

Chapter 6

Conduct

Part 1 Littering

- §6-101. Definitions
- §6-102. Unlawful to Litter
- §6-103. Penalty for Violation

Part 2 Operation of Motorcycles, Etc. on Private Property

- §6-201. Unlawful to Operate Any Motorcycle, Motor Scooter or Bicycle with Motor Attached on Private Property
- §6-202. Penalty for Violation

Part 3 Discharge of Firearms

- §6-301. Discharge of Firearms Prohibited
- §6-302. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted
- §6-303. Exceptions
- §6-304. Penalties for Violations

Part 4 Adult Oriented Establishments

- §6-401. Legislative Findings and Intent
- §6-402. Definitions
- §6-403. Requirements for Adult Oriented Establishments
- §6-404. Liability of Operator
- §6-405. Establishments Open for Inspection
- §6-406. Civil Action to Enjoin or Abate Violations
- §6-407. Violation of Abatement Order of Injunction
- §6-408. Penalty
- §6-409. Existing Remedies Preserved

Part 5 Graffiti

- §6-501. Intent
- §6-502. Definitions
- §6-503. Prohibited Acts
- §6-504. Graffiti as Nuisance
- §6-505. Removal of Graffiti by Private Property Owner or Township
- §6-506. Penalties

Part 6
Noise

- §6-601. Motor Vehicle or All Purpose Vehicle Noise
- §6-602. Prohibited Noise; Exceptions
- §6-603. Penalties

Part 1**Littering****§6-101. Definitions.**

The following words, as used in this Part, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning:

Garbage - all table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

Person - any natural person, association, partnership, firm or corporation.

Refuse - all discarded articles or materials, except sewage and liquid waste, and including garbage, ashes and combustible and noncombustible waste.

(*Ord. 757, 6/30/1958, §I*)

§6-102. Unlawful to Litter.

No person shall cast, throw, dump or drop within the right of way of any public road, street and/or alley, into any alley, ravine, ditch or gutter, or into any waters of the State, or permit to remain exposed upon the surface of the ground within the Township, any garbage, demolition material or refuse.

(*Ord. 757, 6/30/1958, §II; as amended by Ord. 1357, 6/30/1980, §I*)

§6-103. Penalty for Violation.

Any person, as defined herein, who shall violate the provisions of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 757, 6/30/1958, §III; as amended by Ord. 785, 7/6/1959, §1; by Ord. 1726, 10/14/1991, §6-503; and by Ord. 2288, 4/12/2010*)

Part 2**Operation of Motorcycles, Etc. on Private Property****§6-201. Unlawful to Operate Any Motorcycle, Motor Scooter or Bicycle with Motor Attached on Private Property.**

From and after the effective date of this Part, it shall be unlawful for any person to operate any motorcycle, motor scooter or bicycle with motor attached on private property other than that of the operator of such vehicle, unless written permission has been secured from the owner of the property upon which the vehicle is being operated.

(*Ord. 1206, 7/29/1974, §I*)

§6-202. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 1206, 7/29/1974, §II; as amended by Ord. 1726, 10/14/1991, §6-602; and by Ord. 2288, 4/12/2010*)

Part 3**Discharge of Firearms****§6-301. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-303 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Township of Ross.

(*Ord. 1726, 10/14/1991, §6-301*)

§6-302. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted.

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 §6-303 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.

(*Ord. 1726, 10/14/1991, §6-302*)

§6-303. Exceptions.

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.

(*Ord. 1726, 10/14/1991, §6-303*)

§6-304. Penalties for Violation.

Any person who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 1726, 10/14/1991, §6-304; as amended by Ord. 2288, 4/12/2010*)

Part 4**Adult Oriented Establishments****§6-401. Legislative Findings and Intent.**

1. *Findings.* The Ross Township Board of Commissioners finds as follows:

A. There are within this Township adult oriented establishments which require special regulation by law and supervision by public safety agencies in order to protect and preserve the health, safety and welfare of patrons of these establishments, as well as the health, safety and welfare of the citizens of Ross Township.

B. Statistics and studies performed in a substantial number of communities in the Commonwealth of Pennsylvania and in the United States and by the State of Delaware indicate that:

(1) Large numbers of persons, primarily male, frequent adult oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so called adult motion pictures, videotapes or live entertainment or a combination of motion pictures, videotapes and live entertainment.

(2) The closed booths, cubicles, studios and rooms and holes in partitions between booths, cubicles, studios and rooms have been used by patrons, clients or customers of adult oriented establishments for the purpose of engaging in sexual acts.

(3) Male and female prostitutes have been known to frequent the establishments in order to provide sex for hire to the patrons, clients or customers within the booths, cubicles and rooms.

(4) Doors, curtains, blinds and/or other closures installed in or on the entrances or exits, or both, of the booths, cubicles, studios and rooms which are closed while the booths, cubicles, studios and rooms are in use encourage patrons using the booths, cubicles, studios and rooms to engage in sexual acts in the closures and through holes in partitions between the closures with prostitutes, patrons, clients or customers, thereby promoting and encouraging prostitution and the commission of sexual acts which result in the direct exchange of bodily fluids which put the participants at high risk for contracting communicable diseases, including AIDS, and which cause blood, semen and urine to be deposited on the floors or walls, or both, of the booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come in contact with such deposits.

(5) The reasonable regulation and supervision of such adult oriented establishments tend to discourage sexual acts and prostitution, and thereby promote the health, safety and welfare of the patrons, clients and customers of these establishments.

C. The continued unregulated operation of such adult oriented establishments, including, without limitation, those specifically cited in paragraph .A, is and would be detrimental to the general health, safety and welfare of the citizens of

Ross Township.

D. The Constitution of Pennsylvania and the First Class Township Code grants to the Ross Township Board of Commissioners power, especially police power, to enact reasonable legislation regulate and supervise adult oriented establishments in order to protect the public health, safety and welfare.

2. *Intent.* It is not the intent of the Ross Township Board of Commissioners in enacting this legislation to deny to any person rights of speech protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor is it the intent of the Ross Township Board of Commissioners to impose by this Part any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and other materials. Further, by enacting this legislation, the Ross Township Board of Commissioners does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually oriented materials protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of sexually oriented materials may have to sell, distribute or exhibit these materials.

(Ord. 1910, 6/24/1996, §801)

§6-402. Definitions.

The following words and phrases when used in this Part shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

Adult bookstore - an establishment have a substantial or significant portion of its stock and trade in, or an establishment which, as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith has facilities for the presentation of adult entertainment for observation by patrons.

Adult entertainment -

(1) An exhibition of any adult oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(2) A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

Adult mini-motion picture theater - an enclosed building with a capacity of less than 50 persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult motion picture theater - an enclosed building with a capacity of 50 or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual

activities or specified anatomical areas for observation by patrons.

Adult oriented establishment - the term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- (1) Adult bookstores.
- (2) Adult motion picture theaters.
- (3) Adult mini-motion picture theaters.

(4) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures, or where an entertainer provides adult entertainment to a member of the public, a patron or a member.

(5) An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

The term "booths, cubicles, rooms, studios, compartments or stalls" for purposes of defining adult oriented establishments does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

Employee - any and all persons, including independent contractors, who work in or at or render any service directly related to the operation of an adult oriented establishment.

Entertainer - a person who provides entertainment within an adult oriented establishment, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

Inspector - an employee of Allegheny County Health Department authorized and designated by the Director of the Department, the Ross Township Building Code Official, an employee of the Ross Township police department authorized by the commanding officer of the police department or other persons designated by the Ross Township Board of Commissioners to inspect premises regulated under this Part to cooperate in taking the required actions authorized by this Part where violations are found on a premises and to request correction of unsatisfactory conditions found on a premises. [Ord. 2288]

Minor - a person under 18 years of age.

Operator - a person, partnership or corporation operating, conducting or maintaining an adult oriented establishment.

Sexual activities - the term does not include any of the following:

- (1) Medical publications or films or bona fide educational publications or films.
- (2) Any art or photography publications which devote at least 25 percent

of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.

(3) Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news.

(4) Any publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

Specified anatomical areas -

(1) Less than completely and opaquely covered:

(a) Human genitals or pubic region.

(b) Buttocks.

(c) Female breasts below a point immediately above the top of the areola.

(2) Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified sexual activities - The term includes any of the following:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse or sodomy.

(3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(Ord. 1910, 6/24/1996, §802; as amended by Ord. 2288, 4/12/2010)

§6-403. Requirements for Adult Oriented Establishments.

1. *Loitering by Minors Prohibited.* No operator or employee of an adult oriented establishment shall permit any minor to loiter in any part of the establishment, including parking lots immediately adjacent to the establishment used by patrons of an adult oriented establishment.

2. *Interior Plan.* Every adult oriented establishment doing business in the Township of Ross shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls where adult entertainment is provided shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult oriented motion pictures or other types of adult oriented entertainment.

3. *Certain Apertures Prohibited.* No adult oriented establishment shall contain partitions between subdivisions of a room or portions or parts of a building, structure or premises with an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partitions.

4. *Illumination and Visibility.* The operator of each adult oriented establishment

shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1 footcandle as measured at the floor level. It shall be the duty of the operator and the operator's agents to ensure that the illumination required by this subsection is maintained at all times that a patron is present in the premises.

(Ord. 1910, 6/24/1996, §803)

§6-404. Liability of Operator.

Every act or omission by an employee constituting a violation of this Part shall be deemed the act or omission of the operator if the act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for the act or omission in the same manner as if the operator committed the act or caused the omission.

(Ord. 1910, 6/24/1996, §804)

§6-405. Establishments Open for Inspection.

All adult oriented establishments shall be open to inspection at all reasonable times by inspectors.

(Ord. 1910, 6/24/1996, §805)

§6-406. Civil Action to Enjoin or Abate Violations.

1. *Action Authorized.* An action to enjoin or abate a violation of this Part may be brought in the name of the Township of Ross by its Solicitor. The action shall be brought and as an action in equity in the Court of Common Pleas of Allegheny County, Pennsylvania.

2. *Procedure.*

A. If it is made to appear, by affidavits or otherwise, to the satisfaction of that Court that a violation exists, a temporary writ of injunction shall forthwith issue, directed to the operator of the adult entertainment establishment or the owner of the premises, or both, restraining the operator or owner from continuing or permitting the continuation of any violation or violations of this Part until the conclusion of the hearing and a decision by the Court. No bond shall be required in instituting such proceedings. This Part, insofar as it provides for methods of service and bond, shall not be deemed to be suspended or affected by the Pennsylvania Rules of Civil Procedure governing the action in equity.

B. It shall not be necessary for the Court to find the property involved was being unlawfully used at the time of the hearing, but, on finding that the material allegations of the petition are true, the Court shall order that neither the premises nor any part of the premises he used in violation of this Part. Upon judgment of the Court ordering the violations to be abated, the Court may order that neither the premises nor any part of the premises shall be occupied or used for any purpose for

up to 1 year following the date of the Court's order, but the Court may, in its discretion, permit the premises to be occupied or used by the operator or owner if the operator or owner, or both, posts a bond or a joint bond in the discretion of the Court with sufficient surety to be approved by the Court in the penal and liquidated sum of not less than \$1,000 nor more than \$2,500, payable to the Township of Ross and conditioned that neither the building nor a part of the building he used in violation of this Part, and that the operator will pay all fines, costs and damages that may be assessed for any violation of this Part upon the premises.

C. Service of any preliminary or permanent injunction shall be made personally upon the operator and owner of the premises if such persons can be found in Allegheny County. If the operator or owner cannot be found, a copy of the Order shall be delivered to any employee of the operator on the establishment premises or, in the case of the owner, upon an agent, if any. If no employee or agent can be found or service cannot be made on an employee or agent of the owner, then service shall be made as the Court may direct. Any person other than the operator or owner who shall be served with any notice of an injunction shall, within 24 hours thereafter, deliver the notice to the operator or owner, as the case may be, or mail it to the operator or owner, as the case may be, as known to the person served.

(Ord. 1910, 6/24/1996, §806)

§6-407. Violation of Abatement Order of Injunction.

An operator or owner of an adult entertainment establishment or any agent of the operator or owner who after any injunction has been granted uses the premises or any part of the premises, or knowingly permits the premises or any part of the premises to be used in violation of an order of abatement or injunction, shall be subject to summary punishment as for contempt of court, in the manner now provided by law.

(Ord. 1910, 6/24/1996, §807)

§6-408. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1910, 6/24/1996, §808; as amended by Ord. 2288, 4/12/2010)

§6-409. Existing Remedies Preserved.

This Part shall not be deemed to affect any remedy available against an adult entertainment establishment or adult book store.

(Ord. 1910, 6/24/1996, §809)

Part 5**Graffiti****§6-501. Intent.**

1. Graffiti is criminal vandalism defacing public and private property without the permission of the owner, costing citizens, businesses and the Township thousands of dollars annually to repair.

2. Graffiti can be a powerful visual symbol of disorder, eroding public safety, reducing the attractive physical qualities of neighborhoods, and contributing to the downward spiral of blight and decay, lessening property values, business vitality and neighborhood stability.

(Ord. 2226, 3/12/2007, §1)

§6-502. Definitions.

The following words and terms shall have the meaning indicated:

Graffiti - any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface or public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the Ross Township Board of Commissioners.

Graffiti implement - an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or other device capable of scarring or leaving a visible mark on any natural or man-made surface.

Person - any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignor, or any other legal entity.

(Ord. 2226, 3/12/2007, §1)

§6-503. Prohibited Acts.

It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any Township-owned property or, without the permission of the owner or occupant, on any non-Township owned property.

(Ord. 2226, 3/12/2007, §1)

§6-504. Graffiti as Nuisance.

1. The existence of graffiti on public or private property in violation of this Part is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this Part.

2. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such

property to at all times keep the property clear of graffiti.

(Ord. 2226, 3/12/2007, §1)

§6-505. Removal of Graffiti by Private Property Owner or Township.

1. *Property Owner.* It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair, or maintenance of property in the Township to permit property that is defaced with graffiti to remain defaced for a period of 15 days after service by certified or first class mail of notice of the defacement. The notice shall contain the following information:

A. The street address and legal description of the property sufficient for identification of the property.

B. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding.

C. A statement that the graffiti must be removed within 15 days after receipt of the notice and that if the graffiti is not abated within that time the Township will declare the property to be a public nuisance, subject to the abatement procedures set forth in this Section.

D. Such notices shall be prepared and sent by the Building Inspection Department.

2. *Right of Township to Remove.*

A. *Use of Public Funds.* Whenever the Township becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the Township shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair, of any more extensive an area than that where the graffiti is located, unless the Code Enforcement Officer determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or, responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

B. *Right of Entry on Private Property.* Prior to entering upon private property or property owned by a public entity other than the Township for the purpose of graffiti removal Ross Township shall attempt to secure the consent of the property owner or responsible party and a release of Ross Township from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this Part, or if the Township has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the Township and consistent with the terms of this Section, Ross Township shall commence abatement and cost recovery proceedings for the graffiti removal according to the Ross Township Code of Ordinances.

(Ord. 2226, 3/12/2007, §1)

§6-506. Penalties.

1. *Penalty for Violation.* Any property owner who does not adhere to the

provisions of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 2288]

2. *Restitution.* In addition to any punishment specified in this Section, the Township Solicitor shall seek restitution to Ross Township for reimbursement of the costs incurred by the Township in removing the graffiti. In the case of a minor, the Township Solicitor shall seek restitution from the parents or legal guardian, subject to the amounts specified in 23 Pa.C.S.A. §5505, as may be amended.

3. *Community Service.* In lieu of, or as part of, the penalties specified in this Section., a minor or adult may be ordered by the Court to perform community service. The Township shall provide the following supervision:

A. Community service shall be performed under the supervision of the Director of the Department of Parks and Recreation. The community service work shall be devoted to graffiti removal in or on Township properties and/or any other clean-up tasks deemed appropriate by the Director.

(Ord. 2226, 3/12/2007, §1; as amended by Ord. 2288, 4/12/2010)

Part 6**Noise****§6-601. Motor Vehicle or All Purpose Vehicle Noise.**

No person shall operate any motor vehicle, motorcycle, motorbike, snowmobile, trail bike or any other type of four or two wheel motor vehicle, either on public highways or on private property which are not adequately or properly equipped with mufflers in operating condition or which emit loud, unusual or unnecessary noise so as to cause discomfort and inconvenience to nearby residents of the Township and/or to visitors to the Township.

(Ord. 2288, 4/12/2010)

§6-602. Prohibited Noise; Exceptions.

No person or his/her agent, servant, employee, customer or invitee shall cause to be made or continue any loud, unusual or unnecessary noise, whether the same be by horns, bells, voice, hammering, grinding, singing, music, radio, television, loud speaker, dance or any form or manner of noise or sound whatsoever which either annoys, injures or endangers the comfort, repose, health or general welfare of nearby residents and/or visitors. The provisions of this section shall not apply to any mechanical device, apparatus or equipment used or connected with emergency public work and shall also not apply to the use of lawnmowers, chainsaws and other mechanical or motorized tools commonly used on residential property, provided the same shall only be used during daylight hours, but not before 8 a.m., prevailing time, and shall not be used in the operation of any business on the property. The provisions of this Section shall also not apply to noise created by (A) normal land development and construction activities carried on during the hours of 6 a.m. to 10 p.m., and (B) snow removal equipment.

(Ord. 2288, 4/12/2010)

§6-603. Penalties.

Any person, firm or corporation who shall violate the provisions of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2288, 4/12/2010)

