

**ORDINANCE # 344**  
**BOROUGH OF MINERSVILLE**  
**Schuylkill County, Pennsylvania**

**AN ORDINANCE OF THE BOROUGH OF MINERSVILLE TO ENSURE THAT PUBLIC HEALTH, SAFETY AND WELFARE SHALL NOT BE ABBRIDGED BY THE MAKING OR CREATING OF PUBLIC NUISANCES FROM DISTURBING OR EXCESSIVE NOISES IN THE BOROUGH OF MINERSVILLE AND TO PROTECT THE PHYSICAL, MENTAL AND SOCIAL WELL-BEING OF THE RESIDENTS OF THE BOROUGH OF MINERSVILLE BY PROHIBITING SUCH NOISE AND/OR SOUND.**

WHEREAS, the Council of the Borough of Minersville has determined to ensure that public health, safety, and welfare shall not be abridged by the making or creating of public nuisances from disturbing or excessive noises in the Borough of Minersville and to protect the physical, mental and social well-being of the residents of the Borough of Minersville by prohibiting such noise and/or sound.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Minersville, and it is hereby enacted and ordained under the authority of the same:

**Section 1. DEFINITIONS**

The following words, terms and phrases when used in this Ordinance shall be defined as follows, unless context clearly indicates otherwise:

**BOROUGH** - shall mean the Borough of Minersville.

**COUNCIL** - shall mean the Council of the Borough of Minersville.

**NOISE** - Any sound emitted by a person, an appliance, equipment, an instrument, or other device.

**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.

**UNREASONABLE NOISE** - Noise that is above and beyond the ordinary noises associated with the appropriate and customary uses of the particular forum in which the sound is made, taking into account the time of day, day of week, location, and/or other relevant factors, and such noise is of such a volume, frequency, pattern, or duration, that it prevents, disrupts, injures, or endangers the health, safety, welfare, comfort or repose of reasonable persons of ordinary sensitivities within the Borough of Minersville.

**Section 2: PROHIBITED ACTS.**

**A.** General prohibition. It shall be unlawful for any person to make or cause to be made unreasonable noise, or to allow any unreasonable noise to be caused or made on any real or personal property occupied or controlled by that person within the limits of the Borough of Minersville, except as otherwise permitted in this chapter.

**B.** Specific prohibitions. The following are specifically prohibited, except as otherwise permitted in this chapter:

- (1) No person shall operate, play or permit the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create unreasonable noise.
- (2) No person shall operate or permit the operation of any tools or equipment used on construction operations, drilling or demolition or other work between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day on weekdays and Saturdays or at any time on Sundays or legal holidays such that the sound therefrom creates unreasonable noise.
- (3) No person shall operate or permit the operation of any powered saw, drill, sander, grinder, lawn or 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 create unreasonable noise. subsection shall not apply to emergency municipal or public utility services in or about the public right-of-way.
- (4) No person shall offer for sale or sell by shouting or outcry or by any other amplified or unamplified sound, except between the hours of 8:00 a.m. of one day and 9:00 p.m. of the same day.
- (5) No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement or other work, any muffler or sound-dissipative device or element of design or noise label of any product; or use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred; or intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Borough or other governmental entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality.
- (6) No person shall repair, rebuild or test or otherwise work on any motorcycle or other motor vehicle, motorboat or aircraft in such a manner as to create unreasonable noise between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day

(7) No person shall create such other noise as might pose a danger to the public health, safety or welfare of the Borough or otherwise constitute a nuisance in fact.

(8) No person shall make, continue or cause to be made or continued any noise which creates or causes unreasonable noise.

(9) No person shall operate a motorcycle, truck, automobile or other motor vehicle in such a manner as to cause unreasonable noise.

**Section 3: EXEMPTIONS AND PERMITS.**

A. The following noises are exempted from the provisions above:

(1) Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between 11:00 p.m. on one day and 9:00 a.m. on the following day.

(2) Noises caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

(3) Noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.

(4) 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.

(5) 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.

(6) Noises made by bells, chimes, or carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock-strike mechanisms that are currently in use for any purpose and were in use at the time of the original passage of this chapter.

B. The following noises, events, and/or gatherings held outdoors within the limits of the Borough shall require a permit issued by the Borough Office or its designee. The Borough reserves the right to require reasonable time, place, and manner restrictions as part of the issuance of the permit for the following noises and/or events based on the nature of the location in which the noise and/or event will be taking place:

**BOROUGH OF MINERSVILLE:  
RESOLUTION \_\_\_\_\_**

Introduced by Minersville Council and the administration on August 2, 2022 Resolution \_\_\_\_\_ of 2022 Authorizes the borough's solicitor to file a petition with the Pennsylvania Liquor Control Board to exempt a the Borough of Minersville, from the Pennsylvania Liquor Control Boards regulations regarding amplified sound being heard off the licensed premises in favor of enforcing the borough's own previously adopted Noise Disturbance Ordinance, Resolution \_\_\_\_\_, of the Borough of Minersville's Codified Ordinances.

Resolved by the Council of the Borough of Minersville,

That WHEREAS, the Borough of Minersville ("Borough") has a previously adopted Noise Disturbance Ordinance Codified as Resolution \_\_\_\_\_ and entitled "Noise Disturbance Ordinance". A true and correct copy of the Ordinance is attached hereto as "ATTACHMENT A" and incorporated herein as is fully set forth; and

WHEREAS, 47 P. S. § 4- 493 and 40 Pa. Code § 5. 32 place restrictions on the sound level of other entertainment inside or outside of licensed liquor establishments; and

WHEREAS, 47 P. S. § 4- 493. 1( b) and 40 Pa. Code § 5. 32( g) grant local municipalities the right to file a petition with the Pennsylvania Liquor Control Board ("PLCB") for exemption from the PLCB' s regulations regarding amplified sound being heard off the licensed premises for all licenses within an identifiable area in the municipality.

WHEREAS, the LCB requires a resolution from the borough confirming support of the filing of a petition to enforce the borough's own Noise Disturbance Ordinance in place of the PLCB's current regulations; and

WHEREAS, the area which will be affected by this decision is generally described as the Minersville Borough limits as shown in "Attachment B."

WHEREAS, the area which will be affected by this decision is generally described as the borough limits displayed within "ATTACHMENT B" and

WHEREAS, by enforcing its own Ordinance in lieu of the regulations promulgated by the council, the borough, and police will be better able to address noise violations in a more timely and effective manner.

NOW, THEREFORE, BE IT RESOLVED BY THE Borough of the Minersville that the borough solicitor is authorized to file a petition with the Pennsylvania Liquor Control Board to exempt the entire area of the Borough of Minersville, described herein, from the Pennsylvania Liquor Control Board's regulations regarding amplified sound being heard off the licensed premises in favor of enforcing the borough's own previously adopted Noise Disturbance Ordinance, Resolution \_\_\_\_\_, of the Borough of Minersville's Codified Ordinances and confirming the same.

BE IT FURTHER RESOLVED by the Council of the Borough of Minersville that the borough will relinquish jurisdiction back to the Pennsylvania Liquor Control Board, and their enforcement agency, the Pennsylvania State Police, four (4) years following the approval of this petition.

(1) Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors in which 500 people or more are reasonably expected to attend by the organizers.

(2) Public demonstrations, political protests, or other similar events in which 50 people or more are reasonably expected to attend by the organizers.

Section 4: VIOLATIONS AND PENALTIES

Any person who violates any provisions of this Ordinance, upon conviction thereof, shall pay a fine as set forth herein for each offense be ordered to pay a fine of not more than One Thousand (\$1,000.00) Dollars plus costs, and in default of payment of said fine and costs, to a term of imprisonment no more than ninety (90) days, or both.

Section 5: SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6: Effective Date.

This Ordinance shall take effect immediately upon its final adoption by the Council of the Borough of Minersville.

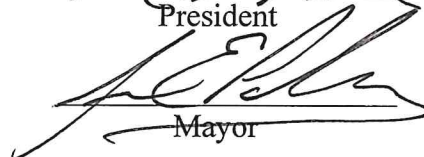
**ENACTED AND ORDAINED by the Borough of Minersville this 13<sup>th</sup> day of September, 2022.**

**Attest:**

  
Secretary

**Borough of Minersville**

  
President

  
Mayor