

ORDINANCE NO. 10-2021-643

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA AMENDING CHAPTER 6 OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES WITH THE ADDITION OF PART 7 ENTITLED “NOISE CONTROL” TO ESTABLISH MORE EFFECTIVE REGULATIONS REGARDING EXCESSIVE SOUND AND THE SOURCES OF EXCESSIVE SOUND WITHIN SALISBURY TOWNSHIP; AND PROVIDING FOR ENFORCEMENT, FINES AND PENALTIES

WHEREAS; Salisbury Township (“Township”) is a political subdivision, municipal corporation, and First-Class Township of the Commonwealth of Pennsylvania, being a body corporate and politic, situated in Lehigh County, duly established and lawfully existing under and pursuant to the First-Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 55101 et seq., as amended; and

WHEREAS, the Salisbury Township Board of Commissioners finds that excessive levels of sound/noise are detrimental to the physical, mental, and social well-being of the people, as well to their comfort, living conditions, general welfare, and safety and being. Additionally, the Board of Commissioners deems it necessary to provide for greater control and more effective regulation of excessive sound/noise and the sources of excessive sound/noise within the Township of Salisbury; and

WHEREAS, the Salisbury Township Board of Commissioners wishes to ensure that public health, safety and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive sound/noises in the Township. The residents of the Township recognize that uncontrolled sound/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 sound/noise is minimized for the good of the community. This Ordinance attempts to foster mutual respect among residents and to establish a community position against sound/noise pollution; and

WHEREAS, 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 excessive sound/noise disturbances; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that the Noise Ordinance is hereby adopted and shall be codified as Part 7 of Chapter 6 of the Salisbury Township Code of Ordinances as follows:

ARTICLE I: Chapter 6, Part 7 shall read as follows:

Part 7

NOISE CONTROL

§701. NAME. This ordinance shall be commonly known as the “Noise Control Ordinance”.

§702. PURPOSE AND INTENT. Excessive noise can be a serious threat to the comfort, convenience, health, safety, welfare, and overall quality of life of the citizens of Salisbury Township. It is the intent of this chapter to establish requirements and criteria to prevent excessive noise that may jeopardize the health and welfare of its citizens or degrade their quality of life. Therefore, it intends hereby to prohibit all excessive and unreasonable noise from all sources subject to its police power in order to preserve, protect, and promote health, safety, welfare and the peace, quiet and comfort of the citizens of Salisbury Township.

§703. DEFINITIONS. The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. Construction Operation: The erection, repair, renovation, demolition, or removal of any building or structure; and the excavation, filling and grading.

2. Disorderly Conduct: Conduct that intentionally and recklessly causes public inconvenience, annoyance or alarm, or recklessly creating a risk by making unreasonable noise.

3. Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

4. Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

5. Impulsive Sound: Examples of impulse sound include, sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decline. Examples of impulsive sound include but not limited to explosions and the discharge of firearms.

6. Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, snowmobiles, amphibious crafts on land, dune buggies, racing vehicles, or motorcycles.

7. Muffler or Sound Dissipative Device: A device designed or used for abating the sound of escaping fluids or gases from an engine or machinery system.

8. Noise Disturbance: Any sound/noise which endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, the safety or health of humans or animals, annoys, would annoy or is likely to annoy, or disturb a reasonable person of ordinary sensibilities; endangers, would endanger or is likely to endanger, or injures, would injure or is likely to injure, personal or real property; disturbs, would disturb or is likely to disturb, the peace; or creates, would create or is likely to create, a nuisance.

9. Notice of violation: A written document issued to a person who is in violation of a Township ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

10. Person: Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of a State or any political subdivision of a State. "Person" shall include the owner or operator of the noise disturbance source, the owner, tenant or manager of real property from which the noise disturbance emanates and any other individual responsible for producing the noise disturbance or allowing said disturbance to occur.

11. Powered Model Vehicle: Any self-propelled airborne, waterborne, or land borne plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, rocket or drone.

12. Public Right-of-Way: Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

13. Public Officer: Any authorized inspector, or public official designated by the Salisbury Township Manager to enforce the Township Ordinances.

14. Public Space: Any real property or structures thereon which are owned or controlled by a governmental entity.

15. Real Property Boundary Line: Either (1), the imaginary line, including its vertical extension that separates one parcel of real property from another; or (2), the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building; or (3), the vertical and horizontal boundaries of a dwelling unit or commercial unit of a mixed residential-business use building.

16. Real Property: All land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

17. Residential Property Boundary: the imaginary line, including its vertical extension that separates any zoned residential district from any zoned commercial or industrial district.

18. Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.

19. Weekend: The period from Saturday 12:00 A.M. (midnight) through Sunday 11:59 P.M.

20. Weekday: The period from Monday 12:00 A.M. (midnight) through Friday 11:59 P.M.

§ 703: PROHIBITED ACTS

1. **Noise Disturbance Prohibited.** No person shall make, continue, or cause to be made or continued, any noise disturbance. Non-commercial public speaking and public assembly activities shall be exempt from the operation of this section. The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this Chapter:

2. **Bullhorns, Radios, Tape Players, Television Sets, Musical Instruments, Electronic Amplification Equipment and similar devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, automobile radio, automobile stereo or high-fidelity equipment or similar device which produces, reproduces or amplifies sound:

a. At any time of the day in such a manner from any source as to create a noise disturbance across a real property boundary line; or

b. In such a manner as to create a noise disturbance across any real property boundary line when operated in or on a motor vehicle on a public right-of-way or public space; or

c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier; or

d. At such a sound intensity that the sound creates a noise disturbance in any public area, park, street or sidewalk of the Township when the sound source originates in any public area, park, street or sidewalk of the Township; or

e. At any time unless used in connection with an earplug or earphone in any of the Township parks and playgrounds.

3. **Yelling and Shouting.** Engaging in loud or raucous yelling, hooting, whistling, or singing on the public streets between the hours of 10:00 P.M. and 7:00 A.M. weekdays or 11:00 P.M. and 7:00 A.M weekends to the disturbance of others.

4. **Stationary Non-Emergency Signaling Devices.** Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, bullhorn or similar device, intended primarily for non-emergency purposes, from any place, for more than one minute in any hourly period.

5. **Loudspeakers/Public Address Systems.** Using or operating any loudspeaker, public address system, or similar device:

a. Such that sound therefrom creates a noise disturbance across a real property boundary line, or

b. Between the hours of 10:00 P.M. and 7:00 A.M. weekdays or 11:00 P.M. and 7:00 A.M. weekends on a public right-of-way or public space.

6. **Street Sales.** Offering for sale or selling by shouting or outcry within any residential or commercial area of the Township between the hours of 9:00 P.M. and 9:00 A.M.

7. The Operation of Any Transportation Refrigeration Units during the times for which delivery, loading, or opening of commercial goods are being conducted.

a. This section shall not apply to any commercial and/or industrial development if previous delivery/loading operation time constraints have been established during the Township approval process.

b. This section shall not apply to municipal or utility services conducted in the public right-of-way.

c. The owner, possessor, lessee or responsible agent can be held responsible for any noise disturbance or unlawful activity relating to delivery/loading operations that occurs on the property.

8. Commercial/Industrial Property Maintenance. The routine maintenance of a commercial/industrial property including but not limited to lot sweeping, paving, line painting, etc. conducted on such property between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to cause a noise disturbance across a residential property boundary, exception would be if maintenance is the result of an emergency.

a. The owner, possessor, lessee or responsible agent responsible for any noise disturbance relating to commercial/industrial property maintenance operations that occurs on the property.

9. 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 boundary line.

10. 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 between the hours of 10:00 P.M. and 7:00 A.M. the following day so as to cause a noise disturbance across a real property boundary line. Snow blowers shall be exempt from the provisions of this section.

§ 704. FIREWORKS (Consumer and Non-consumer)

1.. The owner, possessor, lessee or responsible agent of real property on which fireworks are being ignited for the sole purpose of this Chapter will be the legally responsible party for any violations for which the offending party is not known.

2.. Restrictions:

(a) Any person who is under the age of eighteen (18) years of age may not purchase, possess and/or use consumer fireworks within the Township.

(b) The use or firing of consumer fireworks which create an impulsive sound so as to cause a noise disturbance cannot be ignited or discharged within the Township prior to 4:00 P.M. or after 9:00 P.M. Sunday through Thursday and prior to 4:00 P.M. or after 10:00 P.M. Friday and Saturday.

i. Exceptions:

1. Permitted 4:00 P.M. to 12:00 A.M. (midnight) December 30th and 4:00 P.M. December 31st to 1:00 A.M. January 1st.
2. Permitted 4:00 P.M. to 12:00 A.M. (midnight) on both July 3rd and July 4th.
3. Permitted 4:00 P.M. to 12:00 A.M. (midnight) on the Sunday before Memorial Day and on Memorial Day.
4. Permitted 4:00 P.M. to 12:00 A.M. (midnight) on the Sunday before Labor Day and on Labor Day.

(c) All non-consumer firework displays must be approved by the Township Manager or designee and proper permits must be obtained.

(d) Consumer Fireworks cannot be ignited or discharged on public or private property without the express written permission of the property owner.

(e) Consumer Fireworks cannot be discharged from or within a motor vehicle or building.

(f) Consumer Fireworks cannot be discharged toward a motor vehicle or building. (vii) They cannot be discharged within 150 feet of an occupied dwelling, whether or not a person is actually present.

(g) Consumer Fireworks cannot be discharged while the person is under the influence of alcohol, a controlled substance, or a drug.

(h) Consumer fireworks are not permitted on Township property, including without limitation, Township owned parks, buildings or structures, streets, sidewalks and right of way unless such person upon application has secured a special permit for such activity from the Township Manager or designee.

§ 705. POWERED MODEL VEHICLES. Operating or permitting of powered model vehicles and drones, so as to create a noise disturbance across a real property boundary or in a public space between the hours of 10:00 P.M. and 7:00 A.M..

§ 706. MOTOR VEHICLE PROHIBITIONS

1. Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle, for a period longer than fifteen(15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion.

2. Motor Vehicle Horns and Signaling Devices. No person shall at any time sound the horn or other warning device of a vehicle except, when necessary, as a warning while actually driving such vehicle.

3. Sound Amplification Devices in Vehicles. No person, driver, or owner of any vehicle shall operate or permit operation of any sound amplifying system which causes a noise disturbance when the vehicle is on a public right-of-way or public space unless such system is being operated

to request assistance or warn of a hazardous situation. This article does not apply to authorized emergency vehicles.

§ 707. CONSTRUCTION. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:

1. Not permitted between the hours of 9:00 P.M. and 7:00 A.M. on weekdays and Saturdays or at any time on Sundays and holidays, except for emergency work.

2. This section shall not apply to the use of domestic power tools.

§ 708. EMERGENCY SIGNALING DEVICES

1. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (a) and (b).

a. Testing of a stationary emergency signaling device shall occur at the same time of the day each time such a test is performed. Such testing shall not occur between the hours of 10:00 P.M. and 7:00 A.M. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds.

b Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur between the hours of 6:00 P.M. and 8:00 A.M. The time limit specified in (i) shall not apply to such complete system testing.

c. Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within six minutes of activation.

§ 709. EXCEPTIONS

The provisions of this Chapter shall not apply to:

1. **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency or from the performance of emergency work.

2. **Government Activity.** Any activity being conducted by the Commonwealth of Pennsylvania, by the County of Lehigh, by Salisbury Township or any other political subdivision and its contactors.

3. **Municipal and Utility Services.** The emission of sound resulting from the repair or replacement of any municipal or utility installation(s) in or about the public right-of-way or all municipal collections.

4. **Places of Religious Worship.** The sounding or permitting the sounding of any stationary bell or chime used in conjunction with places of religious worship.

5. **Aircraft and Airport Operations.** Normal aircraft and airport operations.

6. **Interstate Railway Locomotives and Cars.** The conduct of interstate railway transportation.

7. **Blasting.** Only if performed in accordance with all State and Federal regulations and permitting requirements. Such blasting may occur only between 7:00 A.M. and 7:00 P.M., Monday through Friday unless specifically authorized under said State and Federal regulations. Township shall be adequately notified in advance of any such blasting activities.

8. **Concerts.** Band concerts, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, so long as: all necessary permits as defined by the Township's ordinances have been procured. Shall be limited to six (6) occasions in a single location within a single calendar year, January 1st to December 31st.

9. **Amusement Parks, Carnival, Fairs and similar activities.** Sound/noises typical for and resulting from typical amusement park activities including but not limited to rides, concerts, events and patrons.

10. **Amplified Announcements.** Sound/noises created by organized school-related programs, activities, athletics and entertainment events or public programs, activities or events.

11. **Celebrations.** Sound/noises made by bells, chimes, carillons used for religious purposes or in conjunction with national, state or local celebrations or public holidays: existing bells, chimes, carillons and clock strike mechanisms that are currently in use for any purpose.

12. **Snow Blowers.** Sound/noises made by snow blowers or similar snow removal equipment used in the maintenance of private or public property following a snowstorm.

13. **Assemblies, Parades, Gatherings.** Any assembly, parade or gathering that has been approved by the Township for such event.

14. **Agricultural/Farming.** Any sound/noise that is typically associated with normal agricultural/farming activities.

§ 710. REGULATIONS. The Township Manager or designee may publish regulations governing the procedures and enforcement of any provisions of this Chapter.

§ 711. ENFORCEMENT. The provisions of this Chapter shall be enforced by Salisbury Township police officers, Code Enforcement Officer, or any other public officer authorized to enforce ordinances.

§ 712. FINES AND PENALTIES

1. Each violation of the sections of this Chapter constitutes a separate offense and fine.

2. Citations. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Chapter, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than One

Hundred (\$100) dollars and not more than One Thousand (\$1,000) dollars on each offense or imprisoned no more than ninety (90) days, or both.

3. Restitution. The Magisterial District Judge may order the violator to reimburse the Township's costs of collection/citation proceedings and to pay the Township reasonable attorneys' fees associated with the prosecution of the same.

§ 713. SEVERABILITY If any sentence, clause, section, term, phrase 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, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners of Salisbury Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

§ 714. FAILURE TO ENFORCE NOT A WAIVER. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

§ 715. CONFLICT. Any ordinance, resolution and/or other regulation of the Township, or any parts of ordinances, resolutions and/or other regulations of the Township, including, but not limited to, all prior zoning ordinances and amendments, or parts of prior zoning ordinances and amendments, including prior zoning maps, which are inconsistent herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations of the Township of Salisbury, Lehigh County, Pennsylvania shall remain in full force and effect.


§ 716 EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this 28th day of October, 2021, by a majority of the Board of Commissioners of the Township of Salisbury Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

Attested:

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)


Township Secretary

By: 
President, Board of Commissioners