

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 155, NOISE**

Chapter 155, NOISE

[HISTORY: Adopted by the Township Council of the Township of Middletown 4-22-1996 by Ord. No. 567 (Ch. IV, Art. 7, of the 1976 Ordinance Book). Amendments noted where applicable.]

GENERAL REFERENCES

Animals -- See Ch. 63.
Parks and recreation areas -- See Ch. 161.
Streets and sidewalks -- See Ch. 204.
All-terrain vehicles -- See Ch. 227.
Zoning -- See Ch. 275.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 155, NOISE / § 155-1.
Unnecessary noise prohibited.**

§ 155-1. Unnecessary noise prohibited.

It is hereby declared to be a nuisance and it shall be unlawful for any person, firm or corporation to make or cause or suffer or permit to be made or caused, upon any premises owned, occupied or controlled by him or it or upon any public street, alley or thoroughfare in the Township of Middletown, any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to the comfort of any person or which are so harsh or so prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of inhabitants of said Township.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 155, NOISE / § 155-2.
Specific prohibitions.**

§ 155-2. Specific prohibitions.

A violation of any of the following regulations and/or prohibitions is declared to be loud, disturbing, excessive, unreasonable noise and a nuisance in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. Musical instruments, stereos and other sound-producing devices. No person, firm or corporation shall play, use or operate or knowingly permit to be played, used or operated any radio receiving set, musical instrument, phonograph, sound amplifier, loudspeaker or other machine or device for the reproduction of sound upon property (real or personal) or premises owned, occupied or used by him, them or it, so that the sound coming from such machine can be audibly heard at a distance greater than 100 feet from the property or premises wherein such machine or device is located. Nothing herein contained shall be construed to prohibit the otherwise lawful playing of a band or orchestra in any concert hall, auditorium, club room or public park or other public location for a bona fide purpose.
- B. Sound trucks and loudspeakers.
- (1) No person, firm or corporation shall operate a sound truck or loudspeaker on the streets or public places of the Township of Middletown without first obtaining a permit therefor from the Code Enforcement Department. Such permit shall be for a period of one day only. Such permit shall not be transferable from person to person or from sound truck to sound truck and may not be extended as to the date it shall be used nor shall any permit for the operation of such sound truck be issued for use earlier than 8:00 a.m. or later than 9:00 p.m. of the prevailing local time. Every application for a permit shall be accompanied by a permit fee of \$25 or such other amount as may be set by Township Council by resolution from time to time.
 - (2) The application for such permit shall be filed in duplicate with the Township Manager, and the permit issued shall be limited in accordance with the information contained in such application, which shall set forth the following:
 - (a) Name and home address of the applicant.
 - (b) Business address of the applicant.
 - (c) Name and address of the owner of the sound truck.
 - (d) Make and license number of the sound truck.
 - (e) Name and address of the person operating the sound truck.
 - (f) Name and address of the person operating the sound equipment.
 - (g) The purpose for which the sound truck will be used.
 - (h) The proposed hours of operation of the sound truck.
 - (i) A certificate from an engineer that such amplifying machine is so equipped and regulated as to decibels that the sound coming from such machine cannot be audibly heard at a distance greater than 100 feet from the sound truck or amplifying machine.

- (3) After the issuance of said permit, the Township Manager shall return one certified copy of the application to the permittee, together with the permit, which must be in the possession of the operator of the sound truck during such time that the sound-amplifying equipment is in operation. Such certified application and permit shall, upon request, be promptly exhibited to any Code Enforcement Officer or other law enforcement officer of the Township of Middletown.
 - (4) No sound truck or loudspeaker operating pursuant to a permit so issued may be used in such a way that it attracts the attention of motorists or pedestrians, causing the blocking of streets and thereby creating a traffic congestion and hazard.
- C. Horns. It shall be unlawful for any person, firm or corporation to sound any horn or warning device on any automobile, truck, motorcycle, bus or other vehicle, except when required by law or to give timely warning of impending danger to persons driving other vehicles or to persons upon the street. No person shall sound any horn or warning device on any automobile, truck, motorcycle, bus or other vehicle which shall emit an unreasonably loud or harsh sound or for any unnecessary or unreasonable period of time.
- D. Construction work.
- (1) It shall be unlawful for any person, firm or corporation or their agents or employees owning, occupying or performing construction work at any building, premises or other place in the Township of Middletown to operate or permit to be operated any type of machinery, appliance, equipment or hand or power tool for construction purposes which emits noise beyond the premises upon which said machinery, appliance, equipment or hand or power tool is being operated or used between the hours of 9:00 p.m. and 7:00 a.m., current time or on any Sunday or legal holiday.
 - (2) The Code Enforcement Department shall be authorized to permit emergency construction and repair outside of the hours specified above upon submission of adequate proof of the necessity of such work.
- E. Motorized parking lot sweepers. Operating or permitting the operation of any motor vehicle or motor-driven equipment which is designed to collect refuse by rotating broom, vacuum, blower or other method requiring mechanical operation, and which creates during the collection cycle or operation a disturbing noise or any noise audible off of the property on which the vehicle or equipment is being operated is prohibited between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- F. Domestic landscaping and maintenance. No person, firm or corporation shall operate or permit to be operated any power saw, sander, drill, grinder, mower, blower, garden equipment or tools of like nature, used primarily for domestic purposes, outdoors between one hour after sunset and 8:00 a.m. the following day.

G. Operation of ATVs. It shall be unlawful for any person to operate or permit the operation of an ATV (as defined in Chapter 227 of the Middletown Township Code) in violation of Chapter 227, or in any manner such that the sound therefrom creates a noise disturbance which disturbs the peace and quiet of any neighboring property. [Added 11-10-2003 by Ord. No. 650]

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 155, NOISE / § 155-3.
Violations and penalties.**

§ 155-3. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$600, 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 chapter shall be deemed to be a separate and distinct offense.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 227, VEHICLES,
ALL-TERRAIN**

Chapter 227, VEHICLES, ALL-TERRAIN

[HISTORY: Adopted by the Township Council of the Township of Middletown 11-10-2003 by Ord. No. 650. Amendments noted where applicable.]

GENERAL REFERENCES

Noise -- See Ch. 155.
Parks and recreation areas -- See Ch. 161.
Vehicles and traffic -- See Ch. 235.
Zoning -- See Ch. 275.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 227, VEHICLES,
ALL-TERRAIN / § 227-1. Definitions.**

§ 227-1. Definitions.

As used in this chapter, the following terms shall have the following meanings.

ALL-TERRAIN VEHICLE -- Any motor-propelled, off-road, recreational vehicle capable of

cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, which has a net weight of less than 800 pounds, a width of less than 50 inches, which is designed to be straddled by the operator and steered by handle bars and which is designed to travel on three or more low-pressure tires.

ATV -- Includes an all-terrain vehicle or motorcycle.

LAW ENFORCEMENT OFFICER -- Any person charged with enforcement of this chapter, including, but not limited to, any member of the Pennsylvania State Police, the Middletown Township Code Enforcement Officer, Zoning Officer or Township Manager, or any other person or agency authorized by law to enforce the provisions of this chapter.

MOTORCYCLE -- A two-wheeled motor-propelled vehicle which is designed to be straddled by the operator and steered by handle bars, and which is designed or manufactured primarily for off-road use.

OPERATE -- To use an ATV in any manner within Middletown Township, whether or not the ATV is moving.

PRIVATE PROPERTY -- Any land, rights-of-way, roads or other real property owned, maintained or otherwise under the control of any person or entity other than Middletown Township, Delaware County and not available for general use by the public.

STATE LAW -- Any law, statute ordinance, rule or regulation of the Commonwealth of Pennsylvania, or any agency, department or instrumentality thereof.

TOWNSHIP PROPERTY -- Any land, rights-of-ways or roads owned, maintained or otherwise under the control of Middletown Township, Delaware County, Pennsylvania.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 227, VEHICLES,
ALL-TERRAIN / § 227-2. Compliance with state law.**

§ 227-2. Compliance with state law.

Any person who operates an ATV within Middletown Township shall do so only in full compliance with applicable state law, including but not limited to registration and licensing.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 227, VEHICLES,
ALL-TERRAIN / § 227-3. Prohibited operation of ATVs.**

§ 227-3. Prohibited operation of ATVs.

- A. No person shall operate an ATV in Middletown Township except in full compliance with all applicable state laws.
- B. No person shall operate an ATV on any Township property (see also § 161-1E).

- C. No person shall operate an ATV on any private property except with the written consent of the owner of the private property which consent shall be kept in the possession of the ATV operator at all times during the operation of the ATV. The operator of an ATV shall stop and identify himself and produce the written consent to operate the ATV on private property upon the request of the owner of the private property or his representative or a Law Enforcement Officer.
- D. No person shall operate an ATV in any manner which may endanger any person (including the operator of the ATV) or property.
- E. No person shall operate an ATV at a speed greater than that reasonable and prudent considering the existing conditions.
- F. No person shall operate an ATV without an effective and suitable muffling device on its engine which effectively deadens or muffles the noise of the exhaust.
- G. No person shall operate an ATV within 50 feet of any dwelling or other occupied building or structure, except as provided in § 227-4A of this chapter.
- H. No person shall operate an ATV in violation of the provisions of § 155-2G.
- I. No person shall operate an ATV from sunset until 9:00 a.m. of the following day.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 227, VEHICLES,
ALL-TERRAIN / § 227-4. Exceptions.**

§ 227-4. Exceptions.

- A. The operation of an ATV on private property owned by the owner of the ATV shall not require the written permission of the property owner and the ATV may, in such case, be operated within 50 feet of the property owner's dwelling or other occupied building or structure on the owner's property and within 50 feet of a dwelling on an adjacent property if the owner of the ATV has the written consent of the adjacent property owner.
- B. Motorcycles, when duly registered and licensed for operation on public roads and highways, shall be permitted on Township property, but only in areas designated for use by motor vehicles, such as Township roads and parking facilities.
- C. Operation of an ATV shall be permitted on Township property by Township personnel in connection with Township business or by any Law Enforcement Officer or emergency personnel in the performance of official duties.
- D. The operation of an ATV for snow plowing or yard maintenance or by a farmer in connection

with agricultural operations shall not be subject to the prohibitions of this chapter.

**CODE OF THE TOWNSHIP OF MIDDLETOWN, PENNSYLVANIA, v0 Updated
08-01-2009 / PART II GENERAL LEGISLATION / Chapter 227, VEHICLES,
ALL-TERRAIN / § 227-5. Violations and penalties.**

§ 227-5. Violations and penalties.

Any violation of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$600, 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 provision of this chapter shall be deemed to be a separate and distinct offense.