

ORDINANCE NO. 182

**EPHRATA TOWNSHIP,
LANCASTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE DEFINING AND REGULATING NOISE IN
EPHRATA TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA**

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

SECTION 1. TITLE. This Ordinance shall be known as the Ephrata 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. 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 specified 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 Ephrata 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, 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. NOISE LIMIT.

A. 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.

B. Noise disturbance – Noise of such loudness, character, duration 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.

C. 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, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, high-fidelity equipment or similar device which produces, reproduces or amplifies sound:

(a) at any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 9:00 p.m. and 8:00 a.m. so as to be plainly audible across a property line (boundary);

(b) 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; or

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

(2) Yelling and shouting, etc. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing on the public streets between the hours of 9:00 p.m. and 8:00 a.m.; or (b) At any time or place in such a manner as to create a noise disturbance.

(3) Construction

(a) Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance across a residential real property line (boundary), except for emergency work; or

(4) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. so as to cause a noise disturbance across a residential property line;

(5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 9:00 p.m. and 8:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property line (boundary). This section shall not apply to municipal or utility services including garbage trucks in or about the public right-of-way.

(6) Animals and birds. Owing, processing, 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 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.

(7) 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 9:00 p.m. and 8:00 a.m.

(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 8:00 a.m. and 9:00 p.m. and at no time in such a manner as to violate 198-5A.

(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, 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).

(11) ATVs, dirt and trail bikes snowmobiles. Operating or permitting the operation of dirt and trail bikes, snow mobiles and ATVs so as to create a noise disturbance across a residential property line (boundary).

D. Motor vehicle prohibitions.

(1) 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 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).

(2) Unnecessary horn blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such vehicle.

(3) Sound trucks. No person shall operate sound amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to cause a noise disturbance across a residential real property line.

SECTION 6. 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, backup 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. Appliances, lawn and garden equipment, chain saws, and power tools in use between the hours of 7:00 a.m. (prevailing time) and 9:00 p.m. (prevailing time) provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition. The use of chain saws and power tools are exempt from the time limitations if used in the case of an emergency (such as a weather event). Ephrata Township, at its sole discretion, shall determine what constitutes emergency use.

E. Heavy construction equipment when being used on a specific short term project (such as constructing a building: constructing, repairing or cleaning a road, drilling a well; and other similar short term, specific construction, demolition, or repair projects) in use between the hours of 6:00 a.m. and 9:00 p.m., prevailing time, 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.

F. Air conditioners, fans, hearing units and similar comfort devices, provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition.

G. Airplanes, helicopters and normal activities of properly licensed airports; trains operating on railroads.

H. Musical, recreational and athletic events conducted by or permitted by schools, local government, community or community association or village festivals, or events sponsored by non-profit organizations.

I. Existing weapons firing ranges during day time hours as defined herein. Any weapons firing ranges used for training or certifying law enforcement agencies shall be exempt from this ordinance.

J. All motor vehicles being operated on the public road in Ephrata 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.

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

L. All farm related operations and activities.

M. 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 and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

N. Snow removal equipment provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition.

SECTION 7. SPECIAL WAIVER. A temporary waiver from strict compliance with the noise standards specified herein may be granted to persons during emergency circumstances, as determined by the Board of Supervisors, to permit reasonable time to effect repairs.

SECTION 8. 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 to find ways to reduce noise levels to the level permitted by this ordinance.

SECTION 9. ENFORCEMENT OFFICERS. This ordinance may be enforced by any police officer or by any person affected by noise as defined herein.

SECTION 10. ENFORCEMENT PROCEDURES. The following procedures and penalties are prescribed for enforcement of this ordinance.

A. **Warnings.** If it is determined by a police officer that noise disturbance as described by this Ordinance has occurred, the Township, shall upon written complaint by the affected person, who resides or operates a business in Ephrata Township issue a written warning to the person responsible. Any such warning shall be in effect for six (6) months.

B. **Offenses.** If it is determined by a police officer that a noise disturbance in excess as described by this Ordinance shall have been caused or permitted by any person within six (6) months after the issuance of a warning, any person affected thereby, who resides or operates a business in Ephrata Township, may prosecute such person causing or permitting said noise disturbance before the District Magistrate.

C. **Injunctions.** In addition, any person affected thereby, may file legal or equitable actions in Court to abate or enjoin violations of this ordinance.

D. **Public Nuisance.** Any noise disturbance from any source as defined herein is hereby declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties herein provided.

E. **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 11. RELATIONSHIP WITH OTHER RESTRICTIONS. The provisions of this Ordinance are not intended to interfere with, abrogate or annul other roles, 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 12. 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 One Thousand (\$1,000.00) Dollars; and in default of payment, to imprisonment for a terms not to exceed thirty (30) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

SECTION 13. 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 14. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect five (5) days from the date of adoption.

ENACTED AND ORDAINED, This 6th day of January, 2003.

BOARD OF SUPERVISORS OF
EPHRATA TOWNSHIP

BY: _____

ATTEST:

Secretary