

Chapter 6

CONDUCT

Part 1

PROHIBITING DISCHARGE OF FIREARM OR SIMILAR DEVICE

§ 6-101. Discharge of Firearms Prohibited. [Ord. 25, 9/8/1959; as revised by Ord. No. 2005-7, 12/19/2005]

Except in necessary defense of person and property and except as provided in § 6-103 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Township.

§ 6-102. Use of Air Rifles, Bow and Arrows or Similar Devices. [Ord. 25, 9/8/1959; as revised by Ord. No. 2005-7, 12/19/2005]

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Township, except as provided in § 6-103 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

§ 6-103. Exceptions. [Ord. 25, 9/8/1959; as revised by Ord. No. 2005-7, 12/19/2005]

1. This Part shall not apply to:
 - A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
 - B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.
 - C. Any law enforcement officers when used in the discharge of their official duties.

§ 6-104. Penalties. [Ord. 25, 9/8/1959; as revised by Ord. No. 2005-7, 12/19/2005]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 90 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.

Part 2

ESTABLISHMENT OF CURFEW

§ 6-201. Definitions and Interpretation. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

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

MINOR — Person under the age of 18 years.

PARENT — Any natural parent of a minor, as herein defined, or a guardian or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one or both parents.

PUBLIC PLACE — Any public street, alley, sidewalk, park, playground, public building or vacant lot in the Township.

REMAIN — To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or for interacting minors) totaling four or more persons in which any minor involved would not be using the streets for emergencies or ordinary purposes such as mere passage of going home.

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.

§ 6-202. Purposes. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

This is a curfew ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Township from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility and for the public good, safety and welfare.

§ 6-203. Curfew; Exceptions. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

1. It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Township, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Township, between the hours of 10:30 p.m. and 6:30 a.m. on the following day. Exceptions to the above are the following:
 - A. Minor accompanied by parent, guardian or other person having legal care or custody of such minor.
 - B. Minor possessing a written statement dated that day and signed by parent, guardian or other person having the legal care of custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.
 - C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.

- D. Minor on an emergency errand.
- E. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (B) above.

§ 6-204. Parents Not to Permit Violation. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part without legal justification therefor.

§ 6-205. Procedure Upon Violation. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

Any minor found upon the streets, alleys, parks or public places within the Township in violation of § 6-202 shall be taken into custody by the Township police or legally deputized individual, be delivered to his parent(s), guardian or person having the legal custody of said minor, and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of § 6-202, said parent, guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be cited for the violation.

§ 6-206. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

Any minor who shall violate this Part more than three times may, at the discretion of the proper Township officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of § 6-202 of this Part cannot be made effective by the imposition of fines and penalties.

§ 6-207. Police Discretion in Age Determination. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

The Police Officers of the Township in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

§ 6-208. Penalties. [Ord. 1/1/1971, 1/1/1971; as revised by Ord. No. 2005-7, 12/19/2005]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 90 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.

Part 3
FALSE ALARMS

§ 6-301. Title. [Ord. 2003-7, 9/22/2003, § I]

This Part shall be known and cited as the "Sandy Township False Alarm Ordinance."

§ 6-302. Definitions. [Ord. 2003-7, 9/22/2003, § II]

1. The following definitions shall apply in the interpretation and enforcement of this Part:

ALARM — A communication to a public safety agency indicating that a crime, fire or other emergency warranting immediate action by that public safety agency has occurred or is occurring.

ALARM DEVICE — A device designed to automatically transmit an alarm:

- A. Directly to a public safety agency.
- B. To a person that is instructed to notify the public safety agency of the alarm.

AUTOMATIC DIALING DEVICE — A device which is interconnected to a telephone line and preprogramed to transmit the coded signal of an alarm to a dedicated telephone trunk line or to dial a predetermined telephone number to an alarm to a public safety agency.

DEDICATED TELEPHONE TRUNK LINE — A telephone line or lines which serve a public safety agency which is dedicated to receiving transmissions from an automatic dialing service.

FALSE ALARM — Any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given to which police, fire department or emergency response agencies respond which is not the result of an attempted illegal entry, burglary, intrusion, fire, medical or other similar emergency, excluding weather extremes and utility interruptions, which activates a protection device.

PERSON — An individual, corporation, partnership, incorporated association or other similar entity.

PUBLIC SAFETY AGENCY — The Pennsylvania State Police or any municipal police or fire department.

§ 6-303. False Alarms Prohibited. [Ord. 2003-7, 9/22/2003, § III]

It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises within Sandy Township, to make or cause to be made, a false fire or security alarm, directly or indirectly, to any fire department or emergency response agency responding to alarms within the Township, when the false alarm is caused by faulty detection or alarm equipment or by the negligence of said property owner, lessee or person.

§ 6-304. False Alarm Service Fees. [Ord. 2003-7, 9/22/2003, § IV]

1. The status of an alarm is to be determined by the Police Department or Fire Company, or other affected emergency response agency, and the decision shall be final.
2. Upon notification of a false alarm, a written report shall be made within 14 days by the owner or lessee to the affected emergency response agency and shall contain what steps have been taken to eliminate future false alarms.
3. Service fees for false alarms shall be assessed by the Township as follows:
 - A. Third false alarm in any one calendar year shall be subject to a service fee of \$50.
 - B. Fourth false alarm in any one calendar year shall be subject to a service fee of \$100.
 - C. Fifth and subsequent false alarms in any one calendar year shall be subject to a service fee of \$200.

§ 6-305. Penalties and Remedies for Violations. [Ord. 2003-7, 9/22/2003, § V; as amended by Ord. No. 2005-7, 12/19/2005]

1. In the event a violation of this Part occurs, in addition to such other remedies as may be available under existing law, the Township may institute an action in equity to prevent, restrain, correct, abate or enjoin such violation.
2. Any person, whether as principal or agent, who violates this Part or assists or abets its violation shall, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment in the Clearfield County Prison not to exceed 90 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.

Part 4 PROHIBITING UNNECESSARY NOISE

§ 6-401. Definitions. [Ord. No. 2019-2, 4/15/2019]

As used in this Part, the following terms shall have the meanings indicated:

A-WEIGHTED SOUND LEVEL — The sound pressure level in decibels as measured on a sound level meter using the A- weighting network. The level so read is designated dB(A).

DECIBEL (dB) — A unit for measuring the sound pressure level, equal to 20 times the logarithm to the base 10 of the ratio of pressure of the sound measured to the referenced pressure, which is 20 micropascals (micronewtons per square meter).

EXTRANEIOUS SOUND — A sound which is neither part of the neighborhood residual sound nor comes from the source under investigation.

IMPULSIVE SOUND — Sound of the short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

NEIGHBORHOOD RESIDUAL SOUND LEVEL — That measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous and transient sounds and the sound from the source of interest.

NOISE — Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE — Any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property.

PERSON — Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. "Person" includes the owner or operator of the noise disturbance source, the owner, tenant or manager of real property from which the noise disturbance emanates and any other individual responsible for producing the noise disturbance or allowing such disturbance to occur.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon which are owned or controlled by a governmental entity.

PURE TONE — Any sound which can be heard as a single pitch or a string of single pitches.

REAL PROPERTY — All land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas to public right-of-way.

REAL PROPERTY BOUNDARY — Either:

1. The imaginary line, including its vertical extension, that separates one parcel of real property from another;
2. The vertical and horizontal boundaries of a dwelling unit that is one in a multidwelling unit building; or
3. The vertical and horizontal boundaries of a dwelling unit or commercial unit of mixed residential-business use building.

RESIDENTIAL AREA — An area where people reside.

SOUND — An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL — The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S 1.4-1971, or the latest version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER — An instrument used to measure sound level and which conforms to Type 1 or Type 2 standards as specified in ASI specifications S 1.4-1971.

SOUND PRESSURE — The instantaneous difference between the actual pressure and the average of barometric pressure at a given point in space, as produced by sound energy.

SOUND PRESSURE LEVEL — The level of a sound measure in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

TRANSIENT SOUND — A sound whose level does not remain constant during measurement.

VIBRATION — An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

WEEKDAY — Any day, Monday through Friday, which is not a legal holiday.

ZONING CLASSIFICATIONS — Those which have been enacted by the Board of Supervisors of Sandy Township in Chapter 27 of the Code of Ordinances of Sandy Township, as may be amended from time to time.

§ 6-402. Prohibitions. [Ord. No. 2019-2, 4/15/2019]

1. No person shall unnecessarily and repeatedly sound the horn of any vehicle or use any loud signaling devices thereon except an emergency vehicle or a vehicle on emergency business.
2. No person shall operate or cause to be operated any audio amplification or reproduction device, including but not limited to an oversized hand-carried radio, cassette, compact disc player, or one that is installed in or audio powered by a vehicle, on a street or sidewalk, in a Township park, on a public conveyance, or in any other public property which generates an A-weighted sound level in excess of 100dB (A) in a residential area measured at, or adjusted to, a distance of 50 feet from the source. If an A-weighted sound device is not present, a violation has occurred if the disturbance is audible to an officer standing in excess of 100 feet away from the source of the disturbance. This section shall not apply to audio amplification devices used for open air musical concerts or any other Township approved private or public events.
3. No person shall operate, or cause to be operated any audio amplification system on public or private property, which generates an A-weighted sound level in excess of 100 dB (A) in a residential area measured at, or adjusted to, a distance of 100 feet beyond the boundary of the property in which the audio amplification or reproduction system is located.
4. Sound levels under Subsections 2 and 3 hereof shall be measured with a sound level measuring device, whether Type I or Type II as defined by the American National Standards Institute Specifications.

§ 6-403. Exemptions. [Ord. No. 2019-2, 4/15/2019]

A person operating an audio amplification or reproduction device shall be exempt from this section provided that:

1. The device is being operated to request assistance or warn of a hazardous situation; or

2. The device is an authorized emergency vehicle or a vehicle operated by gas, electric, communication, or water utility; or
3. The device is being used in connection with a parade, political activity, amusement activity or a community event that is being conducted under any permit issued by Sandy Township and is otherwise in compliance with the applicable sections of the Sandy Township Code of Ordinances provided that the recommended sound level in the applicable subsection is not exceeded between the hours of 11:00 p.m. and 7:00 a.m.

§ 6-404. Violations and penalties. [Ord. No. 2019-2, 4/15/2019]

Any person, firm, or corporation who shall violate any provision of this part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offense under the Pennsylvania Rules of Criminal Procedure, shall 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 to the extent allowed by law for the punishment of Summary Offenses. Each day or portion thereof 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.

§ 6-405. Determination; Service of Notice. [Ord. No. 2019-2, 4/15/2019]

Sandy Township Police Officers shall make the initial determination of ordinance violation and the service of notice of violation.