

**WEST MANCHESTER TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 23 - 04

**AN ORDINANCE OF WEST MANCHESTER TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF
WEST MANCHESTER, BY ADDING A NEW CHAPTER 80, TO BE ENTITLED
“NOISE”, WHICH CHAPTER PROVIDES FOR NOISE CONTROL REGULATIONS
AND PROVIDES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE
ORDINANCE.**

WHEREAS, West Manchester Township, York County, Pennsylvania (“Township”) is a second class township duly organized and existing under the Second Class Township Code, 53 P.S. §35101 et seq; and

WHEREAS, West Manchester Township finds that excessive noise within the Township is disruptive to citizens, creates a public nuisance, and is contrary to the health, safety, and welfare of the community; and

WHEREAS, West Manchester Township wishes to regulate noise within the Township so as to limit excessive and disruptive noise within the Township; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of West Manchester Township as follows:

1) The Code of the Township of West Manchester is hereby amended by to add a new chapter to the Code of West Manchester Township, to be known as Chapter 80, entitled “Noise”, to read as follows:

Article I
Purpose, Scope, and Definitions

§ 80-1. Purpose.

The purpose of this Ordinance is to ensure that the public health, safety, and welfare of the of the public is protected against public nuisances which result from disturbing, excessive, or offensive noises in the Township of West Manchester. The Board of Supervisors of West Manchester recognizes that uncontrolled noise creates a nuisance and is a danger to the health and welfare of their neighbors and that each member of the West Manchester Township Community is entitled to live and work in an environment in which the level of noise is reasonable and not disruptive. This ordinance attempts to foster mutual respect among residents, business owners, and visitors to the Township and to limit unnecessary and disruptive noise. 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 noise disturbances.

§ 80-2. Scope.

This ordinance applies to all persons, property, animals, equipment, appliances, instruments and other sound-emitting devices, unless exempted herein.

§ 80-3. Definitions and word usage.

The following words, when used in this chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

Ambient Noise – The total noise level in a given acoustical environment. Ambient noise is usually a composite of sounds near and far.

Emergency – Any occurrence or set of circumstances which involves actual, or reasonably perceived, danger, trauma, damage, or similar situations which requires and demands immediate action.

Emergency Work – Any work performed as a result of, or for the purpose of, ameliorating an emergency.

Impulsive Sound – A sound having a duration of less than two seconds with rapid onset and immediate decline rates.

Motor Vehicle – Any motor-powered vehicle designed to carry at least one passenger or driver, whether or not licensed for use on public highways.

Muffler – A device used to deaden noise.

Noise – A sound emitted by a person, appliance, equipment, instrument, motor vehicle

(or any part thereof), animal, or explosive device.

Public Right-Of-Way – Land opened for use as a street, alley, or crosswalk for utilities or other public use.

Person – Every natural person, association, or corporation.

Plainly Audible – Any sound that is detectable by a person of normal sensitivities and unaided.

Residential Zone – The following are residential zones within the Township of West Manchester: Rural Residential Zone (R), Residential Zone (R-1; R-2; R-3), RA Residential Zone (R-4), R-5 Residential Zone (R-5), R-6 Residential Zone (R-6), Open Space Residential-1 Zone (OSR -1), Open Space Residential-2 Zone (OSR-2), and Open Space Residential-3 Zone (OSR-3).

Sound – a particular auditory impression; the sensation perceived by the sense of hearing; a mechanical radiant energy that is transmitted by longitudinal pressure waves in a medium (such as air) and is the objective cause of hearing.

Sound Equipment – Any radio, record player, CD player, computer, loud speaker, amplifier, sound track or other device for producing, reproducing, or amplifying sound.

Township – The Township of West Manchester, York County, Pennsylvania, acting by and through its Board of Supervisors or its authorized designees.

Unreasonable Noise – Noise that is of a volume, frequency, or pattern so as to prevent, disrupt, injure, or endanger the health, safety, welfare, comfort, or repose of reasonable persons of ordinary sensitivities within the Township of West Manchester, when accounting for factors such as time of day, day of the week, location, and/or other relevant factors related to where, when, and in what manner the noise is made.

Article II

Prohibition on Unreasonable Noise

§ 80-4. Unreasonable Noise Prohibited.

A. Except as otherwise provided in this chapter, it shall be unlawful for any person to make or cause to be made any unreasonable noise or to allow any unreasonable noise to be caused or made in or on any real property, or by any personal property owned, occupied, or controlled by that person.

B. In addition to the foregoing, the following acts or situations shall constitute prima facie evidence of unreasonable noise:

- (1) Sound equipment, siren, horns, and musical instruments which are

used in such as manner as to be:

a. Plainly audible beyond the property line of a single-family dwelling unit from which it is generated or outside of a duplex dwelling unit or individual dwelling unit of a multiple-family dwelling unit from which it is generated; or

b. Plainly audible within a dwelling unit, when the noise is produced more than 50 feet from the location of such dwelling unit; or

c. Plainly audible at a distance of 50 feet from the vehicle from which it is generated; or

d. Plainly audible at a distance of 50 feet from its location on public property or private property; or

e. Causing or having caused vibrations off of the property from which the noise is generated or outside of the vehicle from which the noise is generated.

(2) Shouting and whistling. Continuous or repeated yelling, shouting, loud whistling, or loud singing, so as to be annoying or bothersome to others by being plainly audible to persons within any dwelling, hotel, hospital, office, or other type of structure other than that from which it is generated.

(3) Animal noises. In addition to those requirements set forth in Chapter 69 of the Code of the West Manchester Township, the keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the peace, comfort or repose of any person. For purposes of this section, any noise which persists for more than ½ hour on any one occasion shall give rise to the presumption that such noise has disturbed the peace and caused the annoyance and discomfort of persons in the Township.

(5) Loading Operations. Loading, unloading, opening or otherwise handling boxes, crates, containers or similar objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance within a residential zone, except during an emergency.

(6) Construction Noise. Operating or causing to be operated any equipment (including explosive devices) used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto in the following manner:

a. With sound control devices or standard noise-reducing equipment which has been tampered with or not being operated within the manufacturer's specifications or otherwise not in proper operating condition; or

b. Between the hours of 7:00 p.m. and 7:00 a.m. the following day

on weekdays and Saturdays and between 7:00 p.m. on Saturday evenings and 9:00 a.m. on Sunday, which creates a noise disturbance, unless otherwise exempted in this ordinance, or by an act of the Supervisors of West Manchester Township.

(7) Power Equipment. Operating, or permitting to be operated, any power saw, sander, drill, grinder, garden equipment or tools of a similar nature, outdoors between the hours of 9:00 p.m. and 7:00 a.m. weekdays and Saturdays and between 9:00 p.m. on Saturday evenings and 9:00 a.m. on Sundays.

(8) Explosives, Firearms, Fireworks, or Similar Devices. The use or firing of explosives, firearms, fireworks, or similar devices which create a noise disturbance.

(9) Devices to attract attention. The continuous or repeated use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention so as to disturb the peace, comfort, or repose of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office, or other type of residence other than that from which it generates.

(10) Any noise which disturbs two or more residents who are in general agreement as to the type of noise, the time of the noise, and the duration of the noise, and who reside in separate residences or dwelling units across a property line from the property from which the noise is generated.

(11) Any noise which disturbs one resident across a property line from the property on which the source of the noise is generated and which noise is corroborated by a sworn West Manchester Township Police Officer.

(12) Any of those noises contained in this section which are witnessed and testified as to by a sworn West Manchester Township Police Officer.

Article III

Exceptions

§ 80-5. Exceptions.

None of the foregoing shall apply to or be enforced against any of the following:

A. Safety and Warning Devices. Safety sirens, warning devices, backup signals, or any other device used to alert persons to an emergency or as required by any applicable safety law, regulation, or rule. Such devices shall include, but are not limited to, police/fire/ambulance sirens, backup warnings, fire alarms, and burglar alarms.

B. Any roadway, utility, or similar maintenance or construction done by, on behalf of, or with the permission of the Township or any public utility of the

Commonwealth of Pennsylvania, when such repair or maintenance is necessary to protect the public health, safety, and welfare.

C. Musical, recreational, and athletic events, including carnivals and special events, conducted by West York Area School District, or as specifically permitted by the Township, including such outdoor practices as may be necessary in preparation for such events.

D. Any bell, chime, organ, or other noise made in conjunction with religious purposes or national, state, Township, or civic holiday or celebration.

E. Air conditioners, fans, heating units. Air conditioners, fans, heating units and similar devices of less than eight tons heating or cooling capacity, provided such are operated within the manufacturer's specifications and all reasonable measures have been taken to reduce noise levels as required by the Noise Abatement ordinance.

F. Snow removal. The operation of snow removal equipment necessary for the removal of snow or ice from public or private streets, alleys, drives, sidewalks, and parking areas, provided that any motor vehicle used for snow removal which is required to be licensed shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent engine noise in excess of the limits established by the laws or statutes of the Commonwealth of Pennsylvania. Also, any motor-driven vehicle of a type not subject to registration for road use or domestic snow removal equipment shall be equipped with an exhaust system or mufflers in good working order to prevent excessive or unusual noise.

G. Construction and Industrial Equipment. Heavy construction equipment (including pile drivers, crawler-tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors, pneumatic power equipment, explosive devices, and similar devices) in use between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays, and between 9:00 a.m. and 7:00 p.m. on Sundays, for the duration of such construction and demolition work, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

H. Parades, festivals and similar events. Township approved or sponsored parades, festivals, fairs, music or other events.

I. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control and instructions and pursuant to and within the duly adopted federal air regulations.

J. Special Waivers. Any activity which has been specifically permitted by Township officials or which has been approved by the Board of Supervisors at a public meeting of the Board of Supervisors.

Article IV
Enforcement and Penalties

§ 80-6. Enforcement.

This Article shall be enforced by the West Manchester Township Police Department.

§ 80-7. Penalties.

Any person who shall violate any provision of this Article shall be guilty of a summary criminal offense and, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 and in default of payment, be sentenced to imprisonment for a term not to exceed thirty (30) days.

2) All provisions of this Ordinance are applicable in addition to and in accordance with any and all provisions set forth in Pennsylvania state law and any other rule or regulation duly adopted by the Township.

3) If any provisions of this Ordinance should conflict with provisions of Pennsylvania state law, any fire code, or other rule or regulation duly adopted by the Township, the state law, regulation, or fire code shall prevail.

4) All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

5) 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 of West Manchester Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

6) This Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of West Manchester Township this 9th day of November, 2023.

**BOARD OF SUPERVISORS OF
WEST MANCHESTER TOWNSHIP**

BY:



Chairman

ATTEST:



Township Manager



Vice-Chairman

Supervisor