

CHAPTER 10

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PART 1

GRASS AND WEEDS

§10-101. Grass and Weeds to be Cut or Removed.

No person or persons, partnership, association, firm or corporation, owning or occupying any property in the Borough of Ambler, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for a useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen.

(Ord. 414, 3/11/1957, §1)

§10-102. Duty of Owners and Occupants of Premises.

The owner of any premises, as to vacant premises and premises occupied by the owner, and the occupant thereof, as to premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of any of the provisions of §10-101 of this Part.

(Ord. 414, 3/11/1957, §2)

§10-103. Notice by Borough; Authority for Borough to Cut or Remove Grass and Weeds and Collect Cost.

The Borough Council, or any officer or employee of the Borough designated by the Council for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of the premises whereon grass, weeds or other vegetation is growing or remaining in violation of any of the provisions of §10-101 of this Part, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation so as to conform to the requirements of this Part, within five days after issuance of such notice. In case any person or persons, association, partnership or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person or persons, partnership, association, firm or corporation, in the manner provided by law.

(Ord. 414, 3/11/1957, §3)

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§10-104. Penalty for Violation.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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.]

2. Further, provided, however, that where the owner or occupant has been given notice personally, or by certified mail, which notice shall set forth the time, place and nature of the violation, no prosecution shall be instituted for 48 hours after said notice and if during said 48 hour period the offender shall voluntarily enter a plea of guilty, abate the prohibited conditions and pay a fine of \$10 to the Borough Secretary for the use of the Borough, no prosecution for such offense shall thereafter be brought.

(Ord. 414, 3/11/1957, §4; as amended by Ord. 651, 2/16/1976, §1; by Ord. 668, 5/16/1977; by Ord. 785, 11/21/1983; and by A.O.

PART 2

PRIVATE WELLS

§10-201. Drilling of Private Wells Restricted.

Effective immediately, no private wells shall be drilled within the corporate limits of the Borough of Ambler, other than wells used exclusively for the supplying of water for industrial or cooling purposes; provided, that prior to any such well being used, the owner shall procure, from the Borough Health Officer, a certificate of inspection, certifying that the water to be supplied from said private well is to be used exclusively for industrial or cooling purposes, and is so handled as not to be available for purposes of human consumption.

(Ord. 517, 10/11/1965, §1; as amended by Ord. 523, 4/11/1966, §1; and by A.O.

§10-202. Notice of Location of Private Wells; Abandonment of Unlawful Wells; Certificate of Inspection.

All owners of properties on which are located private wells shall, within 30 days of passage of this Part, notify the Borough Secretary as to the location of such private wells, in order that an inspection of said private wells may be made by the Borough Health Officer. In the case of any well not used exclusively for the supplying of water for industrial or cooling purposes, the Borough Health Officer shall arrange with such property owner the appropriate capping and discontinuance of user of said private well. In the case of any well used exclusively for the supplying of water for industrial or cooling purposes, the Borough Health Officer shall, as a condition of continued use of such well, issue a certificate of inspection, certifying that the water supplied from said private well is used exclusively for industrial or cooling purposes and is so handled as not to be available for purposes of human consumption.

(Ord. 517, 10/11/1965, §2)

§10-203. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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. 517, 10/11/1965, §3; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 3

**STORAGE OF MACHINERY, EQUIPMENT AND/OR MATERIALS ON PRIVATE
GROUNDS**

§10-301. Definitions.

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

LESSEE OR LICENSEE — the person using the land with the permission of the owner under a lease or license and who is responsible for the existence of the object or conditions causing the nuisance or danger on the land.

NUISANCE — any condition, structure, object or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough.

OWNER — the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association or corporation.

PERSON — a natural person, firm, partnership, association, corporation or other legal entity.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 867, 7/15/1991, §1)

§10-302. Health Hazards and Nuisances Prohibited.

It shall be unlawful for any person to create or maintain any condition upon their property which could directly or indirectly cause a nuisance or health hazard to residents of the Borough. Specifically, the unsheltered storage or maintenance of unused, stripped, damaged and generally unusable machinery or equipment or materials shall be considered a nuisance and/or health hazard if any of the following conditions exist:

- A. Broken glass or metal parts with sharp or protruding edges.
- B. Openings or areas which are conducive to the harboring and growth of vermin.
- C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt or fall from its original storage position.

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- D. Contains any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons.
- E. Any other condition which, in the opinion of the inspecting official, shall be deemed to be a health hazard, potential health hazard or nuisance.

(Ord. 867, 7/15/1991, §2)

§10-303. Storage Requirements.

1. Storage of such items as listed in §10-302, hereof, on personal property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Borough ordinance or in State or Federal laws. Each person, owner or lessee desiring to store items described in §10-302 must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided, from time to time, by resolution of the Borough Council. The nuisance(s) must be stored within a garage or other enclosed building or outside within an opaqued fence at least six feet high which is locked at all times when unattended. With the special approval of the Borough Council nuisances may also be stored outside in an area enclosed by a chain link fence, at least six feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition the machinery, equipment or materials shall be kept free of vermin infestation while being stored and all gas, oil or other potentially hazardous substances shall be removed.
2. Nothing herein shall be construed to permit the storage of machinery, equipment or material nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 867, 7/15/1991, §3)

§10-304. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds on which machinery, equipment and/or various materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the conditions as set forth therein within 10 days of mailing or posting of said notice and thereafter to full comply with the requirements of the notice within a reasonable time.

(Ord. 867, 7/15/1991, §4)

§10-305. Authority to Remedy Noncompliance.

If the owner, lessee or licensee of grounds on which machinery, equipment and/or materials are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions plus 10% of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 867, 7/15/1991, §5)

§10-306. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Appeals; provided, he files with the Board of Appeals within 10 days after notice of the Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Board of Appeals shall sustain, modify or overrule the action of the Enforcement Officer.

(Ord. 867, 7/15/1991, §6)

§10-307. Penalties.

Any person, firm or corporation who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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. 867, 7/15/1991, §7; as amended by A.O.)

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§10-308. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part or any remedy provided by law shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(Ord. 867, 7/15/1991, §8)

PART 4

**STORAGE OF MOTOR VEHICLES OR PARTS THEREOF ON PRIVATE
GROUNDS**

§10-401. Definitions.

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

LESSEE OR LICENSEE — the person using the land with the permission of the owner under a lease or license and who is responsible for the existence of the object or conditions causing the nuisance or danger on the land.

MOTOR VEHICLE — any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public street or highways and including trailers or semi-trailers pulled thereby.

NUISANCE — the maintaining of any motor vehicle or part thereof on private property which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough or is a prohibited physical defect enumerated in §10-402 of this Part.

OWNER — the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON — a natural person, firm, partnership, association, corporation or other legal entity.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 866, 7/15/1992, §1)

§10-402. Motor Vehicle Nuisances Prohibited.

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or less within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirror or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harbor-age.

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- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges, including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken headlamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts, apart from the motor vehicle, stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunks.
- N. Open or damaged floor boards, including trunk and firewall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended or unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough

(Ord. 866, 7/15/1991, §3)

§10-403. Storage of Antique Motor Vehicles or Parts Thereof.

Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §10-402 above in connection with an antique motor vehicle being restored may store such vehicle(s) in the Borough only in strict compliance with the regulations provided

herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided, from time to time, by resolution of the Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within a opaqued fence at least six feet high which is locked at all times when unattended. With the special approval of the Borough Council motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence at least six feet high which, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 200 square feet. All restored antique vehicles shall be treated the same as any other motor vehicle whose storage is not a violation of this Part. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance [Chapter 27].

(Ord. 866, 7/15/1991, §3)

§10-404. Inspection; Notice to Comply.

1. The Enforcement Officer is hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

(Ord. 866, 7/15/1991, §4)

§10-405. Authority to Remedy Noncompliance.

If the owner, lessee or licensee of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

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(Ord. 866, 7/15/1991, §5)

§10-406. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Board of Appeals; provided, he files with the Board of Appeals 10 days after notice of the Enforcement Officer's decision a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Board of Appeals shall sustain, modify or overrule the action of the Enforcement Officer.

(Ord. 866, 7/15/1991, §6)

§10-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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. 866, 7/15/1991, §7; as amended by A.O.)

§10-408. Remedies Not Mutually Exclusive.

The remedies provided herein for the enforcement of this Part or any remedy provided by law shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively, at the option of the Borough Council.

(Ord. 866, 7/15/1991, §8)

§10-409. Exceptions.

There is specifically excepted from the operation of this Part any owner or person as defined in this Part who maintains a commercial enterprise that involves the storage on its premises of any motor vehicle awaiting repair or refurbishing; provided:

- A. The commercial establishment is at the time of passage of this Section, in compliance with all ordinances and orders of administrative bodies of the Borough applicable to such operations.

B. The motor vehicle in storage has not been there for more than six months.

(Ord. 866, 7/15/1991; as added by Ord. 881, 11/19/1991, §1)

PART 5

EXCESSIVE NOISE

§10-501. Intent.

The Ambler Borough Council does hereby find and declare that at certain levels, noise is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the Borough. This Part is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of the Borough through the reduction, prohibition and regulation of noise. It is the intent hereof to establish and provide for sound levels that will eliminate unnecessary and excessive noise, reduce traffic and community noise and establish noise standards and sound levels that will promote a comfortable enjoyment of life, property and conduct of business and prevent sound levels which are physically harmful and detrimental to individuals and the community.

(Ord. 968, 12/16/2002)

§10-502. Prohibited Acts.

It shall be unlawful for any person to willfully make or continue or cause to be made or continued any unnecessary noise within the Borough as heard without measurement or as heard and measured in the manner prescribed elsewhere herein. Further, the following are specifically prohibited:

- A. Radios, Televisions Sets, Phonographs and Similar Devices. It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement or as heard and measured in the manner described elsewhere herein. The operation of any such set, instrument, television, phonograph, machine or other device at any time in such a manner as to be plainly audible at either the property line or 25 feet in the case of a vehicle on public right-of-way, shall be prima facie evidence of a violation of this Section.
- B. Exhausts, Mufflers. No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motor boat, motor vehicle or other power device except through a muffler or other noise-reducing device which is in good order and free of defects.
- C. Bells and Chimes. Between the hours of 10:00 p.m. and 6:00 a.m., it shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school.

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- D. **Quiet Zone.** The creation of any unnecessary noise is prohibited within the vicinity of any school, institution of learning or church while the same are in use or session, which unreasonably interferes with the working of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospital or residents in the nursing home or home for the aged; provided, conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court.
- E. **Truck Loading Operations.** Between the hours of 10:00 p.m. and 6:00 a.m., the loading, unloading, opening or otherwise handling of boxes, crates, containers, garbage containers or other objects in such a manner as to cause a disturbance and the loading of any garbage, trash or compactor truck, or any other truck whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential area.
- F. **Vehicle Repair or Testing.** It shall be unlawful to repair, rebuild, modify or test any truck, automobile, motorcycle or other motor vehicle in such a manner as to cause a disturbance and such activities shall, in all cases, be subject to the maximum permissible sound pressure level for the district in which the source is located, as hereinafter set forth.
- G. **Machinery, Motors, Fans, Air Conditioners and Other Mechanical Equipment.** It shall be unlawful to operate any machinery, equipment, pump, fan, air conditioning apparatus or similar mechanical device within the Borough in excess of the maximum permissible sound pressure level for the district in which the source is located, as hereinafter set forth.
- H. **Commercial Power Equipment.** Between the hours of 10:00 p.m. and 6:00 a.m., no person shall operate on any property within a residential or business district(s) or on any public way within residential or business district(s) any power equipment rated more than five horsepower such as, but not limited to, chain saws, pavement breakers, lot chippers, riding tractors or powered hand tools. Construction equipment used for construction activities are regulated under subsection (J) of this Section and are therefore excluded from the restrictions of this subsection.
- I. **Domestic Power Equipment.** Between the hours of 10:00 p.m. and 6:00 a.m., no person shall operate or permit to be operated on private property or on the public way within any residential or business district(s) any power equipment rated five horsepower or less and used for home or building repair or grounds maintenance. Such power equipment shall include, but not be limited to, lawnmowers, leaf blowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance.

- J. Construction Activities. Between the hours of 9:00 p.m. and 6:00 a.m., no person shall operate or cause to be used or operated any equipment used in construction activities within any residential or business district. Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the period within which construction is to be completed pursuant to any applicable building permit.
- K. Amplified Sound.
- (1) Prohibitions.
- (a) It shall unlawful for any person to operate a loudspeaker or sound amplifying equipment in a fixed or movable position or attached to or mounted upon any structure or motor vehicle, within the Borough, for the purpose of paging, giving instructions, directions, talks, addresses or lectures or for transmitting music or sound to any person or assemblages of persons except passengers within the vehicle or except when such loudspeaker or sound amplifying system does not project sound which is audible in any residential area or residential zone district; provided, however, that a temporary permit, as described elsewhere herein, may be applied for, for public events or specific activities such as, but not limited to, concerts, speeches, athletic events, parades or lectures held in public places or parks in the Borough.
- (b) The provisions of this subsection shall not apply to public emergencies or authorized emergency vehicles when such authorized emergency vehicles are responding to an emergency call or when in pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from a fire alarm.
- (c) The provisions of this subsection shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school so long as such sounds comply with the time limitations set forth elsewhere herein for such sound.
- (2) Permit Information. An application for a permit shall be made to the Borough Manager and shall include the following information:
- (a) The name, address and telephone number of both the owner and user of the sound amplifying equipment.
- (b) The license number of the sound truck which is proposed to be used.

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- (c) The general description of the sound amplifying equipment which is to be used.
 - (d) Whether the sound amplifying equipment is proposed to be used for commercial or noncommercial purposes.
 - (e) The location, times and dates upon which, and/or the streets over which, the equipment is proposed to be operated.
- (3) Permit Issuance.
- (a) Conditions. Any permit granted by the Borough Manager shall contain all conditions upon which said permit has been authorized and shall specify the times, dates and locations that the permit shall be effective.
 - (b) Criteria. In deciding whether or not to issue a permit pursuant to this subsection (K), the Borough Manager shall consider:
 - 1) The number of people who would benefit from the amplification as opposed to those who would be annoyed by it.
 - 2) The proposed dates and hours of operation of the sound amplifying equipment and its anticipated adverse impacts.
 - 3) Whether the sound amplifying equipment is proposed to be used for commercial or noncommercial purposes.
 - 4) The proposed location(s) from which sound is proposed to be amplified and its proximity to schools, hospitals or residential areas.
 - 5) Whether there are reasonably alternative times, places or manners in which or by which amplified messages or sounds can be communicated.
 - 6) Whether the amplified sound can be controlled so that it will not be unreasonably loud, raucous, annoying, disturbing or a nuisance to the impacted neighborhood.
- L. Vendors. It shall be unlawful for any person engaged in the sale of newspapers, magazines or other goods or merchandise to make any unnecessary noise, to obstruct any sidewalk or other public place, or to disturb or impede others.
- M. Places of Public Entertainment. Operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment

that exceeds those shown in the following Table at any point that is normally occupied by a person is prohibited:

Duration, Hours Per Day	Sound Pressure Level dB(A) Slow Response
8	90
6	92
4	95
3	97
2	100
1 1/2	102
1	105
1/2	110
1/4	115

(Ord. 968, 12/16/2002, §1)

§10-503. Maximum Permissible Continuous Sound Pressure Levels.

It shall be unlawful for any person to operate or permit to be operated any stationary, continuous source of noise in such a manner as to create a sound pressure level which exceeds the limits set forth in the following table more than 90% of any hour when measured at the property boundary or at any point within the property affected by the noise. When a noise source can be identified and its noise measured in more than one and use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

SOUND PRESSURE LEVEL LIMIT dB (A)

Use District Day 6:00 a.m. – 7:00 p.m.	Night 7:00 p.m. – 6:00 a.m.
Residential 55	50
Business 60	55
Industrial As set forth in Zoning Ordinance [Chapter 27]	As set forth in Zoning Ordinance [Chapter 27]

(Ord. 968, 12/16/2002, §2)

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§10-504. Noises Permitted.

1. Emergencies. Noise created in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this Part. Fire and civil emergency sirens positioned in the Borough are likewise not subject to the provisions of this Part.
2. Undue Hardship.
 - A. Permits. Applications for a permit for relief from the sound pressure levels designated in this Part on the basis of undue hardship may be made to the Borough Manager. Any permit granted by the Borough Manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Borough Manager, or his duly authorized representative, may grant the relief as applied for only if he finds:
 - (1) Additional time is reasonably necessary for the applicant to alter or modify his activity or operation to comply with this Part.
 - (2) The activity or operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this Part.
 - (3) No other reasonable alternative is available to the applicant.
 - B. The Borough Manager, or his duly authorized representative, may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.
3. Public Events. Application for a permit to hold a public event which may violate the provisions of this Part shall be made to the Borough Manager. Such permit shall be valid only at the specified time and on the specific date noted in the permit.
4. Snow Removal Equipment. Snow removal equipment may be utilized for the purpose of timely snow removal following a snowfall and shall not be subject to the provisions of this Part.
5. Equipment Operation by Municipal Workers. Borough employees are exempt from the limitations on the use of equipment, when doing so in the course of their employment.

(Ord. 968, 12/16/2002, §3)

§10-505. Enforcement.

1. The Borough Manager, the Ambler Borough Police Department and any employee or outside agency designated for code enforcement shall have the power to enforce the provisions of this Part and are hereby given the power and authority to do so.
2. Whenever enforcement of this Part requires the measurement of sound or noise, it shall be measured with a sound-level meter which meets the standards of the American Standards Association. It shall be calibrated and kept in good working order. A check for calibration shall be made at the time of any noise measurement. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen will be used when necessary. The slow meter response of the sound-level meter shall be made at the property line of the property on which such noise is generated or perceived, five feet above the ground. In the case of an elevated or directional sound or noise source, compliance is to be maintained at any elevation at the boundary.

(Ord. 968, 12/16/2002, §4)

§10-506. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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. Ambler Borough reserves the right to seek a civil injunction of any violation of this Part, in addition to the penalties here provided.

(Ord. 968, 12/16/2002, §5; as amended by A.O.