

**BOROUGH OF RIDLEY PARK
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 7 -2024

AN ORDINANCE OF THE BOROUGH OF RIDLEY PARK, DELAWARE COUNTY, PENNSYLVANIA AMENDING THE RIDLEY PARK BOROUGH CODE BY ENACTING A NEW CHAPTER 137 - ENTITLED "NOISE"- CONSISTENT HERewith AND PROVIDING FOR DEFINITIONS, DECLARATION OF NOISE NUISANCE, PROHIBITIONS, EXEMPTIONS, VIOLATIONS AND PENALTIES.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Ridley Park, County of Delaware, Commonwealth of Pennsylvania, under authority of the Borough Code (8 Pa. C.S. § 101 et seq.), the Pennsylvania Municipalities Code (53 P.S. § 10101 et seq.) and the Code of the Borough of Ridley Park, as follows:

Section 1: The Code of the Borough of Ridley Park is hereby amended by the addition of Chapter 137 entitled "Noise," which is hereby enacted and reads as follows:

CHAPTER 137
Noise

§ 137-1. Title.

This Chapter shall be known as the "Borough of Ridley Park Noise Nuisances Ordinance."

§ 137-2. General Provisions.

1. **Purpose:** The Council of the Borough of Ridley Park, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and therefore a public health and welfare hazard, hereby declares it to be necessary to provide for greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough.
2. **Scope:** This ordinance applies to all persons and property within the Borough as regulated herein.

§ 137-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Construction: The erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

Emergency Work: Any work performed for the purpose of preventing or alleviating the

physical trauma or property damage threatened or caused by an emergency.

Person: Any individual, association, partnership, or corporation, including officers and managers of corporations.

Public Right-Of-Way: Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

Public Space: Any real property or structures thereon which are owned or controlled by a governmental entity.

§ 137-4. Declaration of Noise Nuisances.

It is hereby declared to be a public nuisance and a violation of this Ordinance for any person to make or cause to be made through any device, vehicle, or instrumentality, any excessive or unusually loud noise or to create a noise nuisance causing discomfort or annoyance to a person of ordinary and reasonable sensibilities within the Borough of Ridley Park.

§ 137-5. Prohibited Noise Nuisances.

Without intending to limit the generality of § 137-4, the following are declared to be prohibited noise nuisances within the Borough of Ridley Park.

- A. The exterior operation of construction equipment or the performance of exterior construction or repair work (except in the case of emergency) on any building or other structure after 9:00 p.m. or before 7:00 a.m. prevailing time. The operation of any machinery, commercial motor vehicle on a truck, any equipment, pump, snowplow, snow blower, lawn mower, leaf blower, chain saw, or similar mechanical device; to use such device or equipment in such a manner or with such volume as to annoy or disturb the quiet, comfort, or repose of any person or persons in any dwelling house, apartment or other type of residence after 9:00 p.m. or 7:00 a.m., prevailing time. This subsection shall not apply to municipal or public utility vehicles used for emergency work, such as but not limited to snow removal, highway or public utility repairs.
- B. The operation, whether on public or private street or on private property, of any motor vehicle without a muffler and the repair, rebuilding, or testing of any motor vehicle or motorcycle in the Borough, licensed or unlicensed on public or private premises, whether standing or moving, without an appropriate muffling device on the exhaust system of said vehicle in order to prevent any unnecessary or unreasonably loud or harsh sound.
- C. Playing any musical instrument, stereo, radio, or similar device or operating or using any sound amplification equipment either outside or within any building if the sound produced is audible beyond the property line, after 9:00 p.m. or before 7:00 a.m. prevailing time
- D. Yelling, shouting, or arguing on any public or private property so as to annoy or disturb the quiet, comfort, or repose of persons in any building or of any persons in the vicinity after 9:00 p.m. or before 7:00 a.m. prevailing time.

§ 137-6. Exemptions.

- A. Publicly sponsored events: concerts, school district activities, or other public performances or similar activities with approved application for permission from the Borough of Ridley Park, as may be required.
- B. Private block parties and other private events: with an approved application for permission from the Borough of Ridley Park, as may be required.
- C. Emergency work: sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- D. Municipal and utility services: sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way or all municipal collections.
- E. School and public activities: sounds, not electronically amplified, created by organized school-related programs, activities and athletic and entertainment events or other public programs, activities or events.

§ 137-7. Special Variances.

The Mayor or designee may, upon application and guided by the standards hereinabove set forth, grant special variances for infrequent events or activities which do not exceed 24 hours in duration.

§ 137-8. Violations and Penalties.

Any person violating any provision of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$600.00, plus cost of prosecution, for each and every offense and, in default of payment of such fine and costs, shall be imprisoned for not more than 30 days. Each day during which any person violates any provision of this chapter shall constitute a separate offense.

Section 2. Effective Date.

This Ordinance shall become effective within 30 days of its approval.

Section 3. Severability.

Should any section, subsection, paragraph, sentence, laws or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 4. General Repealer.

All other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict. The Borough of Ridley Park reserves the right at any time by Ordinance to amend or otherwise modify or repeal this Ordinance.

ORDAINED AND ENACTED into an Ordinance and passed by Borough Council for the Borough of Ridley Park on the _____ day of _____, 2024.

BY: _____
Dane Collins
Borough Council President

Attest:

(SEAL)

Approved this _____ day of _____, 2024.

Hank Eberle
Mayor