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Part 1

Conduct

Section 101. Purpose. It is hereby declared that the enactment of this Part is necessary for the protection, benefits, safety and welfare of the inhabitants of the Township of Amity. (Ordinance 233, February 20, 2007, Section 1)

Section 102. Definition of Person. The word person used in this Part shall in all cases include any individual, partnership, association, corporation or other entity, singular or plural, including the responsible officers of any such association, corporation or other entity. (Ordinance 233, February 20, 2007, Section 1)

Section 103. Injury or Damage to Person or Property. It shall be unlawful and shall constitute disorderly conduct for any person to engage in any unlawful act tending to imperil the personal security of any person or to endanger or injure property within the Township of Amity. (Ordinance 233, February 20, 2007, Section 1)

Section 104. Throwing of Materials. It shall be unlawful and shall constitute disorderly conduct for any person to throw on, from or unto any highway any stones, snowballs or other material. (Ordinance 233, February 20, 2007, Section 1)

Section 105. Unlawful Assembly. No person shall, at or in any place within the Township of Amity, conspire to create, engage in or participate in any riot, rout, violent or unlawful assembly or affray. (Ordinance 233, February 20, 2007, Section 1)

Section 106. Civil Disorder. No person shall engage in any civil disorder within the geographic limits of the Township of Amity or encourage, solicit or induce, by act or deed, others to engage in civil disorders. (Ordinance 233, February 20, 2007, Section 1)

Section 107. Explosives. No person shall sell or offer to sell or carry, store or discharge any explosives, hand grenades, molotov cocktails or any incendiary of whatsoever kind or nature within the geographic limits of the Township of Amity, except that explosives may be used in excavation and construction projects under the supervision of qualified personnel. (Ordinance 233, February 20, 2007, Section 1)

Section 108. Firearms. No person shall sell, offer to sell or discharge any air rifle, pistol, revolver, shotgun, rifle or any long gun within the geographic limits of the Township of Amity unless the sale, offer of sale or discharge of such a firearm is in strict compliance with the applicable laws of the Commonwealth of Pennsylvania. (Ordinance 233, February 20, 2007, Section 1)

Section 109. Confiscation of Air and Pellet Guns. Any gun which uses compressed air or a spring as the propelling force for a pellet and when being used or carried in violation of any provision or section of this Part may be seized, confiscated and retained by any duly authorized police officer of the Township of Amity or the Commonwealth of Pennsylvania and, after being so seized, confiscated or retained shall be held for a period of ten (10) days; in the event that no cause is shown within the ten (10) day period why said gun should be returned, it shall thereupon be destroyed. (Ordinance 233, February 20, 2007,

Section 1)

Section 110. Prohibited Hunting Areas. The Board of Supervisors of Amity Township may, by Resolution, declare certain areas of the Township to be residential in nature and prohibit hunting within the geographic limits of an area so designated. (Ordinance 233, February 20, 2007, Section 1)

Section 111. Concealed Deadly Weapons. No person shall carry any concealed deadly weapon except persons duly authorized by State law. (Ordinance 233, February 20, 2007, Section 1)

Section 112. Fireworks.

(a) No person shall sell, use or discharge fireworks, firecrackers, sparklers or other pyrotechnics in any public or private place except authorized by State law.

(b) No person shall discharge for display or otherwise fireworks, firecrackers, sparklers or other pyrotechnics within the Township of Amity before first obtaining a permit from the Chief of Police of the Township of Amity and depositing with the Township of Amity a certificate from an insurance company satisfactory to the Township indicating that the person applying for said permit is insured with said insurance company for all liability to the public and property in amounts of not less than Three Hundred Thousand Dollars (\$300,000.00) for each person and One Million Dollars (\$1,000,000.00) for each accident and providing that said insurance will be in full force and effect and noncancellable during the day of the display or discharge.

(Ordinance 233, February 20, 2007, Section 1)

Section 113. Indecent or Immoral Character. No person shall conduct, attend or in any manner whatsoever participate in any exhibition of an indecent or immoral character. (Ordinance 233, February 20, 2007, Section 1)

Section 114. Indecent Acts. No person shall make any immodest, immoral, lewd or other indecent sign or gesture, or do or commit any other immodest, immoral, lewd or indecent act to or in the presence of any other person or persons in any public street, highway or place within the Township. (Ordinance 233, February 20, 2007, Section 1)

Section 115. Profane Language. No person shall use profane, vile or vulgar language in the presence or hearing of any person or persons or in any public street or highway or place within the Township of Amity. (Ordinance 233, February 20, 2007, Section 1)

Section 116. Prostitution or Gambling Establishments. No person shall operate, maintain, frequent or participate in the operation or maintenance of any house of prostitution or assignation, or any gambling house, or any house or building in which unlawful or disorderly acts occur. (Ordinance 233, February 20, 2007, Section 1)

Section 117. Gambling Devices. It shall be unlawful and shall constitute disorderly conduct for any person to set up, maintain or possess any device which is or can be used for purposes of gambling. (Ordinance 233, February 20, 2007, Section 1)

Section 118. Posting of Advertisements. No person, except a public officer legally thereunder authorized, shall affix any show bill, placard, poster or other advertising device upon any pole, tree or structure within the Township without first obtaining the consent of the owner thereof. All such show bills,

placards, posters or other advertising devices shall be removed immediately after the occurrence of the event or as soon as the same begins to deteriorate, whichever shall first occur. (Ordinance 233, February 20, 2007, Section 1)

Section 119. Public Disorder. No person shall wrongfully strike another or be engaged in any fight, affray or be or appear in a drunken or intoxicated condition in any public street, highway or public place within the Township. (Ordinance 233, February 20, 2007, Section 1)

Section 120. Obstruction of Passages. No person shall willfully and unnecessarily obstruct or interfere with travel upon any foot pavement, sidewalk or public passageway. (Ordinance 233, February 20, 2007, Section 1)

Section 121. Loitering. No person shall lounge, loiter or loaf upon any foot pavement, sidewalk or public passageway or upon any street corner, public building or bridge; provided, however, that this section shall not be construed to restrict peaceful picketing so long as one-half (1/2) of the width of the sidewalk is kept clear for the use of other pedestrians. (Ordinance 233, February 20, 2007, Section 1)

Section 122. Accumulation of Garbage, Rubbish or Junk. No person shall deposit, dump or permit to accumulate upon any public or private property within the Township of Amity any accumulation of garbage, rubbish or junk. (Ordinance 233, February 20, 2007, Section 1)

Section 123. Discharge of Waste Products. No person shall cast upon or discharge into or upon any of the streets, alleys or public places in the Township any animal carcass, fish, oyster shells, garbage, slaughter house offal, broken glass, crockery, china, cuttings of tin, sheet iron or other metal, nails or any other kind of material calculated to wound, bruise or maim man or beast, or to impair property, or vegetables, fruit peels or rinds or boxes, paper, advertisements, handbills, show bills, wastepaper, sweepings, nor suffer the same to be or remain deposited in any location in any of said streets, alleys, highways or other public places in the Township adjoining or adjacent to the premises of each owner, tenant or occupier. (Ordinance 233, February 20, 2007, Section 1)

Section 124. Discharge of Wastewater. No person shall discharge or permit to be discharged any wastewater, sewage or drainwater upon any public road in the Township of Amity. (Ordinance 233, February 20, 2007, Section 1)

Section 125. Signs; Bulletin Boards; Obstructions. No person shall fix, put up or erect upon the pavement, sidewalk, curb or gutter in front of or along any dwelling house, store or other building or premises any signboard, bulletin board or any obstruction of any type whatsoever which will interfere with the complete and full use, at all times, by the public of said pavement, sidewalk, curb or gutter. (Ordinance 233, February 20, 2007, Section 1)

Section 126. Destruction of Public Property. It shall be unlawful and shall constitute disorderly conduct for any person to tamper with, destroy or otherwise interfere with any lights, guardrails, signs or other property or materials placed in public places by any officials or agents of the Township of Amity or of the Commonwealth of Pennsylvania, or any municipal subdivision thereof. (Ordinance 233, February 20, 2007, Section 1)

Section 127. Defacement or Disfigurement of Property. No person shall deface, disfigure, write upon or in any manner cause to be placed upon any mailbox, house, wall or building of any kind whatsoever, or any part thereof, or upon fences or road signs any marks, lines, figures, letters or caricatures of any kind. (Ordinance 233, February 20, 2007, Section 1)

Section 128. Police Officer Impersonation. No person shall falsely impersonate a police officer or any other officer belonging to the Police Department of the Township, or, with the intention to deceive, use or imitate any sign, signal or device thereof. (Ordinance 233, February 20, 2007, Section 1)

Section 129. Interference with Police Officer. No person shall interfere with any member of the Police Department of Amity Township, or any other police officer in the performance of their duties, or obstruct or resist any of said officers in the performance of official duty. (Ordinance 233, February 20, 2007, Section 1)

Section 130. Failure to Assist Police Officer. It shall be unlawful and shall constitute disorderly conduct for any person to fail to render assistance to any police officer when called upon by him. (Ordinance 233, February 20, 2007, Section 1)

Section 131. Resisting Arrest. It shall be unlawful and shall constitute disorderly conduct for any person to resist arrest. (Ordinance 233, February 20, 2007, Section 1)

Section 132. Prisoner Aid. No person shall in any manner aid any prisoner in custody to escape. (Ordinance 233, February 20, 2007, Section 1)

Section 133. Creation of Noise to Attract Attention. No person shall use any drum, loud speaker or other instrument or device for the purpose of attracting attention by the creation of noise to any place of business or amusement. The use of any such device outside of or near an open door or window of any such place shall be presumed to be for such purpose. (Ordinance 233, February 20, 2007, Section 1)

Section 134. False Alarm. No person shall originate any false alarm of fire. (Ordinance 233, February 20, 2007, Section 1)

Section 135. Penalties. Any person or persons violating any of the provisions of this Part or neglecting to comply with any order or notice issued pursuant to a violation of any section hereof shall, upon conviction before any District Justice of the County of Berks, to pay a fine or penalty not to exceed One Thousand Dollars (\$1,000.00) and costs for each and every offense or, in default of payment of such fine and costs, shall be duly imprisoned in the Berks County Prison for a period not to exceed thirty (30) days. (Ordinance 233, February 20, 2007, Section 1)

Section 136. Severability. The provisions of this Part shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid or beyond the power of the Township of Amity to prohibit the decision so holding, it shall not be construed to affect the validity of any of the remaining portions of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township of Amity that this Part would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not be included therein. (Ordinance 233, February 20, 2007, Section 1)

Part 2

Noise

Section 201. Background. The Board of Supervisors find that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being, therefore, a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Township of Amity. (Ordinance 233, February 20, 2007, Section 1)

Section 202. Definitions. The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this Part, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI S1.4 - 1983, ANSI S1.4a - 1985, and its revisions) or its successor body.

(a) A-weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using A-weighting network. The level so read is designated dB(A).

(b) Ambient Noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) Construction Operation. The erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, grading and regulation of lots in connection therewith.

(d) Decibel dB. A unit for measuring the sound pressure level.

(e) Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

(f) Emergency Work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(g) Impulsive Sound. Sound of 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.

(h) Muffler or Sound Dissipative Device. A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

(i) Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(j) Noise Disturbance - any sound which:

(1) Endangers or injures the safety or health of humans or animals; or

(2) Endangers or injures personal or real property; or

(3) Is in excess of the sound levels established in this Part.

(k) 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. Whenever used in any clause prescribing and imposing a penalty, person includes the individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporation, the officers and managers thereof or any of them.

(l) Powered Model Vehicle. Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

(m) Property Line (Boundary). An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses, and duplexes owned, rented or leased by different persons, a demarcation or a line of separation of properties, and also, for any two (2) or more buildings sharing common grounds, the lawn drawn midway between any two such buildings. All areas devoted to public right of way shall be deemed to be across the property line. For the purpose of this regulation, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

(n) Public Right-of-Way. Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

(o) Public Space. Any real property or structures thereon which are owned or controlled by a governmental entity.

(p) Pure Tone. Any sound which can be heard as a single pitch or a set of single pitches. For the purpose of this Part, a pure tone shall exist if the one-third ($1/3^{\text{rd}}$) octave band sound pressure level in the band which the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous octave bands by 5dB for center frequencies of 500 Hz and above and by 8dB for center frequencies between 160 and 400 Hz and by 15dB for center frequencies less than or equal to 125 Hz.

(q) Real Property. All land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to Public Right-of-Way.

(r) 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, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

(s) 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 S1.4 & S1.4a, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(t) Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and any applicable weighting network used to measure sound pressure levels which meets as specified in ANSI S1.4 & ANSI S1.4a. The manufacturer's published indication of compliance with such specifications shall be prima-facie evidence of such compliance.

(u) Zoning Districts. The land use districts established by Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances, and all subsequent amendments thereto.

(Ordinance 233, February 20, 2007, Section 1)

Section 203. Noise Disturbance Prohibited. No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right to control. (Ordinance 233, February 20, 2007, Section 1)

Section 204. Specific Prohibited Acts. The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this Part:

(a) Radios, Televisions Sets, Musical Instruments and Similar Devices. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound:

(1) At any time in such a manner as to cause a noise disturbance across a Property Line (boundary), or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a Property Line (boundary); or

(2) In such a manner as to create a noise disturbance across a Property Line (boundary) or at fifty feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a Public Right-of-Way or Public Space; or

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(b) Yelling and Shouting. Engaging in loud or raucous yelling, hooting, whistling or singing:

(1) On the public streets between the hours of 10:00 p.m. and 7:00 a.m.; or

(2) At any time or place in such a manner as to create a Noise Disturbance.

(c) Construction Tools or Equipment. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:

(1) Between the hours of 10:00 p.m. and 6:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays, such that the sound therefrom creates a Noise Disturbance across a residential real property line (boundary) except for emergency work.

(2) At any other time such that the sound level at or across a real property line (boundary) exceeds 85 dB(A) for a period of one hour.

(3) This Subsection (c) shall not apply to the use of domestic power tools as hereinafter provided in Subsection (d) hereof.

(d) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m. so as to cause a noise disturbance across a residential property line (boundary) except in an emergency.

(e) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to cause a noise disturbance across a residential property line (boundary).

(f) Animals and Birds. Owning, possessing, harboring or controlling any animal or bird which howls, barks, meows, squawks, or makes other sounds continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.

(g) Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property line (boundary) between the hours of 10:00 p.m. and 6:00 a.m.

(h) Street Sales. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound within any residential or commercial area of the Township (see Table I in Section 209), except between the hours of 6:00 a.m. and 10:00 p.m., and at no time in such a manner as to violate Section 209 hereof, relating to sound levels by districts.

(i) Tampering. The following acts or the causing thereof are prohibited:

(1) The removal or rendering inoperative by any person, other than for the purposes of maintenance, repair or replacement, of any muffler or sound dissipative device or element of design or noise label of any product.

(2) The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the Police Department, provided such device or the immediate area is clearly labeled in accordance with noise control regulations, to warn of the potential illegality.

(3) The use of a product which has had a muffler or sound dissipative device or element of design or noise labeled removed or

rendered inoperative, with knowledge that such action has occurred.

(j) Trash and Recycling Trucks. Operating or permitting the operation of and Trash Truck or Recycling Truck in residential areas between the hours of 10:00 p.m. and 6:00 a.m. so as to cause a noise disturbance across a residential property line (boundary).

(k) Vehicle Motorboat or Aircraft Repairs and Testing. Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary).

(Ordinance 233, February 20, 2007, Section 1)

Section 205. Motor Vehicles and Motorcycles on Public Right of Way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right of way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such a vehicle exceeds the level set forth in Pennsylvania Code Title 67, Chapter 157, entitled Established Sound Levels. (Ordinance 233, February 20, 2007, Section 1)

Section 206. Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, anywhere within one hundred fifty feet (150') of any residence in such a manner as to cause a noise disturbance across a residential Property Line (boundary). (Ordinance 233, February 20, 2007, Section 1)

Section 207. Unnecessary Horn Blowing. No person shall at any time sound the horn or other warning device of a vehicle except when necessary as a warning while actually driving such vehicle or unless necessary in the testing of such for state inspection purposes. (Ordinance 233, February 20, 2007, Section 1)

Section 208. Mounted Amplifying Equipment. No person shall operate amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth herein. (Ordinance 233, February 20, 2007, Section 1)

Section 209. Maximum Permissible Sound Levels by Zoning Districts. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the zoning designations category in Table I below when measured at or across the Property Line (boundary) from the noise source. Any sound source that produces sound in excess of those levels shall constitute a Noise Disturbance.

**TABLE I. SOUND LEVELS BY ZONING DISTRICTS
AS MAY BE AMENDED FROM TIME TO TIME**

Zoning District of the Property On Which the Source of the Noise Is Located	Sound Level Limit, dB(A)	
	6:00 a.m. to 10:00 p.m.	10:00 p.m. to 6:00 a.m.
Residential Includes RC, LDR, MDR and MHP	57	52
Commercial Includes HC and SCC	85	62
Manufacturing Includes LI	77	77

(Ordinance 233, February 20, 2007, Section 1)

Section 210. Exceeded Sound Levels. The sound level limits set forth in Table I shall be exceeded when any one or more of the following occur:

(a) The sound at any one (1) point in time exceeds any of the established zone limits in Table I above by a measured sound level of fifteen (15) dB(A); or

(b) The sound exceeds any of the established zone limits in Table I above by a measured sound level of ten (10) dB(A) for a cumulative total of one (1) minute or more out of any ten (10) minute period; or

(c) The sound exceeds, except in the Manufacturing District, any of the established zone limits in Table I above by a measured sound level of three (3) dB(A) continually for a period of five (5) minutes, or a total of five (5) minutes out of any ten (10) minute period.

(Ordinance 233, February 20, 2007, Section 1)

Section 211. Where Sound Levels are Measured. For the purposes of this Part, sound shall be measured at or beyond the Property Line (boundary) of the property on which the noise source is located. (Ordinance 233, February 20, 2007, Section 1)

Section 212. Pure Tone and Impulsive Sound. For any source of sound which emits a pure tone or impulsive sound, the limits set forth in Table I above shall be reduced by five (5) dB(A). (Ordinance 233, February 20, 2007, Section 1)

Section 213. Measuring Instruments. All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications. (Ordinance 233, February 20, 2007, Section 1)

Section 214. Exemptions from Sound Level Limits. The provisions of this Part shall not apply to:

(a) Activities covered by the following sections: any emergency signaling device used because of an emergency; or

(b) Interstate railway locomotives and cars traveling through the Township; or

(c) Church bells, chimes, and carolers.

(Ordinance 233, February 20, 2007, Section 1)

Section 215. Exemptions from Part. The following sounds are exempted from the provisions of this Part:

(a) Amplified Announcements. Stationary electronically amplified announcements at athletic events, political events and civic events.

(b) Blasting. Blasting, under proper permit. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by permit.

(c) Concerts, Etc. Band concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors provided:

(1) Such activities do not produce sound fifteen (15) dB(A) in excess of sound levels set forth in Table I of Section 209 hereof; and

(2) Such activities do not occur between the hours of 10:00 p.m. and 8:00 a.m.; and

(3) All necessary permits as defined by Township ordinances have been procured, i.e. Special Event Permit.

(d) Emergency Work. Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

(e) Municipal and Utility Services. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right of way.

(f) School and Public Activities. Sounds not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.

(g) Warning Devices. Sounds made by warning devices operating continuously for three (3) minutes or less except in the event of an actual emergency, the time limitation shall not apply.

(Ordinance 233, February 20, 2007, Section 1)

Section 216. Enforcement. This Part shall be enforced by the Amity Township Police Department. (Ordinance 233, February 20, 2007, Section 1)

Section 218. Penalties. Any person who violates any provision of this Part shall, upon conviction thereof, in a summary proceeding be fined not more than One Thousand Dollars (\$1,000.00) for each and every offense, plus costs of prosecution and/or imprisonment for a term not exceeding ninety (90) days. Each day during which any person violates any provision of this Part shall constitute a separate offense. (Ordinance 233, February 20, 2007, Section 1)

Section 219. Parental Responsibility for Minors. Parents of persons under eighteen (18) years of age shall be held jointly and severally liable with the Minor for penalties incurred by, caused or committed by their children. (Ordinance 233, February 20, 2007, Section 1)

Section 220. Severability. If any Section of this Part is held invalid, the remainder of this Part, and the application of such provision to other persons or circumstances, shall not be affected thereby. (Ordinance 233, February 20, 2007, Section 1)

Part 3

Use of Tobacco by Certain Minors

Section 201. Definitions. As used in this Part, the following terms shall have the meanings indicated:

(a) Township Owned Property. Any public street, highway, road, alley, right-of-way, park, playground, public building or vacant lot owned by the Township of Amity and including any property leased by or under the control of the Township of Amity.

(b) Tobacco Product. A cigarette, cigar, pipe tobacco or other smoking tobacco product or smokeless tobacco, in any form, manufactured for the purpose of consumption by a purchaser, and any cigarette paper or product used for smoking tobacco.

(Ordinance 204, August 17, 2004, Section 2)

Section 202. Prohibited Activities. It shall be unlawful for any minor under the age of eighteen (18) years to use or possess a Tobacco Product, in any form, on, in or upon any Township owned property. (Ordinance 204, August 17, 2004, Section 2)

Section 203. Violations and Penalties.

(a) First Offense. Any Police Officer who finds a minor violating the provisions of this Part shall obtain information from such minor as to his name, address and age and the name and address of his parent(s) or guardian. The minor shall then be issued a verbal warning and the Police Officer shall attempt to make verbal notification to the parent(s) or guardian of the minor. A written notice shall also be mailed to the parent(s) or guardian of the minor advising them of the violation of this Part.

(b) Second and Subsequent Offenses. Any minor violating the provisions of this Part for a second (2nd) time within a six (6) month period shall have committed a summary offense and upon conviction thereof, shall be sentenced to pay of fine of not more than Three Hundred Dollars (\$300.00) for the second (2nd) and each subsequent violation and, at the discretion of the sentencing authority, the completion of a tobacco use prevention and cessation program approved by the Pennsylvania Department of Health.

(c) A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the minor if any such record exists.

(Ordinance 204, August 17, 2004, Section 2)

Section 204. Severability. If any sentence, clause, section or part of this Part is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any other remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Township of Amity that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein. (Ordinance 204, August 17, 2004, Section 2)