

**HATFIELD TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 643

AN ORDINANCE OF THE TOWNSHIP OF HATFIELD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE HATFIELD TOWNSHIP CODE OF ORDINANCES TO REPEAL CHAPTER 184, “NOISE”, AND REPLACE IT WITH NEW PROVISIONS DEFINING AND REGULATING NOISE DISTURBANCES IN HATFIELD TOWNSHIP FOR THE BENEFIT OF THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF HATFIELD TOWNSHIP; REPEALING ALL INCONSISTENT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, On July 25, 1990, the Board of Commissioners of Hatfield Township enacted Ordinance No. 400 which established, inter alia, provisions governing and regulating noise in Hatfield Township, which have been amended from time to time; and

WHEREAS, the Board of Commissioners has reviewed the current noise regulations and determined that they are difficult to enforce because they require the use of a sound level meter by a person certified to use the sound level meter, and a time-consuming noise reading procedure; and

WHEREAS, the Board of Commissioners desires to protect the public from the adverse impacts of certain noise by designating certain activities that constitute noise disturbances as unlawful in Hatfield Township, to provide for the enforcement of this ordinance and to provide for penalties for violation hereof;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

- I. Chapter 184, “Noise” of the Hatfield Township Code of Ordinances is repealed in its entirety.
- II. A new Chapter 184 is added to the Hatfield Township Code of Ordinances as follows:

“Chapter 184. NOISE.

§184-1. Definitions. For the purposes of this Chapter, the following words shall have the following meanings:

NOISE DISTURBANCE. Any sound that annoys or disturbs a reasonable person with normal sensitivities, or any sound that injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

PERSON. An individual, or any association, partnership, corporation, company, sole proprietorship, or other business entity, including any officer, employee, workman or agent thereof.

§184.2. General Prohibition. It shall be unlawful for any Person to cause or to permit to occur any Noise Disturbance in Hatfield Township.

§184.3. Specific Prohibitions. The following acts are declared to be Noise Disturbances in violation of this Chapter. Noise Disturbances include, but are not limited to, the following:

A. Operating or causing to be operated any motorized or power equipment outdoors or inside an open garage or open shed outside the hours of 7:00 AM and 8:00 PM Mondays through Saturdays and 8:00 AM and 6:00 PM on Sundays on property that is zoned or used for a non-residential purpose or on residential property where a permit for the work being performed has been issued or is required.

B. Music or similar sounds which emanate from a social gathering which can be heard beyond the boundaries of the property on which the event is occurring after 10:00 PM.

C. Intermittent yet repetitive or sustained sound which emanates from business activity on a property which can be heard beyond the boundaries of the property on which the business activity is occurring outside the hours of 7:00 AM to 10:00 PM.

D. Using or operating any recreational gas-powered off-road vehicles, including but not limited to, all-terrain vehicles (ATV's), snow mobiles and dirt bikes, outside the hours of 9:00 AM through sunset Monday through Saturdays, nor before 10:00 AM and after sunset on Sundays and legal holidays.

§184.4. Exceptions. The provisions of this Chapter shall not apply to:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency.

B. The emission of sound in the performance of emergency work.

C. Noise generated from Township-sponsored or approved celebrations or events.

§184.5. Waiver. The Board of Commissioners, or its designee, may waive the prohibitions set forth in this Chapter when compliance with any provision is shown to the satisfaction of the Board of Commissioners or its designee to be unreasonable or to cause undue hardship due to peculiar conditions pertaining to the activity in question, provided that any such modification of the provisions of this Chapter can be demonstrated to provide sufficient

protection from a Noise Disturbance. Any waiver pursuant to this Section shall be permitted only upon written request submitted by the person subject to the prohibitions contained herein.

§184.6. Enforcement.

A. This Chapter shall be enforced by the Hatfield Township Police Department and the Hatfield Township Department of Code Enforcement.

B. A violation or violations of this Chapter may be the cause for the issuance of a non-traffic citation to the violator(s), provided, however, that in lieu of the issuance of a non-traffic citation, enforcement personnel may issue a warning notice to the violator(s), in writing, which may be served personally or by certified mail, return receipt requested, to the last known address of the violator(s). The notice shall state the nature of the violation and a specific time period for the correction and abatement of the violation. Failure to comply with the notice shall constitute a violation of this Chapter. If the violator(s) is a business entity or its agents, servants, workmen or other representative(s) of the business entity, the address of the business entity shall be presumed to be the correct mailing address for such business entity.

C. The violation of this Chapter is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or in any other manner available for the abatement of public nuisances.

D. Any remedy available pursuant to this Chapter shall be considered separate and not exclusive of any other remedy available hereunder.

E. Nothing in this Chapter shall be construed to impair any cause of action or legal remedy of any person for injury or damage arising from any violation of this Chapter.

§184.7. Penalties.

A. If upon conviction of a summary offense by a court of competent jurisdiction it is determined that a violation of this Chapter has occurred, and if the violator is an individual who is not a business entity, the violator shall be sentenced to pay a fine of not less than \$50 and not more than \$200, plus all court costs and reasonable attorneys' fees.

B. If after a summary proceeding in a court of competent jurisdiction it is determined that a violation of this Chapter has occurred, and if the violator is an individual who is a business entity, the violator shall be sentenced to pay a fine of not less than \$200 and not more than \$600, plus all court costs and reasonable attorneys' fees.

III. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional,

such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Hatfield Township Code.

V. This Ordinance shall be effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this 27th day of February 2013.

ATTEST:

**BOARD OF COMMISSIONERS OF
HATFIELD TOWNSHIP**

Devan M. Stewart, Secretary

Thomas C. Zipfel, President