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PART 1

OBSCENE MATERIALS A NUISANCE

§6-101. Definitions.

The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

EXPLICIT SEXUAL MATERIALS — any materials which are obscene materials or:

- (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors.
- (2) Any book pamphlet, magazine, printed mater, however reproduced, or sound recording which contains any matter enumerated in subsection (1) of this definition, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.

FACILITY — includes, not is not limited to, any building, structure, space or ground or any separate part or portion thereto whether permanent or not which is open to admission by the general public or to which membership is available to the general public with the exception of guests' rooms in hotels, inns or motels.

HOTEL, INN or MOTEL — any facility providing temporary overnight accommodations which is licensed for such purpose by the State pursuant to Article II, Act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971.

OBSCENE MATERIALS — any literature, including any book, magazine, pamphlet, newspaper, storypaper, comic book or writing, and any figure, visual representation, or image including any drawing, photograph, picture or motion picture if:

- (1) The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest.
- (2) The subject matter depicts or describes in a patently offensive way sexual conduct of a type described in this Section.
- (3) The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

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PERSON — any individual, partnership, firm, association, corporation or other legal entity.

SEXUAL CONDUCT — patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the genitals.

SEXUAL DEVICE — any artificial human penis, vagina, or anus or other device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, public area, perineum or anal area including, but not limited to, vibrators, dildos, penisators and penis rings except that this shall not include any such device which is sold, distributed or displaced for a bona fide medical, psychological, legislative, judicial or law enforcement purpose by a physician, psychologist, pharmacist, legislator, judge, prosecutor or law enforcement officer.

(Ord. 77, 5/9/1983, §1)

§6-102. Declaration of Public Notice.

1. Solicitation. All facilities are declared to be public nuisances where activities occur which through action or solicitation result in or are intended to result in:
 - A. Ultimate sexual acts, normal or perverted, actual or simulated.
 - B. Masturbation, oral, manual or by object including, but not limited to, cunnilingus or fellatio.
2. Performance. All facilities are declared to be a public nuisance wherein the acts specified in subsections (1)(A) and (B) are performed before a live audience of one or more persons in a patently offensive manner and the acts taken as a whole lack serious literary, artistic, political, educational or scientific value and the average adult person, applying contemporary community standards, would find that the acts, when considered as a whole, appeal to the prurient interest.
3. Sales. All facilities are declared to be public nuisances in which sexual devices are sold, distributed or displayed.
4. Obscene and Explicit Sexual Materials. All facilities are declared to be public nuisances in which a person shall:
 - A. Display, or cause or permit the display of any explicit sexual materials in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility, or other public thoroughfare, or in any busi-

ness or commercial establishment where minors are or will probably be exposed to view all or any part of such materials.

- B. Sell, lend, distribute, exhibit, give away or show any obscene materials to any person 17 years of age or older or offer to sell, lend, distribute, exhibit, or give away, or show, or have in his possession with intent to sell, lend, distribute, exhibit, or give away, or show any obscene materials to any person 17 years of age or older or knowingly advertise any obscene materials in any matter.
- C. Design, copy, draw, photograph, print, utter, publish, or in any manner manufacture or prepare any obscene materials.
- D. Write, print, publish, utter, or cause to be written, printed, published, or uttered any advertisement, or notice of any kind giving information, directly or indirectly, stating, or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had.
- E. Hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this subsection.
- F. Sell, loan or otherwise disseminate explicit sexual materials to any person under the age of 17 years.

(Ord. 77, 5/9/1983, §2)

§6-103. Knowledge of Nuisance.

Upon and after receiving notice through service of a true and correct copy of this Part and a true and correct copy of the complaint in equity to abate a public nuisance as defined herein, any and every person duly served pursuant to the rules of civil procedure who shall own, legally, or equitably, lease, maintain, manage, conduct or operate a facility which is declared to be a public nuisance as set forth in this Section is deemed to be a person who has knowledge of such nuisance for the purpose of this Section and may, thereafter, be responsible for its maintenance and liable therefore.

(Ord. 77, 5/9/1983, §3)

§6-104. Enforcement and Remedies.

1. Action in Equity. The Township may maintain an action in equity to enjoin any person from owning, leasing, maintaining, managing, conducting or operating a facility which is a public nuisance as specified herein.
2. Forfeiture. From and after service of a true and correct copy of this Part and the complaint in equity as provided for in the Rules of Civil Procedure, all money or

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other valuable consideration thereafter paid as an admission price or for services rendered or as rent to an owner for the privilege of continuing to operate a public nuisance shall be turned over to the Township upon the issuance of an order by the local court of common pleas enjoining the operation of the nuisance and requiring an accounting by the defendant for all of said moneys.

3. Procedure. Upon the trial on the merits of the permanent injunction, if the court finds a facility to be a public nuisance, the court may issue an order closing the facility to all uses and purposes for the period of one year. If the offenders or persons owning, in control or in charge of such facility certify that the public nuisance has been abated and that the facility will no longer be operated as a public nuisance and post a bond in an amount not to exceed the value of the personal property possessed or contained at such place for the maintenance of the public nuisance the court may release such person or persons from the closure order. the bond shall be deposited with the court prior to the release of any closure order and shall be returned to the person posting said bond without interest at the expiration of one year; provided, that the public nuisance is not maintained or reestablished within that year.
4. Remedies Cumulative. The right to pursue all and any other available remedies shall be reserved by the Township, and all such remedies shall be cumulative.

(Ord. 77, 5/9/1983, §4)

§6-105. Exemptions.

Nothing in this Part shall apply to any recognized historical society or museum accorded charitable status by the Federal Government, any country, city, borough, township, or town library, any public library, any library of any school, college or university, or any archive or library under the supervision and control of the Commonwealth or a political subdivision.

(Ord. 77, 5/9/1983, §5)

PART 2

NOISE

§6-201. Definitions.

1. The following words and phrases, when used in this Part, shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section.
2. All acoustical terminology shall be interpreted in accordance with that contained in ANSI S1.1, "Acoustical Terminology." All other words and terms not defined herein shall be used with a meaning of standard usage.
3. Specific Definitions.

AMBIENT SOUND PRESSURE LEVEL – the all-encompassing background sound pressure levels associated with a given environment at a specified time, without the sound contribution of the specific source in question. Ambient noise is usually a composite of sounds from near and far sources, none of which is particularly dominant.

ANSI – American National Standards Institute or its successors.

BACKGROUND NOISE – the total noise from all sources other than a particular sound that is of interest (i.e., other than the sound being measured).

CONTINUOUS SOUND – any sound which is in a steady, fluctuating or intermittent state of prolonged duration.

DECIBEL (dB) – a unit of level which denotes the ratio between two quantities that are proportional to power; the number of decibels is 10 times the common logarithm of this ratio. One decibel is 1/10 of a bel.

EXCESSIVE NOISE – excessive noise is sound that: (1) is injurious or unreasonably interferes with the comfortable enjoyment of life and property. Measured noise levels in excess of limits established in these regulations or those specified in valid permits are declared to be excessive noise; (2) is annoying to a person of ordinary auditory sensibilities.

IMPULSIVE SOUND – any sound of short duration (less than one second), with an abrupt onset and rapid decay (including metal-to-metal impacts or exploding impacts) separated in time by at least one second.

NIGHT TIME – 10:00 p.m. to 7:00 a.m., prevailing time, conversely, Day Time- 7:00 a.m. to 10:00 p.m., prevailing time.

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NOISE – any sound which annoys or disturbs humans of normal auditory sensitivity or which causes or tends to cause an adverse psychological or physiological effect on humans of normal auditory sensitivity, excluding all aspects of noise regulated by the Federal Occupational Safety and Health Act.

NOISE LEVEL – same as sound level but usually used to describe unwanted sound.

NOISE POLLUTION – noise of such loudness and character from a single source or from multiple sources, which is or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the enjoyment of property or with any lawful business or activity. Noise/sound pressure levels exceeding those permitted in any district shall constitute noise pollution.

NORMAL AGRICULTURAL OPERATION – the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products, and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

PERIOD OF OBSERVATION – the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and the instrumentation being used. The period of observation must be at least as long as the response time of the instrumentation. The greater the variance in individual sound level, the longer must be the observation time for a given expected accuracy of measurement.

PERSON – includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

PURE TONE – a sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Part, a pure tone shall exist if the 1/3 octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by 15 dB for bands with center frequencies less than 160 Hz, by 8 dB for bands with center frequencies of 160 Hz to 400 Hz, and by five dB for bands with center frequencies greater than 400 Hz.

SOUND LEVEL (UNWEIGHTED SOUND PRESSURE LEVEL) – 20 times the common logarithm of the ratio of a given sound pressure (obtained with a standardized frequency weighting, with standard exponentially weighted time averaging) to the reference sound pressure of 20 micropascals. Time and frequency weightings employed should be specified; if not specified, fast time- and A-frequency-weightings are understood. Unit symbol: dB.

SOUND PRESSURE LEVEL – in air, 20 times the common logarithm of the ratio of the given sound pressure to the reference sound pressure of 20 micropascals. Unit symbol: dB.

SOUND LEVEL METER – instrument or combination of instruments used for the measurement of sound level, with a standard frequency-weighting and standard exponentially weighted time-averaging, which meets or exceeds the requirements for an ANSI Type S1A or Type S2A Sound Level Meter.

TOWNSHIP – East Rockhill Township, Bucks County, Pennsylvania, its Board of Supervisors, Township Manager, and all employees and appointees of the Township.

VEHICLE – any device or combination of devices, used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to, the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, farm machinery, industrial machinery, highway graders, tractor-trailers, and semi-trailers.

(Ord. 218, 3/21/2006, §1)

§6-202. Excessive and Unnecessary Noise and Other Nuisances Prohibited.

The following provisions shall apply to all sound originating within the boundaries of East Rockhill Township:

A. Environmental Performance Standards.

- (1) Maximum Permissible Sound Levels by Receiving Zoning District. No person shall create or allow the creation of any noise or operate or cause to be operated on property owned, leased, occupied, or otherwise controlled by such person, and/or on a public street or in a public park any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving zoning category in the following tables when measured at or within the property boundary of the receiving zoning district. Sound levels exceeding the limits set in the following table are hereby declared to be a nuisance.
- (2) Table 1. Maximum Continuous Sound Levels Within Receiving District.

Receiving Zoning District	From 7:00 a.m. to 10:00 p.m.	From 10:00 p.m. to 7:00 a.m.
RP, AP, RR, S, R-1 and VR	60 dBA	50 dBA
VC, C-E, C-0	65 dBA	55 dBA
I-1, I-2, and E	65 dBA	55 dBA

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Table 2. Maximum Permissible Noise Levels Above Background (ambient) From Commercial, Industrial, & Institutional Establishments Measured Within Receiving District.

Continuous Time Period	Measured at RP, AP, RR, S, R-1 and VR	Measured at VC, C-E, C-O, I-1, I-2 and E
Longer than 1 minute	5 dBA	10 dBA
1 minute or less	15 dBA	20 dBA

- (3) Standards. For the purpose of measuring sound in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the latest approved standards as published by ANSI or its approved equivalent.
 - (4) Correction for Character of Sound. For any source of sound, which emits a pure tone, cyclically varying sound or repetitive impulse sound, the maximum sound level limits set forth in this Part shall be reduced by five dBA. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the fast meter characteristic of Type II meter, meeting the IEC-651 and ANSI S1.4 Type Specification.
 - (5) Sound Measurements. The sound meter shall be operated in accordance with the manufacturer's instructions. The sound meter shall be calibrated with each use. The sound meter shall be operated using the A weighting and fast response settings. Readings shall be taken in such a way that traffic noise is factored into the reading.
- B. Excessive Noise Prohibited. In addition to the above, it is hereby declared to be a nuisance and shall be unlawful for any person, firm or business entity to make, cause, suffer or permit to be made or caused upon a property owned, occupied or controlled by him or it or upon any public land, street, alley or thoroughfare in the Township of East Rockhill any excessive noises or sounds, by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments) or by any other means or methods which are physically annoying to the comfort of any person of normal auditory sensibilities or which are so harsh, prolonged, unnatural or unusual in their use, time and place, as to occasion physical discomfort, or which are otherwise injurious to the lives, health, peace and comfort of the inhabitants of East Rockhill Township or any number of residents thereof.
- C. Special Prohibitions. The following acts and causes thereof are hereby declared to be a nuisance and in violation of this Part:

- (1) Possessing, harboring or keeping any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or more, or makes such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night, regardless of whether the animal or bird is physically situated in or upon private property, provided that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, nor is there any other legitimate cause which justifiably provoked the animal or bird.
- (2) Operating, playing or permitting the operation or playing of any radio, television, audio equipment, sound amplifier, musical instrument or other such device in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Friday and between 11:00 p.m. and 7:00 a.m. Friday through Sunday.
- (3) Loud speakers, Amplifiers. Using, operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure except in the course of an approved legitimate business activity or auction sale.
- (4) Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling, blasting, demolition, excavating, extraction of stone or other such activities between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday or at any time on Sunday. This provision does not apply to domestic power tools.
- (5) Repairing, rebuilding, modifying, testing or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to persons across a real property boundary from the noise source.
- (6) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used out of doors between the hours of 10:00 p.m. and 7:00 a.m. on any day in such a manner as to cause annoyance to persons across a real property boundary from the noise source.

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- (7) Horns, Signaling Devices, etc. Sounding any horn or signaling device on any vehicle on any street or public place of the Township except as a danger warning; creating, by means of any such signaling device, any unreasonable loud or harsh sound; or the sounding of any such device for any unnecessary or unreasonable period of time.
- (8) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Friday and between 11:00 p.m. and 7:00 a.m. Friday through Sunday or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence, or any persons in the vicinity.
- (9) Exhausts. The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.

(Ord. 218, 3/21/2006, §2)

§6-203. Exceptions.

Noise emitted from the following sources shall be exempt from the noise standards specified herein:

- A. Vehicles, machinery, appliances and equipment or hand tools used in conjunction with normal agricultural operations.
- B. Any other farm related operations and activities involving normal agricultural operations, and those activities necessary for the preservation and health of farm animals and livestock at any time.
- C. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- D. All safety signals and warning devices (e.g. intrusion alarms, back-up alarms on trucks); authorized vehicles when responding to emergencies (e.g. police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of (emergency work).
- E. Vehicles, machinery, appliances and equipment used in the case of an emergency and snow removal.
- F. Emergency work including training activities performed to protect public health or safety, including fire protection, protection from flood or other disasters, and work performed to provide electricity, water, or other public utilities when public health or safety is involved.

- G. The provision, repair and maintenance of municipal services or public utilities.
- H. Public gatherings, performances and the like for which a permit has been obtained from the Township.
- I. Appliances, lawn and garden equipment, chain saws, snow removal equipment and power tools in use between the hours of 7:00 a.m. (prevailing time) and 10:00 p.m. (prevailing time), provided such are operated within the manufacturer's specification and with all standard noise reducing equipment in use, unmodified, and in proper cooperating conditions.
- J. Heavy construction equipment except as may otherwise be permitted by a permit issued by East Rockhill Township when being used on a specific short term project (such as construction of a building; constructing, repairing, or cleaning a road, drilling a well, and other similar short term, specific construction, demolition, or repair projects) in use between the hours of 7:00 a.m. (prevailing time) and 7:00 p.m. (prevailing time) for the duration of such short term specific project, provided such heavy construction equipment is operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified, and in proper operation condition.
- K. Air conditioner, fans, heating units and similar comfort devices, provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition.
- L. Airplanes, helicopter and normal activities of properly licensed airports and trains operating on railroad.
- M. Permitted musical, recreational and athletic events conducted by or permitted by schools, local government, and/or community associations.
- N. Permitted outdoor weapons firing ranges in use between the hours of 7:00 a.m. (prevailing time) and 10:00 p.m. (prevailing time).
- O. All motor vehicles being operated on the public road in East Rockhill Township provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper working conditions.
- P. Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver.
- Q. Bells, chimes, and carillons used for religious purposes or in conjunction with national celebration or public holidays.

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(Ord. 218, 3/21/2006, §3)

§6-204. Special Waiver.

A temporary waiver from strict compliance with the noise standards of this Part may be granted to persons to permit a reasonable time to attain compliance as determined by the Board of Supervisors.

(Ord. 218, 3/21/2006, §4)

§6-205. Policy.

It is the policy of the Board of Supervisors in adopting this Part not to cause any existing industrial or commercial business to cease operations. However, it is the policy of the Board to work with industrial and commercial businesses to investigate ways to modify noise levels to the standards permitted by this Part.

(Ord. 218, 3/21/2006, §5)

§6-206. Other Nuisances Prohibited.

The following activities are hereby declared to be a nuisance and shall be unlawful within the Township of East Rockhill:

- A. Any person or business entity engaging in any use or activity upon property which by reason of odors, fumes, vapors, vibration or dust unreasonably interferes with the use, comfort and enjoyment of another's property or endangers the health or safety of the occupants of another's property.
- B. Any operation producing intense glare or heat in such a manner as to create a nuisance to those working or living in the area, unless performed within an enclosed building or behind adequate shielding.

(Ord. 218, 3/21/2006, §6)

§6-207. Enforcement, Violation and Penalties.

1. Any Township law enforcement officer, zoning officer or other person designated by the Board of Supervisors may issue an order requiring the abatement of any source of sound or other nuisance in violation of this Part.
2. The following procedures and penalties are proscribed for enforcement of this Part.

- A. Warnings. If it is determined that a noise level is in excess of the levels prescribed by this Part, the Township shall upon written complaint by an affected person, issue a written warning to the person responsible. Any such warning shall be in effect for two weeks.
- B. Offenses. If it is determined that a noise level in excess of the levels permitted by this Part shall have been caused or permitted by any person within one month after the issuance of a warning, any person affected thereby, and/or the Township may file a complaint against such person causing or permitting said noise level before the District Justice.
- C. Any person or business entity who shall violate any of the provisions of this Part shall, upon summary conviction thereof, be punishable by a minimum fine of not less than \$500 and a maximum fine of not more than \$1,000, plus costs of prosecution and, in default of such fine and costs, by imprisonment in the county jail for a term not exceeding 30 days. Each violation of any of the provisions of this Part shall be deemed to be a separate and distinct offense, and when a violation continues beyond the time limit set forth in the Abatement Order, shall be deemed to be a separate and distinct offense. When a second and/or subsequent violation is committed by the same person or entity within any twelve-month period, the fine shall be double the amount of the previous fine up to a maximum fine of \$1,000 for each separate and distinct offense.
- D. Injunctions. In addition, any person affected thereby, may file legal or equitable actions in court to abate or enjoin violations of this Part.
- E. Public Nuisance. Any emission of noise from any source in excess of the limitations established herein is hereby declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties herein provided.
- F. Other Remedies. Nothing in this Part shall be construed to impair any cause of action or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise on such place or manner, or at such levels which may give rise to such cause of action.

(Ord. 218, 3/21/2006, §7)

§6-208. Relationship with Other Restrictions.

The provisions of this Part are not intended to interfere with, abrogate or annul other rules, regulations or ordinances including Title 18 (Crimes Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes. If more stringent requirements concerning

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noise abatement are contained in other statutes, rules, regulations or ordinances, the more stringent shall apply.

(Ord. 218, 3/21/2006, §8)