

Chapter 6

Conduct

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Part 1**Prohibiting Discharge of Firearms****§6-101. Definitions.**

The term “person” as herein used shall apply to a person, as well as firms, partnerships, and/or corporations and each pronoun as herein used shall be construed to include all genders, masculine, feminine, and neuter. The singular shall include the plural.

(Ord. 6, 4/12/1973, §1)

§6-102. Unlawful to Discharge Firearm Within the Borough.

It shall be unlawful for any person to shoot or discharge any firearm using explosive powder within the Borough of Pillow.

(Ord. 6, 4/12/1973, §2)

§6-103. Age Restrictions.

It shall be unlawful for any person under the age of 18 years to use or discharge any firearm or shooting device within the Borough of Pillow, whether the shot or bullet be propelled by explosive powder, air, gas, or springing devices, and it shall be unlawful for any person under the age of 18 years to shoot or discharge the same within the boundaries of the Borough of Pillow.

(Ord. 6, 4/12/1973, §3)

§6-104. Discharging in Public Areas.

The shooting or discharge of any rifle or shotgun is expressly prohibited in any public park, or within 1,000 feet of any residence or building within the boundaries of the Borough of Pillow.

(Ord. 6, 4/12/1973, §4)

§6-105. Regulated and Organized Shooting.

Nothing in this Part shall prohibit regulated and organized shooting within the Borough of Pillow when such shooting is regulated by a bonafide club or organization conducting a shooting match, block shoot, turkey shoot, or trap shooting, or an organization or club wishing to display fireworks, within the Borough of Pillow; provided, however, that any such organization conducting said shoot or fireworks display shall first obtain a permit from the Secretary of the Borough of Pillow allowing said organization to conduct such regulated shooting.

(Ord. 6, 4/12/1973, §5)

§6-106. Permit Required.

At the time any organization shall apply to the Borough Secretary for a permit to conduct regulated shooting, or a display of fireworks, within the Borough of Pillow, they shall, upon request of the Borough Secretary, or the Chief of Police of the Borough of

Pillow, provide such information to said Borough Officer as said Borough Officers, in their discretion, may require to protect the public health, safety, and welfare.

(*Ord. 6, 4/12/1973, §6*)

§6-107. Hunting Within the Borough.

1. Nothing in this Part shall prohibit hunting within the Borough of Pillow provided the hunting is done in those portions of the Borough that are agricultural or woodland, and said hunting is not done within 1,000 feet of any dwelling or building, and only done in those periods as authorized by the Pennsylvania State Game Commission.

2. Nothing in this Part shall prohibit the hunting by persons under the age of 18 years who is duly licensed by the State Game Commission, and nothing herein shall prohibit hunting by persons under the age of 16 years when duly licensed and accompanied by a responsible adult or guardian.

(*Ord. 6, 4/12/1973, §7*)

§6-108. Penalties and Fees.

Anyone violating this Part in the discharging of air gun, gas gun, pellet gun by discharging the same within the Borough of Pillow, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Any person discharging firearms or explosive power devices, including, but not limited to, fireworks and dynamite, within the boundaries of the Borough of Pillow, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 6, 4/12/1973, §8; as amended by A.O.*)

Part 2**Loitering****§6-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Loitering—remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or “hanging around.”

Public place—any place to which the public has access including any park, public street, or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern, or other place of business.

(Ord. 9/10/1985, §1)

§6-202. Certain Types of Loitering Prohibited.

No person shall between the hours of 11 p.m. and 7 a.m., prevailing time, loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any annoyance to any person or persons.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest, or interfere with any person lawfully in any public place as defined in §6-201 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 9/10/1985, §2; as amended by A.O.)

§6-203. Request to Leave.

Whenever the presence of any person in any public place is causing any of the conditions enumerated in §6-202 of this Part, any police officer or the Mayor may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer or the Mayor, shall be guilty of a violation of this Section.

(Ord. 9/10/1985, §3)

§6-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 9/10/1985*, §4; as amended by A.O.

Part 3**Noise Control****§6-301. Intent and Purpose.**

The Council of the Borough of Pillow finds 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 being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough of Pillow.

(Ord. 2010-02, 6/8/2010, §1)

§6-302. Short Title.

This Part shall be known as the “Pillow Borough Noise Control Ordinance.”

(Ord. 2010-02, 6/8/2010, §2)

§6-303. Definitions.

The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this Part, except where the context clearly indicates a different meaning. All terminology used this Part, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI S1.1–1960(91971) and its revisions) or its successor body.

Ambient noise—the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

Construction operation—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—any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

Emergency work—any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Impulsive sound—sound of short duration, usually less than 1 second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

Muffler or sound dissipative device—a device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

Noise disturbance—any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans of normal sensitivities.

Person—any individual, association, partnership, or corporation, and includes any officer employee, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clauses prescribing and

imposing a penalty, “person” includes the individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporations, the officer and managers thereof or any of them.

Powered model vehicle—any self-propelled airborne, waterborne or landborne plan, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

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, church or civic organization.

Property line (boundary)—any imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rents or leased by different persons, a demarcation or a lien of separation of properties, and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purpose of this regulation, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

Real property—all land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any area devoted to public right-of-way.

Sound—an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

(Ord. 2010-02, 6/8/2010, §3; as amended by A.O.

§6-304. Prohibited Acts.

1. *Noise Disturbance Prohibited.* No person shall make, continue, or cause to be made or continued, any noise disturbance.

2. *Specific Prohibitions.* In addition to noise disturbances prohibited above, the following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this Part:

A. *Radios, Television Sets, Musical Instruments and Similar Devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound:

(1) At any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 9 p.m. and 7 a.m. so as to be plainly audible across a property line (boundary).

(2) In such a manner as to create a noise disturbance across a property line (boundary) or at 50 feet from such device, which is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right-of-way or public space.

(3) In such a manner as to created a noise disturbance to any person other than the operator of the device, when operated by any passenger or a common carrier.

B. *Yelling and Shouting, Etc.* Engaging in loud yelling, shouting, hooting, whistling or singing:

(1) At any time in such a manner as to cause a noise disturbance across a property line (boundary).

(2) Between the hours of 9 p.m. and 7 a.m. so as to be plainly audible across a property line (boundary).

(3) On the public streets between the hours of 9 p.m. and 7 a.m.

C. *Construction.* Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:

(1) Between the hours of 9 p.m. and 7 a.m. the following day or weekdays and Saturdays or any time on Sunday or legal holidays, such that the sound therefrom creates a noise disturbance across a residential real property line (boundary), except for emergency work.

(2) This Part shall not apply to the use of domestic power tools except as governed by the following paragraph.

D. *Domestic Power Tools.* Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors or indoors in residential areas between the hours of 9 p.m. and 7 a.m. so as to cause a noise disturbance across a property line (boundary).

E. *Loading and Unloading.* Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9 p.m. and 7 a.m. the following day in such a manner as to cause a noise disturbance across a property line (boundary). This Part shall not apply to municipal or utility services in or about the public right-of-way or to licensed refuse haulers.

F. *Animals and Birds.*

(1) Owning, possessing, harboring or controlling any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, 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 or for any other legitimate cause which teased or provoked the animal or bird.

(2) This paragraph only applies when one or more persons files a complaint against an individual, corporation, or agency about the animal or bird. However, prior to filing the first complaint, the complaints must first request the person or entity owning, possessing, harboring or controlling the animal or bird to take action to prevent the animal or bird from creating a noise disturbance. If the person owning, possessing, harboring, or controlling

the animal or bird is unavailable, the complainant must be willing to testify that an attempt to contact was made.

G. *Powered Model Vehicles*. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a property line (boundary) between the hours of 9 p.m. and 7 a.m.

H. *Street Sales*. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound within any residential or commercial area between the hours of 9 p.m. and 7 a.m.

I. *Tampering*. The following acts or the causing thereof are prohibited:

(1) The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement, of any muffler or sound dissipative device or element of design or noise label of any product.

(2) The use of a product which has had a muffler or sound dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

J. *Vehicle, Motorboat or Aircraft Repairs and Testing*. Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a real property line (boundary).

K. *Standing Motor Vehicles*. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).

L. *Unnecessary Horn Blowing*. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such vehicle.

M. *Sound Trucks*. No person shall operate sound amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth herein.

N. *Prima Facie Violation*. The noise from any of the aforesaid prohibited acts that disturbs one or more residents who are in general agreement as to the times and duration's of the noise and who reside in separate residence (including apartments and condominiums) located across a property line (boundary) from the property on which the source of the noise is generated, shall be prima facie evidence of a noise disturbance.

(Ord. 2010-02, 6/8/2010, §4)

§6-305. Exceptions.

The following sounds are exempted from the provisions of this Part:

A. *Amplified Announcements*. Electronically amplified announcements at athletic events.

B. *Blasting*. Blasting, under permit by the Police Department. Such blasting may occur only between the hours of 9 a.m. and 4 p.m., Monday through Friday,

unless specifically authorized by permit.

C. *Block Parties.* Block parties, church carnivals, publicly or privately sponsored and presented in any public or private space outdoors shall be exempt from the provisions of the Part; provided:

(1) One month prior notification must be given and approved by Borough Council.

D. *Emergency Work.* Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.

E. *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.

F. *School and Public Activities.* Sounds not electronically amplified, created by organized school related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.

G. *Warning Devices.* Sounds made by warning devices operating continuously for 3 minutes or less, except in the event of an actual emergency, the time limitations shall not apply.

(Ord. 2010-02, 6/8/2010, §5)

§6-306. Enforcement.

1. *Authority for Enforcement.* This Part shall be enforced by the Borough Police Department or other duly appointed police department or authority of record.

2. *Penalties.* Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine as follows plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [A.O.]

A. First Offense—minimum of \$100, maximum of \$1,000.

B. Second Offense—minimum of \$300, maximum of \$1,000.

3. This Part and the foregoing penalties shall not be construed to limit or deny the right of the Borough or any person to such equitable or other remedies as may otherwise be available with or without process of law.

(Ord. 2010-02, 6/8/2010, §6; as amended by A.O.)

