

ORDINANCE NO. 325

AN ORDINANCE OF THE BOROUGH OF BERLIN
REGULATING AMPLIFIED NOISE EMANATING FROM MOTOR VEHICLES

BE IT, AND THE SAME IS HEREBY ORDAINED AND ENACTED as follows:

SECTION 1. No person, firm or corporation being the owner or person in possession of a motor vehicle on a public roadway, with any radio, phonograph, television, disk player, tape player, loud speaker or any other instrument, machine or device producing amplified sound from recording media of any type, shall cause or permit any sound or noise to emanate from the motor vehicle in such a manner and to be of such intensity and duration to create unreasonable noise or loud sound which causes inconvenience and annoyance to persons of ordinary sensibilities.

SECTION 2. It shall be *prima facie* unlawful for a person, firm or corporation being the owner or person in possession of a motor vehicle on a public roadway with a device described above to cause or permit any noise emanating from a motor vehicle which is plainly audible at a distance of fifty (50') feet or greater from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.

SECTION 3. This Ordinance shall not apply to any of the following circumstances:

- (A) The sound amplifying equipment of the motor vehicle being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle or safety condition;
- (B) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run;
- (C) The motor vehicle is owned and operated by the Commonwealth of Pennsylvania, any political subdivision thereof, or a public utility;
- (D) The motor vehicle is participating in a parade or other activity for which the sponsors have obtained the necessary permit(s) or authorization(s); and/or,
- (E) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal, state or local law.

SECTION 4. Any person, firm or corporation who shall violate this Ordinance shall, upon conviction thereof before a District Justice, be sentenced to pay a civil penalty of Fifty (\$50.00) Dollars plus costs of proceedings.

SECTION 5. An action or proceeding commenced under the authority of this Ordinance shall be an action or proceeding within the meaning of 42 Pa.C.S.A. § 6143

whereby the registration number of a motor vehicle shall give rise to an inference that the person to whom the registration number was officially assigned is the owner of the motor vehicle and was then operating the motor vehicle.

SECTION 6. This Ordinance shall take effect immediately.