

ORDINANCE NO. 2 OF 2014

**AN ORDINANCE OF SILVER SPRING TOWNSHIP,
CUMBERLAND COUNTY PENNSYLVANIA,
AN ORDINANCE DEFINING AND REGULATING NOISE,
TO BE KNOWN AS THE "SILVER SPRING TOWNSHIP NOISE ORDINANCE"**

SECTION 1. TITLE. This Ordinance shall be known as the Silver Spring 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 Silver Spring 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. DEFINITION OF 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 reasonable person of normal sensitivities.

SECTION 6. NOISE LIMIT.

- A. 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. The following acts and the causing thereof are declared to be noise disturbances between the hours of 10pm and 6am and therefore in violation of this section.
1. Radios, television sets, musical instruments, and similar devices. Operating, playing or permitting the operation or playing of any radio, television, disc jockey equipment, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, 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 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 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 30 minutes or makes such noise intermittently for 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 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.
- D. Off-Road Vehicles. 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 in order to avoid a collision with another person, vehicle or other 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/or revving of an internal combustion engine resulting in an increase of noise from the engine.

SECTION 7. EXEMPTIONS. Noise emitted from the following sources shall be exempt from the noise standards specified herein:

- A. All safety signals and warning devices 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 governmental entity.
- C. Bells, chimes and carillons used in conjunction with celebrations or public holidays.

- D. Tools, materials, & 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 non-profit organizations.
- F. 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.
- G. All motor vehicles being operated on the public road in Silver Spring 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.
- H. Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver.
- I. All agriculturally related operations and activities.
- J. 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.
- K. 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.

SECTION 8. 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, to permit reasonable time to effect repairs.

SECTION 9. ENFORCEMENT OFFICERS. This ordinance may be enforced by any police officer, zoning officer, or code enforcement officer.

SECTION 10. RELATIONSHIP WITH OTHER RESTRICTIONS. The provisions of this Ordinance are not intended to interfere with, abrogate or annul other rules, regulations or ordinances. If more stringent requirements concerning noise abatement are contained in other statues, rules, regulations, or Ordinances, the more stringent regulation shall apply.

SECTION 11. 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 One Thousand (\$1000.00) Dollars; 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.

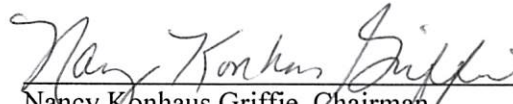
SECTION 12. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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 13. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 14. EFFECTIVE DATE. This Ordinance shall take effect five (5) days from the date of adoption.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 2 of 2014 this 26th day of March, 2014 by the Board of Supervisors of the Township of Silver Spring.

**BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING**



Nancy Konhaus Griffie, Chairman

ATTEST:



Theresa Eberly, Township Secretary