronically amplified announcements at athletic events.
- D. Temporary special waivers.
 - (1) The Borough Manager shall have the authority, consistent with this chapter, to grant temporary special waivers, not to exceed 90 days. The Borough Manager also shall have the option to extend a temporary special waiver for up to two additional 90-day extensions.
 - (2) Any person seeking a temporary special waiver pursuant to this chapter shall file a written application with the Borough Manager. The written application shall contain information which demonstrates that bringing the source of sound or activity for which the temporary special waiver is sought into compliance with the chapter would constitute an unreasonable hardship on the applicant, on the community, or for another purpose.
 - (3) Determining whether to grant or deny the application, the Borough Manager shall balance the hardship to the applicant, the community, and other persons of not granting the temporary special waiver against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of property affected, and any other adverse impacts of granting the temporary special waiver.
 - (4) Temporary special waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The temporary special waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the temporary special waiver shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sounds or activity for which the temporary special waiver was granted.
 - (5) The Borough Manager may issue guidelines defining the procedures to be followed in applying for temporary special waivers and the criteria to be considered in deciding whether to grant a temporary special waiver.

7. Enforcement and penalties.

- A. This chapter may be enforced by the officers of the Morrisville Borough Police Department and/ or Morrisville Borough Code Enforcement.
- B. Penalties.
 - (1) Between the hours of 10:00 p.m. and 7:00 a.m., the enforcement officer shall issue a citation to the responsible person or persons for any violation of this Article.
 - (2) Between the hours of 7:00 a.m. and 10:00 p.m., any person violating any portion of this chapter shall receive a verbal or written Notice of Violation from the enforcement officer to cease or abate the noise immediately.
 - (3) Between the hours of 7:00 a.m. and 10:00 p.m., if the order to cease or abate the noise is not complied with, or is complied with and then violated again within 60 days, the person or persons responsible for the noise under any section of this Article shall be charged with a violation of this chapter.
- C. Any person or persons charged with a violation of this chapter for the first offense shall be subject to a fine of at least \$250.00 and not to exceed \$500.00 or by imprisonment for not more than six months, or by both fine and imprisonment. For each subsequent offense such person shall be subject to a fine of at least \$500.00 and not to exceed \$1,000.00 or by imprisonment for not more than six months, or by both fine and imprisonment.
- D. The Notice of Violation shall be deemed to be properly served upon the person or persons responsible for the noise under any section of this chapter if a copy thereof is delivered to the owner or agent personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof, or by U.S. mail addressed to the owner or agent at the last known address with the return receipt requested. Where the person or persons responsible for the noise under any section of this chapter is any owner of premises within the limits of the Borough of Morrisville that such owner does not occupy, the order shall be deemed to be properly served if served upon either such owner or owners or upon the owner's or owners' agent(s).

Section 2. Chapter 312 "Peace and Good Order" of the Code of the Borough of Morrisville is Amended to include new Article II "Disorderly Premises".

1. Disorderly Premises.

- A. It shall be unlawful for any person to cause, allow, suffer or permit in any house, business, other establishment or upon any premises occupied by himself, any profane, obscene or vulgar language or conduct, or any fighting, quarreling or affray, or any loud or unusual noises to the disturbance of the quiet and good order of the Borough.
- B. It shall be unlawful to permit any patron or other person to loiter on the public sidewalk, street or area within fifty feet of the front door of the home, business or establishment and engage in such actions described in subsection A above.

2. Violations and Penalties.

- A. Whoever violates any provision of this Article shall, for the first offense, be fined not less than \$100.00, for a second offense, be fined not less than \$250.00, and for each subsequent like offense shall be fined not less than \$500.00, which fines shall not be suspended.

Section 3. It is hereby declared to be the policy of the Borough of Morrisville that if the sections, paragraphs, sentences, clauses and phrases of this chapter shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of the chapter.

Section 4. All provisions of the Code of the Borough of Morrisville inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.


Section 5. This chapter shall take effect in accordance with Section 3301.3 of the Pennsylvania Borough Code.

ORDAINED AND ENACTED this 18th day of June, 2024.

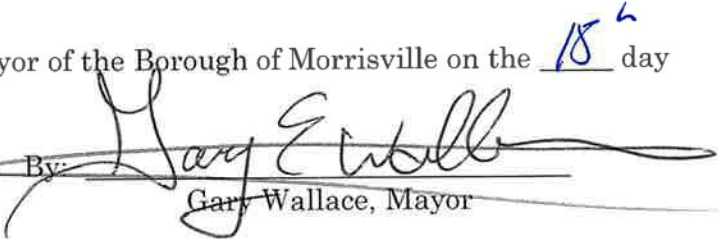
Attested:

COUNCIL OF THE BOROUGH OF
MORRISVILLE


Judith A. Danko, Borough Secretary

By: 
Helen Hlahol, Council President

This Ordinance was approved by the Mayor of the Borough of Morrisville on the 18th day of June, 2024.

By: 
Gary Wallace, Mayor