

## Chapter 38

### DISORDERLY CONDUCT; NOISE

§ 38-1. Disorderly conduct defined and prohibited.

§ 38-3. Sound-amplification systems in motor vehicles.

§ 38-2. Particular conduct prohibited.

§ 38-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 6-4-2001 by Ord. No. 4-01. Amendments noted where applicable.]

#### GENERAL REFERENCES

Animal control — See Ch. 29.  
False alarms — See Ch. 46.

Parades and motorcades — See Ch. 67.

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#### § 38-1. Disorderly conduct defined and prohibited.

“Disorderly conduct” within the meaning of this chapter shall be and is hereby defined as any act, work or conduct causing or tending to cause a disturbance of the peace and good order of the Borough, or causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Borough and/or users of the Borough thoroughfares, and shall include loafing, begging, profanity, and the carrying on of any business, trade, transportation, recreation or amusement at any time, in a place or in a manner, which causes danger and annoyance to the inhabitants of the Borough, and all such disturbances and acts are hereby prohibited. Except in the cases of emergency, no person shall carry on any activity at a time or in a manner which causes unnecessary annoyance or disturbs the peace and quiet of the immediate neighborhood.

#### § 38-2. Particular conduct prohibited.

Without in any manner intending to limit or restrict the generality of the above definition of, and prohibition against, disorderly conduct, the following are hereby declared to constitute disorderly conduct:

- A. The keeping or handling of dogs or other animals, chickens or other fowl or birds under such conditions, or lack of control, or in such a manner that, by barking, crowing or otherwise, they disturb the peace, safety and quiet of the immediate neighborhood.
- B. The operation of sound-amplification equipment or audible electronic instruments or devices, singing, or shouting or playing of musical instruments in a manner which disturbs the peace and quiet of the immediate neighborhood between the hours of 10:00 p.m. and 8:00 a.m.
- C. The loading, unloading and delivery of materials, merchandise or commercial products between the hours of 10:00 p.m. and 8:00 a.m. which disturbs the peace and quiet of the immediate neighborhood.

- D. The discharging in the Borough of air guns, spring guns, rifles or firearms of any kind or character whatsoever, or any other device that discharges a projectile of any kind.
- E. The operation of motor vehicles and/or equipment in such a manner that by the idling of the motor, revving of the motor, or otherwise, and/or through the operation between the hours of 10:00 p.m. and 8:00 a.m. which disturbs the peace and quiet of the immediate neighborhood.
- F. Malicious loitering or prowling during daytime around a dwelling house or any other place used wholly or in part for living or dwelling purposes, belonging to or occupied by another.

**§ 38-3. Sound-amplification systems in motor vehicles.**

The Council of the Borough of Pennsburg has determined that the use of loud sound-amplification equipment in motor vehicles is a safety hazard because operators of motor vehicles may be distracted thereby and may not hear emergency vehicles or warning signals or other traffic sounds. In addition, the use of loud amplification systems in motor vehicles is a nuisance, annoying residents and others in the vicinity thereof. Therefore, no person operating, occupying or otherwise in physical possession or control of a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound-amplification system in the vehicle so that the sound is audible at a distance of 25 feet or more from the location of the vehicle.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AUDIBLE** — Any sound including bass reverberations whether or not words are discernible.

**SOUND-AMPLIFICATION SYSTEM** — Any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

- B. This section shall not apply to the following sound-amplification systems:
- (1) A system operated to request medical or vehicular assistance or to warn of a hazardous road condition.
  - (2) A system in an emergency or public safety vehicle.
  - (3) A system in a vehicle owned and operated by the Borough of Pennsburg, or a gas, electric, communications or refuse company, where the sound-amplification system is being used in connection with official business.
  - (4) A system used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any person or assembly of persons in compliance with ordinances of the Borough of Pennsburg.
  - (5) A system used in authorized public activities, such as parades, fireworks, sports events, musical productions and any other activities which have prior approval of the Borough of Pennsburg.
  - (6) A vehicle theft alarm system.

**§ 38-4. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs, and, in default of payment of said fine, to a term of imprisonment not to exceed 30 days. Each day that a violation of this chapter continues shall constitute a separate offense.