Bill No. 33 - 2018

**ORDINANCE NO. \_\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 509 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED “ENFORCEMENT AND GENERAL PENALTY”

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That Article 509.03 of the Codified Ordinances of the City of Bethlehem, which presently reads as follows:

509.03        UNNECESSARY NOISE BY OR FROM A MOTOR VEHICLE A NUISANCE

~~(a)     The making of unnecessary noise, by or from a motor vehicle upon, near or adjacent to the streets or other public places in the City by horns, engine whistles, bells, sirens, radios, amplifying systems or otherwise, is declared to be a public nuisance. Prohibited conduct shall include, but not be limited to the following:~~

~~(1) No person shall operate or allow to be operated a radio, stereo, boom box, tape and/or CD player or any other type of sound reproduction device at a sound level which is audible at a distance of greater than forty (40) feet from the location of such motor vehicle.~~

~~(2) No person shall operate or allow to be operated a motor vehicle unless the vehicle is equipped with a muffler or other effective noise suppressing system in good working order and in constant operation. Further, no muffler or exhaust system shall be equipped with a cutout, bypass or similar device so as to cause unnecessary noise.~~

~~(3) No person shall operate or allow to be operated a motor vehicle or any equipment attached thereto on a public right of way at any time in such a manner that the sound emitted by the motor vehicle or any equipment attached thereto exceeds the levels set forth in Pennsylvania Department of Transportation Regulations Title 67, Chapter 157, Subchapter B, 67 Pa. Code § 157.11, and all amendments thereto.~~

~~(4) No person shall cause or allow the making of more than one false alarm within twenty-four (24) hours by a motor vehicle alarm.~~

~~(b)     The provisions of this Section 509.03(a) shall not apply to:~~

~~(1) Police, Fire and Ambulance Vehicles or Devices.~~

~~The emission of sound, including radios, public address systems or other communications devices from a police, fire and/or ambulance vehicle.~~

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~~(2) Municipal and Utility Services Vehicles or Devices.~~

~~The emission of sound from a municipal and/or utility services vehicle or device.~~

~~(3) Places of Religious Worship.~~

~~The sound of any bell or chime used in conjunction with places of religious worship.~~

~~(4) Political and Labor Rallies, Athletic Events or City of Bethlehem Licensed, Permitted or Authorized Events.~~

~~The use of devices such as public address systems, amplifying systems, bull horns, musical instruments, tape messages or similar devices which are used at political or labor rallies, or athletic events or other City of Bethlehem licensed, permitted or authorized events to the extent already protected by law.~~

~~(5) Construction and Improvements~~

~~The operating of any tools or equipment used in construction, drilling or demolition work, provided that such work does not occur between 9:00 p.m. and 6:00 a.m. unless a special permit is obtained from the Community and Economic Development Director or his designated representative.~~

~~(6) Emergencies~~

~~The emission of sound for the purpose of alerting persons to the existence of an emergency or emitted in response to an emergency.~~

~~(c)      The provisions of this ordinance are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, including Title 18 and Title 75, Pennsylvania Consolidated Statutes. If more stringent requirements are contained elsewhere the more stringent rules or regulations shall apply. Any sound measurements required to be made on a sound level meter shall be performed, and required calibrations shall be made, pursuant to Pennsylvania Department of Transportation Regulations Title 67, Chapter 157, and all amendments thereto.~~

Shall be amended to read:

509.03        UNNECESSARY NOISE BY OR FROM A MOTOR VEHICLE A NUISANCE

**[Reserved] *Note: Cross-reference to Article 717.06.***

SECTION 2: That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

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 Sponsored by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Passed finally in Council this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018.

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 President of Council

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

 This Ordinance approved this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018.

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 Mayor