

HARFORD TOWNSHIP NOISE ORDINANCE

ORDINANCE #42

AN ORDINANCE DEFINING AND REGULATING NOISE IN HARFORD TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED, and it hereby is enacted and ordained, by the Board of Supervisors of Harford Township, Susquehanna County, Pennsylvania.

SECTION 1. TITLE. This Ordinance shall be known as the Harford Township Noise Ordinance.

SECTION 2. AUTHORITY. This Ordinance is enacted pursuant to the Second Class Township Code.

SECTION 3. PURPOSE. The purpose of this ordinance is to ensure that public health, safety and welfare shall not be abridged by the making and creating of noise pollution or of public nuisances from disturbing, excessive or offensive noises in the Township. The residents of the Township recognize that uncontrolled noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which the level of impulsive and amplified noise is minimized for the community good. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of Harford Township.

SECTION 4. LEGISLATIVE FINDINGS. The Board of Supervisors finds that failure of individuals, businesses, industries, persons maintaining animals, social gatherings and other activities to regulate the noise emanating from their premises constitutes a violation of the peace and enjoyment of the residents of the Township and a public nuisance. Specifically, such noise emanating from home occupations, businesses, industries, sound amplification equipment, radios, electronics sound recording equipment, vehicles, persons maintaining animals, social gatherings, and other activities:

- A. Creates a nuisance in that residents are deprived of the enjoyment of their homes, disturbed in their sleep, and otherwise prevented from the quiet enjoyment of their **residential premises**.
- B. Affects the property values of residences in the Township.
- C. Affects the public welfare by reflecting negatively on the quality of life in **residential areas of the Township**.
- D. Disturbs the peace and good order of the Township; and
- E. Creates noise pollution

ARTICLE I - DEFINITIONS

SECTION 1.01 For the purpose of this Ordinance, the following terms, phrases, words

and their derivations shall have the meaning given herein. When not inconsistent with the context words used in the present tense included in the future, words in the plural number include the singular number and the word "shall" is always mandatory and not merely directory.

- A. "TOWNSHIP" is the Township of Harford, Susquehanna County, Pennsylvania.
- B. "OWNER" is a person owning, leasing, occupying or having charge of any premises within the Township.
- C. "PERSON" is any natural person, firm, partnership, association, corporation, company or organization of any kind.
- E. NOISE - Any sound emitted by a person, animal, appliance, equipment, instrument or other device.
- F. NOISE POLLUTION - Noise of such loudness and character 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.
- G. VEHICLE - Any device, or combination of devices, used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles (ATV's), go-carts, racers, and life devices, farm machinery, industrial machinery, highway graders, trailers, graders and semi-trailers.

ARTICLE II - PROHIBITION OF EXCESSIVE NOISE, PENALTIES FOR VIOLATION

SECTION 2.01 It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township, during the hours of 11 PM and 7 AM.

SECTION 2.02. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance but said enumeration shall not be deemed to be exclusive, namely;

- A. Horns, signaling devices, etc.: Sounding any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Township except as a danger warning; creating, by means of any such signaling device, any unreasonably loud or harsh sound; or the sounding of any such device for any unnecessary or unreasonable period of time.
- B. Radios, phonographs, television sets, etc.: Using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player, disc player, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the

convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is being operated. The operation of any such set, instrument, phonograph, radio, machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the property line or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C. Loud speakers, amplifiers for advertising: Using, operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure except in the course of legitimate business activity or auction sales.

D. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling, or singing on the public streets, at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, or other type of residence, or of any persons in the vicinity.

E. Exhausts: The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from.

SECTION 5. EXEMPTIONS. Noise emitted from the following sources shall be exempt from the noise standards specified herein:

A. All safety signals and warning devices (e.g. intrusion alarms, back-up alarms on trucks); authorized vehicles when responding to emergencies (e.g. police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of emergency work).

B. The provision, repair and maintenance of municipal services or public utilities.

C. Bells, chimes and carillons used for religious purposes or in conjunction with national celebrations or public holidays.

D. Heavy construction equipment when being used on a **specific short term project** (such as, but not limited to, constructing a building; constructing, repairing or cleaning a road, drilling a well; gas exploration, and other similar short term, specific construction, demolition, or repair projects) for the duration of such short term, specific project, PROVIDED, such heavy construction equipment is operated within the manufacturer specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

E. Existing weapons firing ranges during day time defined herein as from 7 AM to 9 PM.

F. All motor vehicles being operated on the public road in Harford Township, provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper working condition.

G. All farm related operations and activities.

H. Any **existing** legitimate or licensed business, commercial or industrial operation provided any appliances, equipment, machinery or devices used in such operation are operated within the manufacturer's specifications with all standard noise-reducing equipment in use, unmodified and in proper operating condition, during the hours of 7AM and 9PM.

I. Public Celebrations

A) In celebration of the 4th of July, legal fireworks will be allowed on the actual day or the eve of the celebrated day until 12 o'clock midnight.

B) In celebration of the New Year, legal fireworks will be allowed on the actual New Years eve until 1 o'clock AM of New Years day.

J. Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver.

SECTION 6. SPECIAL WAIVER. The Township may grant a Special Waiver of the strict application of this Noise Ordinance during emergency circumstances or during natural gas exploration and operations to allow reasonable time for the repair or replacement of equipment whose operation exceeds the noise standards of this Ordinance.

The Township may also grant a Special Waiver of the strict application of this Noise Ordinance for a special, limited time period event that occurs once or twice a year and benefit's the entire community.

Such Special Waiver shall be obtained by application to the Township and a written explanation of the nature of the emergency or other reason that a Waiver is necessary and the expected length of time needed to come into compliance. The Waiver shall require the approval of a majority of the Supervisors.

In the event a Waiver is denied, the applicant may appeal such denial to the Court of Common Pleas of Susquehanna County.

SECTION 7. POLICY. It is the policy of the Board of Supervisors in adopting this ordinance not to force any industrial or commercial enterprise out of business, but rather to work with any industrial or commercial enterprise as presently operated, to find ways to reduce noise levels to the level permitted by this ordinance and operate equipment during reasonable times.

SECTION 8. ENFORCEMENT OFFICERS. This ordinance may be enforced by any police officer or by any Township official.

SECTION 9. ENFORCEMENT PROCEDURES. The following procedures and penalties are prescribed for enforcement of this ordinance.

A. Warnings. If it is determined that a noise level is excessive, by this ordinance, the Township, shall upon written complaint by the affected person, who resides in Harford Township issue a written warning to the person(s) responsible. Any such warning shall be in effect for six (6) months.

B. Offenses. If it is determined and verified that a noise level is excessive, or any part of this Ordinance has been violated, the person(s) that caused or permitted the violation within six (6) months after the issuance of a warning may be prosecuted before the District Magistrate.

C. Public Nuisance. Any emission of noise from any source in excess of the limitations established herein is hereby declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties herein provided.

D. Other Remedies. Nothing in this Ordinance shall be construed to impair any cause of action or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise on such place or manner, or at such levels which may give rise to such cause of action.

SECTION 10. RELATIONSHIP WITH OTHER RESTRICTIONS. The provisions of this Ordinance are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in other statutes, rules, regulations or Ordinances, the more stringent regulation shall apply.

SECTION 11. PENALTIES. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, as a summary offense, be sentenced to pay a fine of not more than five hundred (\$500.00) dollars; and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

SECTION 12. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had the unconstitutional, illegal or invalid sentence, clause, section or part thereof not been

included therein.

SECTION 13. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 14. EFFECTIVE DATE. This Ordinance shall take effect five (5) days from the date of adoption.

ENACTED AND ORDAINED, This 8th day of June, 2010,
By the Board of Supervisors of the Township of Harford, Susquehanna County,
Pennsylvania, in lawful session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF
HARFORD

Don A. Ferry
Secretary

By: *Sheryl A. Hord*
Chairman

Don A. Ferry
Sheryl A. Hord
members