

BOROUGH OF NEWTOWN

ORDINANCE NO. 729

AN ORDINANCE OF THE BOROUGH OF NEWTOWN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE NEWTOWN BOROUGH NOISE AND NUISANCES ORDINANCE TO DEFINE ADDITIONAL EXEMPTIONS.

WHEREAS, by Ordinance No. 609, as amended, the Council of Newtown Borough, Bucks County, Pennsylvania ("Council") enacted a Noise and Nuisances Ordinance ("Noise Ordinance"):

WHEREAS, after careful study and consideration Council has determined that the Noise Ordinance should be amended to provide for certain exclusions for emergency services and/or snow removal under certain conditions; and

NOW, THEREFORE, the Council of Newtown Borough, Bucks County, Pennsylvania does hereby enact and ordain the following:

SECTION 1. Section 100-5.D of the Noise Ordinance is amended by the addition of the following language to clarify certain exemptions from the Noise Ordinance:

1. Snow removal devices, such as snow blowers, are exempt from this section under one or more of the following conditions:

- a. a municipal snow emergency declared by the Borough; or
- b. an emergency declaration by the Governor of the Commonwealth, State Emergency Agency or their designees.

SECTION 2. Section 100-5 of the Noise Ordinance is amended by the addition of the following sections:

H. Any vehicle or personnel of the Borough while engaging upon necessary public business.

I. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough during the nighttime, when the public welfare and/or inconvenience renders it impossible to perform such work during the daytime.

J. When emergency work is necessary to restore property to a safe condition following a public calamity; or to restore public utilities; or work required to protect persons or property from an imminent exposure to danger.

SECTION 3. Whenever the requirements of this Ordinance are in conflict with other requirements of the Ordinances of the Borough of Newtown, the most restrictive, or those imposing the higher standards, shall govern.

SECTION 4. Provisions of this Ordinance are severable. If any Court of competent jurisdiction shall hold any section, clause, sentence, part or provision illegal, invalid or unconstitutional, such decisions 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 Council of the Borough of Newtown that this Ordinance would have been enacted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 5. This Ordinance shall become effective upon adoption by the Council of Newtown Borough.

ORDAINED AND ENACTED by the Council of the Borough of Newtown on this 11 day of December, 2012.

NEWTOWN BOROUGH COUNCIL

By: Robert Walker, Jr.
Robert Walker, Jr., President

Attest: Marcia Scull
Marcia Scull, Secretary

Approved by Dennis O'Brien, Mayor

Dennis O'Brien



Dated: Dec 12, 2012