

ORDINANCE NO. 2020-03
UPPER LEACOCK TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

AN ORDINANCE DEFINING AND REGULATING NOISE IN UPPER LEACOCK
TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA

BE IN ENACTED AND ORDAINED, and it hereby is enacted and ordained, by the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania:

SECTION 1. TITLE. This Ordinance shall be known as the Upper Leacock 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 the 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. It is the purpose and scope of this Ordinance to provide regulations defining a noise disturbance that vehicles, appliances and equipment shall be not allowed to produce within specific distances from their neighbors, and also to provide for the prohibition of other kinds of offensive noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of Upper Leacock Township.

SECTION 4. LEGISLATIVE FINDINGS. The Board of Supervisors finds that the 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, between certain hours, sound amplification equipment, radios, electronic sound recording equipment, vehicles, persons maintaining non-farm 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.

SECTION 5. DEFINITIONS

NOISE DISTURBANCE. Any sound that annoys or disturbs a reasonable person with normal sensitivities, or any sound that injures or endangers the comfort, repose, health, hearing, peace or safety of the other persons.

PERSON. An individual, or any association, partnership, corporation, company, sole proprietorship, or other business entity, including any officer, employee, workman or agent thereof.

SECTION 6. NOISE LIMIT.

A. **Noise disturbance prohibited.** No person shall make, continue or cause to be made 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.

B. **Specific prohibitions.** The following acts and the causing thereof are declared to be noise disturbances and therefore in violation of this Chapter.

1. Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phone, phonograph, drum, musical instrument, sound amplifier, automobile radio, wireless speaker, automobile stereo, high-fidelity equipment or similar device which produces, reproduces or amplifies sound: 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 6:00 a.m. so as to be plainly audible across a property line (boundary).
2. Power equipment. Operating or causing to be operated any motorized or power equipment (mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device are examples) outdoors or inside an open garage or open shed on a residential zoned or used property between the hours of 10:00 p.m. and 6:00 a.m. except where a permit for the work being performed has been issued or is required or in the event of a weather event, power loss or emergency where equipment such as snow blowers, generators, pumps and similar equipment is utilized.
3. Off-road vehicles. Using or operating any recreational gas-powered off-road vehicles, including but not limited to, all-terrain vehicles (ATV's), snowmobiles and dirt bikes, between the hours of 10:00 p.m. and 6:00 a.m. This does not apply to any farm equipment or farm vehicles.

4. Device used on public right-of-way or in public space. In such a manner as to create a noise disturbance across a property line (boundary), or at 50 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.
5. Yelling or shouting behavior. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing on the public streets between the hours of 10:00 p.m. and 6:00 a.m.
6. Construction operations. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work between the hours of 10:00 p.m. and 6:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a property line of a residential zone or use, except for emergency work.
7. 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 10 minutes or makes such noise intermittently for ½ 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.
8. 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 except between the hours of 6:00 a.m. and 10:00 p.m.
9. Tampering. The following acts or the causing thereof are prohibited:
 - a. The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement of any muffler or sound dissipative device or element of design or noise label of any product;
 - b. The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the Police, provided that such device or designated area is clearly labeled in accordance with noise control regulations to warn of the potential illegality; and
 - c. The use of a product which has had a muffler or sound dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.
10. Vehicle 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).
11. Fireworks. The setting off of noise making fireworks between the hours of 11:00 p.m. and 6:00 a.m. the following day, unless a fireworks permit has been obtained from the Township which establishes a different time period, in which case the time period established by the permit shall control.

SECTION 7. ENFORCEMENT.

- A. This chapter shall be enforced by East Lampeter Township Police Department.
- B. A violation or violations of this Chapter may be the cause for the issuance of a non-traffic citation to the violator(s), provided, however, that in lieu of the issuance of a non-traffic citation, enforcement personnel may issue a warning notice to the violator(s), in writing, which may be served personally or by certified mail, return receipt requested, to the last known address of the violator(s). The notice shall state the nature of the violation and specific time period for the correction and abatement of the violation. Failure to comply with the notice shall constitute a violation of this Chapter. If the violator(s) is a business entity or its agents, servants, workmen or other representative(s) of the business entity, the address of the business entity shall be presumed to be the correct mailing address for such business entity.
- C. The violation of this Chapter is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or in any other manner available for the abatement of public nuisances.
- D. Any remedy available pursuant to this Chapter shall be considered separate and not exclusive of any other remedy available hereunder.
- E. Nothing in this Chapter shall be construed to impair any cause of action or legal remedy of any person for injury or damage arising from any violation of this Chapter.

SECTION 8. PENALTIES


- A. If upon conviction of a summary offense by a court of competent jurisdiction it is determined that a violation of this Chapter has occurred, and if the violator is an individual who is not a business entity, the violator shall be sentenced to pay a fine of not less than \$50 and not more than \$200, plus all court costs and reasonable attorneys' fees.
- B. If after a summary proceeding in a court of competent jurisdiction it is determined that a violation of this Chapter has occurred, and if the violator is an individual who is a business entity, the violator shall be sentenced to pay a fine of not less than \$200 and not more than \$600, plus all court costs and reasonable attorneys' fees.
- C. For ongoing violations, each day during which a violation occurs shall be considered a separate violation subject to separate penalties.


SECTION 9. MISCELLANEOUS

- A. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- B. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.
- C. This Ordinance shall be effective five (5) days following its legal enactment.


ENACTED and ORDAINED this 20th day of August, 2020.

ATTEST:


Michael Morris, Secretary

**BOARD OF SUPERVISORS
UPPER LEACOCK TOWNSHIP**

Ronald Simmons, Chairman

I, Michael Morris, Secretary of the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Upper Leacock Township held on August 20, 2020, at which meeting a quorum was present and voted in favor thereof.


Michael Morris, Secretary