

**BOROUGH OF HELLERTOWN
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO.: 836**

**AN ORDINANCE OF THE BOROUGH OF HELLERTOWN, NORTHAMPTON COUNTY,
PENNSYLVANIA ADDING CHAPTER 279 ENTITLED "NOISE REGULATIONS".**

THE COUNCIL OF THE BOROUGH OF HELLERTOWN, County of Northampton, Commonwealth of Pennsylvania, hereby enacts and ordains the following amendment to the Code Book of the Borough of Hellertown by Adopting New Chapter 279 which shall be entitled the Borough Noise Regulations.

WHEREAS, pursuant to 8 Pa.C.S.A. entitled "specific powers" the Borough can make regulations as may be necessary for the health, safety, morals, and general welfare of the Borough residents.

WHEREAS, The Borough deems a Noise Ordinance which prohibits loud noises at such days and times to be for the benefit of the public and general welfare of the community.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF HELLERTOWN, COUNTY OF NORTHAMPTON AND COMMONWEALTH OF PENNSYLVANIA TO ENACT CHAPTER 279 AS FOLLOWS:

Chapter 279 Noise Regulations within the Borough.

1. **SECTION 1 – §279-1 Violations.**

It shall be unlawful for any person to create noise in excess of the limits set forth in this ordinance.

2. **SECTION 2 - §279-2. Unlawful Activities: Alcohol Serving Establishments.**

A. **§279 Unlawful Amplification.** A Pennsylvania Liquor Control Board ("LCB") Licensee may not use or permit to be used inside or outside of the licensed premises a speaker, loudspeaker, megaphone, amplifier, musical instrument, or any similar device, whereby the sound

from such device can be heard beyond the licensee's property line unless located within an LCB exempt area.

B. Exempt Area. Any LCB Licensee that is located in an area which is subject to an exemption from the LCB's regulation of amplified sound being heard off the licensed premises shall comply with Section §279-3 until the expiration of the LCB's order granting the exemption. A map of the Borough showing such currently exempted areas is on file at the Hellertown Borough Hall.

C. Noise Limitations for Exempt Alcohol Serving Establishments. No LCB Licensee exempt from LCB regulations shall create or permit the creation of any noise or sound on property owned, leased, occupied or otherwise controlled by such Licensee which causes the sound level, when measured at or beyond the boundaries of such property, to exceed the maximum permitted decibels specified in the table set forth in §279-3 during the days and times indicated.

3. **SECTION 3 - §279-3 Noise Limit and Time Regulations for Alcohol serving establishments:**

The regulations set forth in Section §279-3 may be amended from time to time by resolution of the Hellertown Borough Council.

Days of the Week	Time	Maximum Permitted Decibels (as measured in Continuous Slow Meter Response)
Monday – Thursday	Between 12 AM (Midnight) and 9:00 AM & Between 11 PM and 12 AM (Midnight)	50 Decibels
Monday – Thursday	Between 9 AM and 11 PM	75 Decibels
Friday	Between 12 AM (Midnight) and 9 AM	50 Decibels
Friday	Between 9 AM and 12 AM (Midnight)	75 Decibels
Sunday and Federal Holidays	Between 12 AM (Midnight) and 10 AM	50 Decibels
Saturday and Federal Holidays	Between 10 AM and 12 AM (Midnight)	75 Decibels

Sunday	Between 12 AM (Midnight) and 10 AM & Between 11 PM and 12 AM (Midnight)	50 Decibels
Sunday	Between 10 AM and 11 PM	75 Decibels

4. **SECTION 4 – §279-4. Unlawful Activities: General Public.**

A. The willful making or causing to be made of noise within the Borough which exceeds the noise limits as set forth in Section 279-5.

5. **SECTION 5 - §279-5 Noise Limit and Time Regulations: General Public.**

A. The regulations set forth in this Section §279-5 may be amended from time to time by resolution of the Hellertown Borough Council.

Days of the Week	Time	Maximum Permitted Decibels (as measured in Continuous Slow Meter Response)
Monday – Thursday	Between 10 PM and 7 AM	50 Decibels
Friday	Between 12 AM (Midnight) and 7 AM	50 Decibels
Saturday and Federal Holidays	Between 12 AM (Midnight) and 7 AM	50 Decibels
Sunday and Federal Holidays	Between 10 PM and 7 AM	50 Decibels

B. Exemptions:

i. Emergency – In the event of an emergency situation, enforcement of Section 279-5 shall be at the discretion of the Borough.

ii. Normal business activity – The provisions of this Section shall not apply to normal and routine business activities at the discretion of the Borough.

6. **SECTION 6 - §279-6 Calibration.** The instrument shall be calibrated in accordance with the manufacturer's specifications.

7. **SECTION 7 - §279-7 Enforcement.**

The Hellertown Borough Police Department and the Hellertown Borough Code Enforcement Officer are hereby authorized to enforce the provisions of Chapter 279.

8. **SECTION 8 - §279-8 Penalties.**

Any LCB Licensee or person which shall violate any provision of this Chapter 279 shall be guilty of a summary offense and, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00. Each day in which a violation occurs shall constitute a separate penalty.

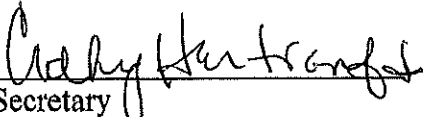
9. **SECTION 6. §279-9 Severability.** The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been include herein.

10. **SECTION 7. §279-10 Repealer.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED as an ordinance as a regular meeting of the Borough of Hellertown, Northampton County, Pennsylvania, this 6th day of July 2021.

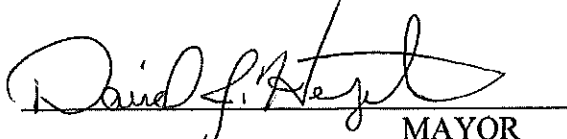
ATTEST:

BOROUGH OF HELLERTOWN


Secretary


Borough Council President

APPROVED THIS 6th DAY OF July, 2021.


MAYOR