

LONGSWAMP TOWNSHIP  
ORDINANCE NO. 267

AN ORDINANCE OF THE TOWNSHIP OF LONGSWAMP,  
BERKS COUNTY, PENNSYLVANIA, CREATING NUISANCE  
STANDARDS FOR NOISE AND TO PROVIDE FOR  
ENFORCEMENT OF THE ORDINANCE AND ESTABLISHMENT  
OF PENALTIES FOR VIOLATIONS OF THE SAME

WHEREAS, the Board of Supervisors of the Township of Longswamp, Berks County, Pennsylvania has determined that the health, safety and welfare of the residents of the Township of Longswamp is adversely affected by unreasonable noise; and

WHEREAS, the Board of Supervisors of the Township has considered various sources of noise and creates this Ordinance to define unreasonable noise as a nuisance, to establish penalties for creating or permitting a nuisance and to establish guidelines for the enforcement of this Ordinance;

NOW THEREFORE, be it ENACTED and ORDAINED by the Board of Supervisors of the Township of Longswamp, regulating nuisances in the Township as follows:

Section 1. This Ordinance shall be known and may be cited as the "Nuisance Ordinance" of the Township of Longswamp.

Section 2. The following words, as used in this Ordinance, shall have the following meaning(s):

A. Nuisance: Any use of a property or conduct, or activity or condition upon a property within Longswamp Township that shall cause or

result in annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word "nuisance" shall include by shall not be limited to the following:

1. Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments, and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.
2. Operation of motorcycles, all-terrain vehicles, or snowmobiles in such an excessive manner as to annoy a reasonable person of normal sensitivities.
3. Owning, possessing, controlling, or harboring any animal or fowl which barks, bays, cries, squawks, or makes any other such noise continuously and/or intermittently for an extended period of time which annoys or disturbs a reasonable person of normal sensitivities.
4. Operation of mechanically powered lawn movers, tractors, power tools, chain saws or similar devices in a residential area which annoys or disturbs a reasonable person of normal sensitivities shall be prohibited from 10:00 p.m. until 7:00 a.m. Monday -Saturday and 10:00 p.m. until 8 a.m. on Sundays and Holidays.

B. Person: Any natural person, partnership, association, firm or corporation. In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

Section 3. Unlawful to Create or Maintain Nuisances. It shall be unlawful for any person to create, continue, cause, maintain, or permit to exist any nuisance within Longswamp Township.

Section 4. Penalty for Violation. Any person who shall violate any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars no more than One Thousand (\$1000.00) Dollars and costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than thirty (30) days. Each day during which any person violates any provisions of this ordinance shall constitute a separate offense.

Section 5. Exceptions. The following activities and individuals are hereby exempt from the provisions of Section 2; use of public athletic and recreational facilities for events organized and operated by state, county or local athletic or recreation associations or organizations; state or municipal road repairmen or utility repairmen or emergency services personnel, working within the course of their employment in their capacity as road repairmen, utility repairmen and emergency services providers; and persons engaged in commercial agriculture, including but not limited to, cultivation and harvesting of crops, and/or the care of livestock.

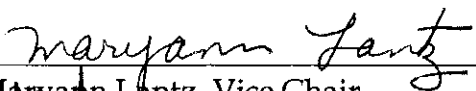
Section 6. Severability. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

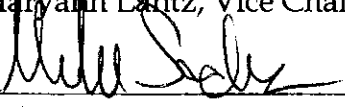
Section 7. Effective Date. This ordinance shall become effective five (5) days after the enactment of this ordinance.

ENACTED AND ORDAINED this 9<sup>th</sup> day of November, 2011.


BOARD OF SUPERVISORS OF  
LONGSWAMP TOWNSHIP, BERKS  
COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
Steve Wyka, Chair

  
\_\_\_\_\_  
Maryann Lantz, Vice Chair

  
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Mike Sacks, Supervisor

Attest:

  
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Township Secretary