

**TOWN OF BLOOMSBURG
COLUMBIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 10, PART 2 OF THE CODE OF
ORDINANCES OF THE TOWN OF BLOOMSBURG RELATING TO THE
REGULATION OF EXCESSIVE NOISE**

WHEREAS, the Town of Bloomsburg (“Town”) currently maintains a noise ordinance contained in Chapter 10, Part 2 of its Code of Ordinances (“Noise Ordinance”) which aims to ensure that public health, safety and welfare will not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive noises in the Town;

WHEREAS, The Town Council recognizes that uncontrolled noise represents a nuisance and a danger to the health and welfare of its residents and that each person in the community is entitled to live in an environment in which the level of noise is minimized for the community’s common benefit.

WHEREAS, The Town Council now desires to amend the Noise Ordinance as set forth herein.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Council of the Town of Bloomsburg, Columbia County, Pennsylvania that Chapter 10, Part 2 of the Town’s Code of Ordinances, is amended as follows:

SECTION 1.

Chapter 10, Part 2, Section 10-203 of the Code of Ordinances, is hereby modified by adding the following definition for “Annual Fair Event.”

ANNUAL FAIR EVENT

The event known as the “Bloomsburg Fair” that is held one-time annually by the Bloomsburg Fair Association, which occurs for a period of 7 to 10 consecutive days during the months of September and/or October.

APPROVED SOUND METER

A sound meter meeting the requirements of the American National Standards Institute (ANSI) S1.4 for a Type 1 or Type 2 sound meter device. Measurements shall be made using the A-weighted scale and slow response. The sound meter shall be self-tested on the day that it was used via a calibration process approved by the sound level meter manufacturer and shall be certified via the manufacturer or via an accredited third-party calibration facility to be accurate within accepted standards by the manufacturer within one year prior to its use.

Chapter 10, Part 2, Section 10-203 of the Code of Ordinances, is hereby further modified by deleting the following stricken language and adding the following language for the definition of "Noise Disturbance":

NOISE DISTURBANCE – Any sounds sound which:

- A. Endangers or injures the safety or health of humans or animals.
- B. Annoys or disturbs a reasonable person of normal sensitivities.
- C. Endangers or injures personal or real property.
- D. Exceeds the decibel sound pressure levels set forth in this Part.

SECTION 2.

Chapter 10, Part 2, Section 10-204 of the Code of Ordinances, is hereby modified by deleting the following stricken language and adding the following underscored language:

- A. Radios, Television Sets, Musical Instruments and Similar Devices. No person owning, leasing, occupying or having charge of any building or premises or any part thereof in the Town of Bloomsburg shall operate, play or permit the operation or playing of any radio, CD player, VCR, DVD, television, phonograph, high fidelity equipment or similar devices, drum, musical instrument or sound amplifier at any time in such a manner as to cause a noise disturbance across a real property boundary at any time during the day or night. ~~A decibel reading of 70dBA or above measured by a noise meter beyond 30 feet from the property boundary shall be a violation of this Part.~~ **In addition to the foregoing described noise disturbances, exceeding 65 dBA between 7 a.m. and 10 p.m. or 50 dBA between 10 p.m. and 7 a.m. at or within the real property boundary of any residentially zoned property receiving such sound, when evaluated using an approved sound meter, shall also be considered a noise disturbance and a violation of this Part.**
- B. Automobile Radios, Automobile Stereos, Portable Radios and Stereos. No person shall play an automobile radio or automobile stereo which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance, whether audible sound or vibration, across any real property boundary ~~or 30 feet from such device, whichever is less,~~ when the device is operated in or on a motor vehicle or carried on a public right-of-way or public space at any time during the day or night ~~A decibel reading of 70dBA or above measured by a noise meter beyond 30 feet from the property boundary shall be a violation of this Part.~~ **In addition to the foregoing described noise disturbances, exceeding 65 dBA between 7 a.m. and 10 p.m. or 50 dBA between 10 p.m. and 7 a.m. at or within the real property boundary of any residentially zoned property receiving such sound, when evaluated using an approved sound meter, shall also be considered a noise disturbance and a violation of this Part.**

SECTION 3.

Chapter 10, Part 2, Section 10-205 of the Code of Ordinances, is hereby modified by deleting the following stricken language and adding the following underscored language:

This Part shall not apply to:

- A. Emergency Services/Municipal Services/Public Utilities.
 - 1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or service by a municipality or emergency service.
 - 2) Sounds generated from or incidental to emergency or nonemergency repairs to public utilities or any other emergency public works function by a municipality or public utility.
- B. Churches and Official Buildings. Music, bells, chimes or other sounds which are emanating from a church, or place of worship, or certain Town, County or State buildings, approved by Town Council.
- C. Nonconforming Uses. Sounds generated in commercial and industrial zoning districts or by recognized nonconforming uses which are necessary and incidental to the uses permitted, **provided such sounds do not exceed 65 dBA between 7 a.m. and 10 p.m. or 50 dBA between 10 p.m. and 7 a.m., for a cumulative period of more than 10 minutes in any one hour, at or within the real property boundary of any residentially zoned property receiving such sound, when evaluated using an approved sound meter.**
- D. Town, County and State Events.
 - 1) Sound generated by activities which are an official or an approved part of any Town, County or State approved or licensed festival or activity, provided that such exemption shall terminate at 12:00 midnight. **Notwithstanding the foregoing, this exemption shall not apply to activities occurring at the Bloomsburg Fairgrounds, which are addressed in Section 10-205.D(3).**
 - 2) Sound generated at any time from school-sponsored athletic or recreational events.
 - 3) Activities at the Bloomsburg Fairgrounds **during the annual fair event, except that motorized racing and motorized vehicle exhibition activities shall not be exempt under this Section.**
 - 4) Fireworks displays pursuant to a properly issued permit.

SECTION 4.

Chapter 10, Part 2, Section 10-206 of the Code of Ordinances, is hereby modified by deleting the following stricken language and adding the following underscored language:

1. Violations. Any person committing any of the acts prohibited above shall be in violation of this Part and be subject to the penalties set forth below.
2. Penalties. Any person violating this Part shall, upon conviction in a summary proceeding, be sentenced to pay a fine not to exceed \$600 **\$1,000 for the first offense and \$2,000 for each subsequent offense**, to the use of the Town of Bloomsburg, along with costs of prosecution, or to be imprisoned for not more than 10 days or both.
3. Prima Facie Violation. The noise from any of the aforesaid prohibited acts that disturbs two or more residents, who are in general agreement as to the times and durations of the noise and who reside in separate residences (including apartments and condominiums) located across a real property boundary from the property on which the source of the noise is generated, shall be prima facie evidence of a noise disturbance across a real property boundary. Nothing herein is intended to preclude proof of a noise disturbance beyond a property line by less than two witnesses or by ~~a noise meter~~ **an approved sound meter** as set forth herein.
4. ~~Noise~~ **Approved** Sound Meters. When a noise disturbance is proved through the use of an approved sound meter to determine the decibel level of the noise, evidence of the decibel level shall be admissible in any prosecution under this Part upon certification that the ~~noise approved sound meter meets the requirements for such meters contained in Section 10-203. meter was self tested on the day that it was used and upon certification that the noise meter was certified to be accurate within accepted standards by the manufacturer, within one year prior to its use.~~ **noise approved sound meter meets the requirements for such meters contained in Section 10-203.**
5. Legal Actions. The Police Department **or the Code Enforcement Officer** of the Town of Bloomsburg may initiate and prosecute legal actions for violations of this Part without the need of a complaint or the testimony of complainants. **In addition, the Town may institute injunctive or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.**

SECTION 5.

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction such shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.