

ORDINANCE NO. 1 of 2022

SCHUYLKILL TOWNSHIP

**An Ordinance of the Township of Schuylkill, Schuylkill County, Pennsylvania
Defining and Prohibiting Sound/Noise Disturbance and
Providing Penalties for Violations**

WHEREAS, the Township of Schuylkill wishes to establish an Ordinance defining and prohibiting sound/noise disturbances and providing penalties for violations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS FOR SCHUYLKILL TOWNSHIP, AS FOLLOWS:

SECTION 1. PURPOSE AND SCOPE.

A. The Supervisors for Schuylkill Township (the "Township") find that excessive levels of sound/noise are detrimental to the physical, mental, and social well-being of the people, as well to their comfort, living conditions, general welfare, and safety and being. Therefore, recognizing such public health and welfare hazards, the Supervisors for the Township hereby declare it necessary to provide for the greater control and more effective regulation of excessive sound/noise and the sources of excessive sound/noise within the Township.

B. This Ordinance aims to ensure that public health, safety and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive sound/noises in the Township. The residents of the Township recognize that uncontrolled sound/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 sound/noise is minimized for the good of the community. This Ordinance attempts to foster mutual respect among residents and to establish a community position against sound/noise pollution. The community believes that it should rely on the good sense of all residents to respect one another's living and working environments, and one another's right to an environment that is free from sound/noise disturbances.

C. To achieve the intent and purpose of the Supervisors for the Township, this Ordinance regulates sound/noise in three manners: (1) through an objective, reasonable person standard of annoyance (as set forth in Section 3); (2) through per se prohibitions on certain types of sound/noise known to cause annoyance (as set forth in Sections 4 through 5). Noncompliance with Section 3, 4 and/or 5 outlining these three (3) methods of sound/noise control, constitutes a violation of this Ordinance, and is subject to the penalties provided herein.

D. This Ordinance applies to all persons, property, animals, equipment, appliances, instruments, and other sound/noise-emitting devices, as regulated herein,

E. The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations, or ordinances, including the Pennsylvania Crimes Code, Pennsylvania Vehicle Code, or any Pennsylvania Consolidated Statutes. If more stringent requirements concerning sound/noise abatement are contained in the other rules, regulations, or ordinances, the more stringent regulation(s) shall apply,

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following words, terms, and phrases when used in this Ordinance shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning. All terminology used in this Ordinance, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI and its revisions) or its successor body.

AMBIENT SOUND/NOISE - The all-encompassing sound/noise associated with a given environment, being usually a composite of sounds/noises from many sources near and far.

CONSTRUCTION OPERATION - The erection, repair, renovation, demolition, or removal of any building or structure; and the excavation, filling, grading, and regulation of lots in connection therewith.

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

EMERGENCY WORK — Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

IMPULSIVE SOUND/NOISE — Sound/noise of short duration, usually, less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound/noise include explosions, drop forge impacts, and the discharge of firearms.

MUFFLER OR SOUND/NOISE DISSIPATIVE DEVICE - A device designed for decreasing or abating the level of sound/noise escaping from an engine or machinery system.

PERSON - Any individual, association, trust, partnership, or corporation, including any members, directors, officers, employees, partners, or principals thereof. Whenever used in any clause prescribing and imposing a penalty, "person" includes the members, trustees, partners,

directors, officers, managers, and supervisors, or any of them, of partnerships, associations, corporations, or other forms of entity.

POWERED MODEL VEHICLE — Any self-propelled airborne, waterborne, or land-borne plane, vessel, or vehicle which is not designed to carry persons including, but not limited to any model airplane, boat, car, or rocket. This definition shall also include dirt bikes, four-wheelers, and all-terrain vehicles ("ATVs") being used to carry persons, but which are not being operated on a street, boulevard, circle, highway, or similar place. To the extent that dirt bikes, four-wheelers, or ATVs are being operated on a public right-of-way, the restrictions in this Ordinance for such shall be governed by the motor vehicle prohibitions as set forth in Section 5 below.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, circle, highway, sidewalk, or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property, or structures thereon, which is owned or controlled by a governmental entity.

PROPERTY LINE (BOUNDARY) — An imaginary line or "party wall" that separates adjoining lands or the dwelling units of apartments, condominiums, townhomes, or duplexes, drawn through the points of contact of adjoining lands, or, in the case of apartments, condominiums, townhouses, and duplexes owned, rented, or leased by different persons, a demarcation or a line of separation between dwelling units or properties. In the circumstances of any two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public right-of-way or a common or shared area shall be deemed to be across the property line.

REAL PROPERTY — All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to the public right-of-way.

SOUND/NOISE — An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound/noise may include any characteristics of such sound/noise, including duration, intensity, and frequency.

Any sound/noise which annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans, excepting any law enforcement activity including, but not limited to training sessions.

SOUND/NOISE DISTURBANCE — Any sound/noise which endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, the safety or health of humans or animals, annoys, would annoy or is likely to annoy, or disturb a reasonable person of ordinary sensibilities; endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, personal or real property; disturbs, would disturb or is likely to disturb, the peace; or creates, would create or is likely to create, a nuisance; a violation of Sections 3, 4 or 5 of this Ordinance.

TOWNSHIP----The Township of Schuylkill, Schuylkill County, Pennsylvania

ZONING DISTRICTS — The land use districts as established by the Code of Schuylkill Township, and all subsequent amendments.

SECTION 3. SOUND/NOISE DISTURBANCE PROHIBITED.

It shall be unlawful for any person to make or cause to be made a sound/noise disturbance within the limits of the Township of Schuylkill, except as otherwise permitted in this Ordinance.

SECTION 4. SPECIFIC PROHIBITED ACTS.

The following acts, and the causing thereof, are declared to be sound/noise disturbances, and therefore in violation of this Ordinance:

A. **Radios, Television Sets, Musical Instruments and Similar Devices.** Operating, using or playing of any radio, television, phonograph, drum, musical instrument, sound/noise amplifier, automobile radio, automobile stereo, high fidelity equipment, or similar device which produces, reproduces, or amplifies sound/noise to the extent that such use creates a sound/noise disturbance:

- i. At any time and in such a manner as to cause a sound/noise disturbance across a property line (boundary), or between the hours of 10:00 P.M. and 7:00 A.M.; or
- ii. In such a manner as to create a sound/noise disturbance across a property line (boundary) or at twenty (20') 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
- iii. In such a manner as to create a sound/noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

B. Yelling and Shouting. Engaging in loud or raucous yelling, hooting, whistling, or singing:

- i. On the public streets between the hours of 10:00 P.M. and 7:00 A.M.; or
- ii. At any time or any place in such a manner as to create a sound/noise disturbance.

C. Construction Tools or Equipment. Operating or permitting the operation of any tools or equipment used in construction operations, drilling, or demolition work:

- i. Between the hours of 10:00 P.M. and 7:00 A.M., Monday through Saturday, such that sound/noise therefrom creates a sound/noise disturbance across a residential property line (boundary), except for emergency work; or
- ii. This Subsection C shall not apply to the use of domestic power tools as hereinafter provided in Subsection D hereof.

D. Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn/garden tool, or similar device used outdoors between the hours of 10:00 P.M. of one day and 7:00 A.M. of the following day, so as to cause a sound/noise disturbance across a residential property line (boundary), except in an emergency.

E. Loading and Unloading. Loading, unloading, opening, closing, or otherwise handling of boxes, crates, containers, building materials, garbage cans, or other objects between the hours of 10:00 P.M. of one day and 7:00 A.M. of the following day, in such a manner as to cause a sound/noise disturbance across a residential property line (boundary). Such restrictions shall also apply to truck idling and truck refrigerants.

F. Animals and Birds. Owning, possessing, harboring, or controlling any animal or bird which howls, barks, meows, squawks, or makes other sound/noises continuously and/or incessantly for a period of ten minutes, or makes sound/noise intermittently for thirty (30) minutes 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 sound/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.

G. Tampering. No person shall remove or render inoperative, other than for purposes of maintenance, repair, replacement, or other work, any muffler or sound/noise-dissipative device or element of design or sound/noise label of any product; intentionally move or render inaccurate or inoperative of any sound/noise-monitoring instrument or other device positioned by or for the

Township or other government entity, provided that such device or the immediate area is clearly labeled or posted to warn of the potential illegality; or use a product which has had a muffler or sound/noise-dissipative device or element of design or sound/noise label removed or rendered inoperative with knowledge or reason to know that such action has occurred.

H. **Powered Model Vehicles.** No person shall operate a motorcycle, truck, automobile, or other motor vehicle in such a manner as to cause to create a sound/noise disturbance.

SECTION 5. MOTOR VEHICLE PROHIBITIONS.

A. **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 a vehicle, or unless necessary in the testing of such for state inspection purposes.

B. **Sound Trucks.** No person shall operate amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle sound/noise emissions as set forth herein.

SECTION 6. EXEMPTIONS.

The following sounds/noises are exempted from these provisions:

A. **Blasting.** Only if performed in accordance with a permit issued by the official in charge of the Township's Code Enforcement Office or its designee. Such blasting may occur only between 9:00 AM. and 4:00 P.M., Monday through Friday, specifically authorized otherwise by the permit.

B. **Concerts, etc.** Band concerts, carnivals, or other performances, or similar activities, publicly or privately sponsored, and presented in any public or private space outdoors and/or indoors so long as:

- i. Such activities do not occur between the hours of 10:00 P.M. and 7:00 A.M.; and/or
- ii. All necessary permits as defined by the Township's Ordinances have been procured, i.e., special event permits, as well as any special permitting that may be required by any other federal, state, and/or local regulatory agency having jurisdiction over such events.

C. **Construction tools or equipment.** Operating or permitting the operation of any tools or equipment used in construction operations, drilling, or demolition work on Sundays or any

holidays recognized by Schuylkill County between the hours of 9:00 A.M. and 9:00 P.M. subject to procuring any and all necessary permits as defined by the Township's Ordinances, as well as any special permitting that may be required by any other Federal, State, and/or local regulatory agency having jurisdiction over such work.

D. Emergency Work. Sound/noises caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment,

E. Municipal And Utility Services. Sound/noises resulting from the provision, repair and maintenance of municipal/governmental facilities, services or public utilities.

F. Amplified Announcements. Sound/noises created by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities, or events, other than motor vehicle racing events.

G. Warning Devices. Sound/noises made by warning devices operating continuously for three (3) minutes or less, except that, in the event of an actual emergency, the limitation shall not apply.

H. Celebrations. Sound/noises made by bells, chimes, carillons used for religious purposes, or in conjunction with national, state, or local celebrations or public holidays; existing bells, chimes, carillons, and clock strike mechanisms that are currently in use for any purpose.

I. Snow Blowers. Sound/noises made by snow blowers or similar snow removal equipment used in the maintenance of private or public property following snowstorms.

SECTION 7. ENFORCEMENT.

This Ordinance shall be enforced by the Schuylkill Township Police Department.

SECTION 8. VIOLATIONS AND PENALTIES.

Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine of not less than One Hundred Fifty (\$150.00) Dollars, and not more than One Thousand (\$1,000.00) Dollars, plus the costs of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than thirty (30) days. Each section or provision of this Ordinance that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Ordinance is found to exist shall constitute a separate offense, each of which violation shall be punishable by a separate fine imposed by the District Justice of not less

than One Hundred Fifty (\$150.00) Dollars, and not more than One Thousand (\$1,000.00) Dollars, plus the costs of prosecution, and, upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than thirty (30) days.

SECTION 9. SEVERABILITY.

If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections shall not be affected and shall remain in full force and effect.

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 10. CONFLICT.

Any other ordinance or part of another ordinance conflicting with the provisions of this Ordinance shall be, and the same is hereby repealed, to the extent of such conflict. All relevant ordinances, regulations, and policies of Schuylkill Township not amended shall remain in full force and effect.

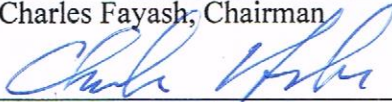
SECTION 11. EFFECTIVE DATE.

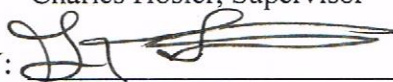
This Ordinance shall be effective immediately upon passage and approved in the manner prescribed by law.

ENACTED AND ORDAINED, by the Supervisors of Schuylkill Township on this 4th day of April, 2022.

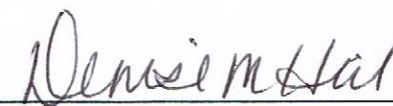
SCHUYLKILL TOWNSHIP SUPERVISORS

BY: 
Charles Fayash, Chairman

BY: 
Charles Hosler, Supervisor

BY: 
Gary Feathers, Supervisor

ATTEST:


Denise Hill, Secretary