

**BOROUGH OF FLEETWOOD
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 655

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 197 ENTITLED PEACE AND GOOD ORDER, OF THE BOROUGH CODE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Fleetwood, in the County of Berks and Commonwealth of Pennsylvania, and it is hereby **ORDAINED AND ENACTED** by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, that Chapter 197 entitled "Peace and Good Order" is amended and restated in its entirety, as follows:

§197-1 Purpose and Intent. It is the purpose and intent of the Borough of Fleetwood, Berks County, Pennsylvania (the "Borough") to establish an ordinance to preserve the rights of quiet enjoyment of the Borough.

§197-2 Prohibited Acts. It shall be unlawful for any person, persons, firm, corporation, company or association, within the limits of the Borough:

A. To make or cause to be made, or being the owner of any premises or having control thereof, to permit within or on said premises, any loud, boisterous or unseemly noise disturbances for a continuous twenty (20) minute period at a stationary location within the Borough or on Borough owned premises located outside the physical boundaries of the Borough, or on any owner-owned property or any Borough-owned property near to any alley, street, bridge, public passageway or public area to the annoyance of the public.

B. To be guilty of vagrancy or to engage in fighting or to incite others to fight, assault or quarrel, or to engage in any other unlawful act tending to imperil the personal security or safety of any person or persons within the Borough or on Borough owned premises located outside the physical boundaries of the Borough to the annoyance of the public, or near to any alley, street, bridge, public passageway or public place whereby the public peace is broken or disturbed or the public is annoyed or offended.

C. To endanger or injure any property within the Borough or on Borough owned premises located outside the physical boundaries of the Borough to the annoyance of the public, or near to any alley, street, bridge, public passageway or public place whereby the public peace is broken or disturbed or the public is annoyed or offended.

D. To loaf, loiter, lounge, stand, or congregate on or otherwise occupy any of the sidewalks, streets, crossings, street corners, bridges, highways or alleys in front of or about any place of business or other public place so as to obstruct the free flow of vehicular and or pedestrian traffic.

E. To throw, place, discard or be a party to throwing, placing or discarding any garbage, rubbish, paper, refuse or litter of any kind on, upon or adjacent to any road, street, alley, sidewalk, public place or lot or piece of ground within the Borough of Fleetwood or on Borough owned property outside of the physical boundaries of the Borough of Fleetwood.

F. To nail, tack, hang or otherwise append any sign, notice or advertisement of any kind whatsoever upon any tree, post, pole, or pillar or any description, except on private property and then only by permission of the owner thereof.

G. To cause any unnecessary or disturbing noise generated or created by a motor vehicle or commercial vehicle, including but not limited to the squealing of tires, backfiring, blowing of a horn, racing of an engine on a public or private property, to the annoyance of peaceable residents nearby or within or near to an alley, street, bridge, public passageway, private lot, or public space whereby the public peace is broken or disturbed or the public is annoyed or offended.

H. To keep or suffer to remain on any premises any odorous, offensive, or unwholesome matter of any kind or any matter of substance that attracts mice, rats, rodents or insects.

Regarding any of the above noise disturbances, such actions causing the noise disturbances are specifically prohibited between the hours of 11:00 p.m. through 7:00 a.m. Notwithstanding the foregoing, any noise disturbance, which in the sole discretion of the Fleetwood Police Department or any officer thereof or any appointed Borough official, does annoy or offend the public, shall be actionable under this Ordinance and shall be a violation hereof.

§197-3 Noise Disturbances. A noise disturbance is noise of such loudness, character, duration of a continuous twenty (20) minutes or repetition from a single source or from multiple sources, which is or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the enjoyment of property or with any lawful business or activity or annoying to a person of ordinary sensibilities.

§197-4 Decibel Levels. As a supplement to and so as not to limit the preceding noise and noise disturbances level prohibitions and restrictions herein, no principal or accessory use of property within the Borough, or operations or activities on such property shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

SOUND LEVEL LIMITS BY RECEIVING LAND USE/ ZONING DISTRICT

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS / DAYS	MAXIMUM SOUND LEVEL
At a property line (boundary) of a residential use in a Residential Zoning District	At a property line (boundary) 1) 7:00 a.m. to 11:00 p.m. the following day other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day 2) 11:00 p.m. to 7:00 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1) 65 dBA 2) 55 dBA
At any other property line (boundary)	All times and days	50 dBA

Note: dBA means an "A" weighted decibel.

§197-5 Violations and Penalties.

A. Any person who shall violate this article shall upon summary conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution, and in default of payment thereof, shall undergo imprisonment in the Berks County Prison for a period not exceeding thirty (30) days.

B. Penalties for violation outlined in this section may be modified by a Resolution, passed and adopted by the Borough Council of Fleetwood.

§ 197-6. Repealer. All Ordinances or parts of Ordinances inconsistent with the provisions of the Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

§ 197-7. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.


§ 197-8. Effective Date. This Ordinance shall take effect on the earliest day and date after enactment permitted by law.

§ 197-9. **Borough Code of the Borough of Fleetwood.** The Borough Code of the Borough of Fleetwood, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Borough Code of the Borough of Fleetwood, as amended, upon adoption.

ENACTED and ORDAINED by the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania, in lawful session duly assembles this 14 day of August, 2023.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

By: 
Council (Vice) President

Attest: 
Doreen O'Neil, Secretary

APPROVED the 14 day of August, 2023.


Tammy Gore, Mayor