

**SHIPPENSBURG TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 98-4

AN ORDINANCE OF SHIPPENSBURG TOWNSHIP TO REGULATE NOISE

SECTION 1. Purpose.

The Supervisors of Shippensburg Township, finding that excessive levels of sounds are detrimental to the physical, mental and social well-being of the residents as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within Shippensburg Township.

SECTION 2. Title.

This ordinance shall be known as the “Noise Ordinance”.

SECTION 3. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings herein given, except where the context clearly indicates a different meaning.

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— Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sounds include explosions, dropped forge impacts and discharge of firearms.

MUFFLER OR SOUND DISSIPATIVE DEVICE—A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

NOISE—Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE—any Sound which:

- A. Endangers or injures the safety or health of humans or animals;
- B. Annoys or disturbs a reasonable person of normal sensitivities;
- C. Endangers or injures personal or real property.

PERSON—Any individual, association, partnership or cooperation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, “person” includes the individual members, partners, officers and managers or any of them of partnership and associations, and as for corporations, the officers and managers thereof or any of them.

POWERED MODEL VEHICLE—Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

PROPERTY OR BOUNDARY LINE—An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons, a demarcation or a line of separate properties, and also, for any two or more buildings sharing a common grounds, the line drawn midway between any two such buildings. All areas devoted to public rights of way shall be deemed to be across the property line. For the purpose of this definition, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

PUBLIC RIGHT-OF-WAY—Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is open to public use as a matter of right.

PUBLIC SPACE—Any real property or structure thereon which are owned or controlled by a governmental entity.

REAL PROPERTY—All land, whether publicly or privately owned, whether improved, with or without structures, exclusive of any areas devoted to public right-of-way.

SECTION 4. Prohibited Acts; Violations.

- 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 person’s right to control.
- B. Specific prohibitions. The following acts and the causing thereof and declared to be noise disturbances and thereof in violation of this ordinance:

- (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 or boundary line, or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a property or boundary line;
 - (b) In such a manner as to create a noise disturbance across a property or boundary line or at a distance of 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;
 - (c) In such a manner as to create a noise disturbance to any person other than the operator of the device.
- (2) Yelling and shouting, ect. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing;
 - (a) On the public streets between the hours of 10:00 p.m. and 7:00 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:
 - (1) Between the hours of 10:00 p.m. and 7:00 a.m. Monday through Saturday or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance across a residential real property or boundary line, except for emergency work.
- (4) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar devices used outdoors between the hours of 10:00 p.m. and 7:00 a.m.
- (5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential

property or boundary line. This section shall not apply to municipal or utility services in or about a public right-of-way.

- (6) Animals and birds. Owning, possessing, harboring or controlling any animal or bird which howls, 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.
- (7) Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property or boundary line between the hours of 10:00 p.m. and 7:00 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.
- (9) Tampering. The following acts or the causing thereof are prohibited;
 - (a) The removal or rendering inoperative by any person other than for the purpose of maintenance, repair or replacement of any muffler or sound dissipative device or element of design.
 - (b) The use of a product or equipment which has had a muffler or sound dissipative device or element of design removed or rendered inoperative.
- (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 real property or boundary line.

C. Motor vehicle prohibitions.

- (1) Standing motor vehicles. No person shall operate or permit the operation of any vehicle or any auxiliary equipment attached to such a vehicle, for a period of longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 100 feet of any residence in such a manner as to cause a noise disturbance across a residential property or boundary line.

- (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.

SECTION 5. Exemptions.

The following sounds are exempted from the provisions of this ordinance.

- A. Amplified announcements. Electronically amplified announcements at athletic events.
- B. Blasting. Blasting may occur only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday. No blasting is permitted on Sundays.
- C. Concerts, bands concerts, block parties, church carnivals or other performance or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that:

- (1) Such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m.

- D. Emergency work. Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- E. Municipal and utility services. Sounds resulting from the repair or replacement or any municipal or utility installation in or about the public right of way.
- F. School and public activities. Sounds not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than fireworks or fireworks displays and motor vehicle racing events.

SECTION 6. Penalties.

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof be sentenced to pay a fine of not less than Fifty dollars (\$50.00) nor more than Three Hundred dollars (\$300.00), and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than Ten (10) days. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

SECTION 7. Severability.

If any sentence, clause, paragraph, section or portion of this Ordinance is declared by any Court of competent jurisdiction to be illegal, invalid or unconstitutional, such declaration shall not affect the remaining provisions of this Ordinance.

Ordained and enacted the 4th day of January, 1999.