

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 10 AND CHAPTER 27 OF THE SOLEBURY
TOWNSHIP CODE OF ORDINANCES REGARDING
EXCESSIVE NOISE**

WHEREAS, Section 1516 (53 P.S. § 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, the proposed amendments are geared toward fulfilling the Township’s obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. § 10609);

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. Chapter 10 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. REVISE Section 10-203.1.B. to **REPLACE** the phrase “any reasonable person” with “a reasonable person of ordinary sensibilities” so that it now reads:

Excessive Noise Prohibited. In addition to the above, it is hereby declared to be a nuisance and shall be unlawful for any person, firm or business entity to make, cause, suffer or permit to be made or caused upon a property owned, occupied or controlled by him or it or upon any public land, street, alley or thoroughfare in the Township any excessive noises or sounds, by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments) or by any other means or methods which are physically annoying to the comfort of a reasonable person of ordinary sensibilities or which are so harsh, prolonged, unnatural or unusual in their use, time and place, as to occasion physical discomfort, or which are otherwise injurious to the lives, health,

peace and comfort of the inhabitants of the Township or any number of residents thereof.

B. REVISE Section 10-203.1.C.(1) to REPLACE the phrase “any person” with “a reasonable person of ordinary sensibilities” so that it now reads:

Possessing, harboring or keeping an animal or bird which makes any noise continuously and/or persistently for a period of 15 minutes or more, in such a manner as to disturb or annoy a reasonable person of ordinary sensibilities at any time of the day or night, regardless of whether the animal is situated upon private property.

C. REVISE Section 10-203.1.C.(2) to REPLACE the word “persons” with the phrase “a reasonable person of ordinary sensibilities” so that it now reads:

Operating, playing or permitting the operation of playing or any radio, television, audio equipment, sound amplifier, musical instrument or other such device between the hours of 10:00 p.m. and 9:00 a.m. in such a manner as to cause annoyance to a reasonable person of ordinary sensibilities.

D. REVISE Section 10-203.1.C.(4) to REPLACE the word “persons” with the phrase “a reasonable person of ordinary sensibilities” so that it now reads:

Repairing, rebuilding, modifying, testing or operating a motor vehicle, Motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to a reasonable person of ordinary sensibilities across a real property boundary from the noise source.

E. REVISE Section 10-203.1.C.(5) to REPLACE the word “persons” with the phrase “a reasonable person of ordinary sensibilities” so that it now reads:

Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used out of doors between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause annoyance to a reasonable person of ordinary sensibilities across a real property boundary from the noise source.

II. Chapter 27 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. REVISE Section 27-2512.5.c. to REPLACE the phrase “any reasonable person” with “a reasonable person of ordinary sensibilities” so that it now reads:

Excessive Noise Prohibited. In addition to the above, it is hereby declared to be a nuisance and shall be unlawful for any person, firm or business entity to make, cause, suffer or permit to be made

or caused upon a property owned, occupied or controlled by him or it or upon any public land, street, alley or thoroughfare in the Township any excessive noises or sounds, by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments) or by any other means or methods which are physically annoying to the comfort of a reasonable person of ordinary sensibilities or which are so harsh, prolonged, unnatural or unusual in their use, time and place, as to occasion physical discomfort, or which are otherwise injurious to the lives, health, peace and comfort of the inhabitants of the Township or any number of residents thereof.

B. REVISE Section 27-2512.5.d.i. to REPLACE the phrase “any person” with “a reasonable person of ordinary sensibilities” so that it now reads:

Possessing, harboring or keeping an animal or bird which makes any noise continuously and/or persistently for a period of 15 minutes or more, in such a manner as to disturb or annoy a reasonable person of ordinary sensibilities at any time of the day or night, regardless of whether the animal is situated upon private property.

C. REVISE Section 27-2512.5.d.ii. to REPLACE the word “persons” with the phrase “a reasonable person of ordinary sensibilities” so that it now reads:

Operating, playing or permitting the operation or playing of any radio, television, audio equipment, sound amplifier, musical instrument or other such device between the hours of 10:00 p.m. and 9:00 a.m. in such a manner as to cause annoyance to a reasonable person of ordinary sensibilities in the vicinity.

D. REVISE Section 27-2512.5.d.iv. to REPLACE the word “persons” with the phrase “a reasonable person of ordinary sensibilities” so that it now reads:

Repairing, rebuilding, modifying, testing or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to a reasonable person of ordinary sensibilities across a real property boundary from the noise source.

E. REVISE Section 27-2512.5.d.v. to REPLACE the word “persons” with the phrase “a reasonable person of ordinary sensibilities” so that it now reads:

Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used out of doors between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause annoyance to a reasonable person of ordinary sensibilities across a real property boundary from the noise source.

III. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

IV. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

V. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2025.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

Hanna Howe, Vice Chair

Christy Cheever, Member

John Francis, Member

Kevin Morrissey, Member

Attest:

Catherine Cataldi, Township Secretary