

TOWNSHIP OF HAMPDEN

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE TOWNSHIP OF HAMPDEN, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10, HEALTH AND SAFETY, OF THE HAMPDEN TOWNSHIP CODE OF ORDINANCES, FOR PURPOSES OF ADDRESSING NOISE DISTURBANCES.

SECTION 1: Chapter 10, Health and Safety, of the Hampden Township Code of Ordinances, is hereby amended to include the following new Part as follows:

PART 5 – NOISE DISTURBANCE

Section 501 – Legislative Authority and Purpose.

This Part is authorized in accordance with the First Class Township Code for the purpose of securing and promoting public health, comfort, convenience, safety, welfare and the peace and quiet of the Township of Hampden and its residents. The purpose of this Part is to ensure that public health, safety and welfare shall not be abridged by the making and creating of noise pollution or public nuisances from disturbing, excessive or offensive noises in Hampden Township.

Section 502 – Definitions.

As used in this Part, the following terms shall have the meanings indicated:

EMERGENCY WORK – Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

NOISE DISTURBANCE - Noise of such loudness, 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.

PERSON – Includes the singular and the plural, and also means and includes any individual, owner, tenant, firm, corporation, association, club, partnership, association or entity.

Section 503. Prohibited Noise.

- 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 a noise disturbance between the hours of 9:00 p.m. and 7:00 a.m., and therefore in violation of this Part, unless otherwise qualified below:
 - 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; except however, the hours during which such noises are declared to be a noise disturbance on Friday and Saturday shall be 11:00 p.m. to 7:00 a.m.
 - 2. 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, except for purposes of emergency work.
 - 3. Operating or permitting the operation of any mechanically powered saw, sander, grinder, lawn or garden tools, trimmers, blowers or similar devices used outdoors in any residential areas so as to cause a noise disturbance across a property boundary.
 - 4. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building material, garbage cans, trash or recyclable containers or similar items or objects in such a manner as to cause a noise disturbance across a property boundary.
- C. Operating or permitting the operation of off-road vehicles so as to create a noise disturbance across a property boundary.
- D. Squealing tires (except when necessary to avoid a collision), burn outs, peel-outs, power braking or similar activity, racing engine/rapid throttle advance or revving an engine resulting in an increase of noise from the engine.
- E. Repairing, rebuilding or testing of any motor vehicle, motorcycle, off-road vehicle, motorboat, aircraft or equipment in such a manner as to cause a noise disturbance across a property boundary line.

- F. The removal or rendering inoperative by any person, other than for purposes of maintenance, repair or replacement, of any muffler or sound dissipation device or element of design, or the installation of any exhaust or muffler amplification device.
- G. The unnecessary sounding of a horn or other warning device except when absolutely necessary as a warning.
- H. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing.

Section 504. Exemptions.

Noise emitted from the following sources shall be exempt from the noise standards of this Part:

- 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 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) or during the conduct of emergency work.
- E. Musical, recreational and athletic events conducted by or permitted by schools, local Government and community festivals.
- F. Existing weapons firing ranges during daytime hours. Any weapons firing ranges used for training or certifying law enforcement agencies shall be exempt from this Part.
- G. All motor vehicles being operated on the public roads in Hampden 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. All agriculturally-related operations and activities.
- I. 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.
- J. 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 505. Constitutional Speech.

This Part is not intended and shall not be interpreted to be regulation of the content of protected speech. This Part is intended to be entirely content neutral.

Section 506. Enforcement.

This Part shall be enforced by any police officer of the Hampden Township Police Department.

Section 507. Violations and Penalties.

Any person who shall violate any provision of this Part shall, upon conviction before a Magisterial District Judge as a summary offense, be sentenced to pay a fine of not more than \$1,000 and, in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

Section 508. Relationship With Other Restrictions.

The provisions of this Part are not intended to interfere with or abrogate any other rules, regulations or ordinances, such as, but not limited to, Chapter 2, Part 2, animal noises, and Chapter 13, Section 114, noise relating to soliciting and peddling.


SECTION 2: Except only as amended, modified and changed by this Ordinance, the Township of Hampden Code of Ordinances as codified and amended shall remain in all other respects in full force and effect.

SECTION 3: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of the Township of Hampden Code of Ordinances.

SECTION 4: This Ordinance shall become effective in accordance with applicable law.

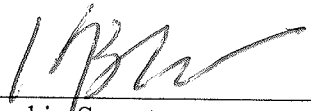
DULY ENACTED AND ORDAINED this 25th day of July, 2024 by the Board of Township Commissioners of the Township of Hampden in public session duly assembled.

TOWNSHIP OF HAMPDEN

By: 

President, Board of Commissioners

ATTEST:



Township Secretary

(Township Seal)

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