

TOWNSHIP OF TYRONE
Adams County, Pennsylvania

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE TOWNSHIP OF TYRONE,
ADAMS COUNTY, PENNSYLVANIA, REGULATING NOISE

BE IT ORDAINED by the Board of Supervisors of the Township of Tyrone, Adams County, Pennsylvania, as follows:

SECTION 1: Title. This Ordinance shall be known as the Tyrone Township Noise Ordinance.

SECTION 2: 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 good of the community. It is the purpose and scope of this Ordinance to provide regulations defining a noise disturbance, which vehicles, appliances and equipment shall not be allowed to produce within specified distances from their neighbors and 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 Tyrone Township.

SECTION 3: 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 4: Definition.

NOISE DISTURBANCE. Noise or 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 reasonable person of normal sensitivities.

SECTION 5: Noise Limit.

A. No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person 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. The following acts and the causing thereof are declared to be noise disturbances between the hours of 10:00 p.m. and 6:00 a.m. and, therefore, in violation of this section.

(1) Radios, televisions, musical instruments and similar devices. Operating, playing or permitting the operation of or playing of any radio, television, disc jockey equipment, sound amplifier, vehicle sound system 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 boundary.

(2) Construction. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition in a manner as to cause a noise disturbance across a property boundary.

(3) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or equipment or similar device used outdoors in residential areas so as to cause a noise disturbance across a property boundary.

(4) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects in such a manner as to cause a noise disturbance across a property boundary.

C. Domesticated Animal and Bird Prohibitions. Owning, possessing, harboring or controlling any animal or bird, which howls, barks, meows, squawks or makes other sounds continuously or incessantly for a period of thirty (30) minutes or more or makes such noise intermittently for one (1) 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 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.

D. Off-road Vehicle Prohibitions. Operating or permitting the operation of off-road vehicles so as to create a noise disturbance across a property boundary.

E. Motor Vehicle Prohibitions.

(1) Squealing tires, burn-outs, peel-outs, power-braking or similar activity. No person shall cause or allow the tires of a motor vehicle, which the person is operating, to squeal, except when necessary to avoid a collision with another person, vehicle or property.

(2) Racing Engine/Rapid Throttle Advance. No person shall operate a motor vehicle in such a manner that the public's attention is drawn to the source of the noise. The prohibition of this Section shall include racing the engine or rapid throttle advance and revving of an internal combustion engine resulting in an increase in noise from the engine.

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 of 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, public utilities or any other function of a governmental entity.

C. Bells, chimes and carillons used in conjunction with celebrations or public holidays.

D. Tools, materials and equipment are exempt from the time limitations if used in the case of an emergency, such as a weather event.

E. Musical, recreational and athletic events conducted by or permitted by schools, local government, community festivals or events sponsored by nonprofit organizations.

F. Any weapons firing ranges used for training or certifying law enforcement personnel. Existing weapons firing ranges used by the general public during daylight hours.

G. All motor vehicles operated on public roads in Tyrone Township, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper working order.

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

I. All agricultural operations and activities.

J. Snow removal equipment, provided such equipment is 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 special circumstances, as determined by the Board of Supervisors or its designee.

SECTION 8: Enforcement Officers. This Ordinance may be enforced by any zoning officer or code enforcement officer.

SECTION 9: Violations and Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction before a Magisterial District Judge as a summary offense. Be sentenced to pay a fine of not more than \$1,000.00 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 10: 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 herein.

SECTION 11: Repealer. All ordinances or parts of ordinances which inconsistent herewith are hereby repealed.

SECTION 12: Effective Date. This ordinance shall take effect five (5) days from the date of adoption.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 2021-02 this 20
day of October, 2021 by the Board of Supervisors of the Township of Tyrone.

ATTEST:

BOARD OF SUPERVISORS
TOWNSHIP OF TYRONE


Township Secretary


Chairman

