

**GLEN ROCK BOROUGH  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 492**

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**THE GLEN ROCK BOROUGH COMPREHENSIVE  
NOISE CONTROL ORDINANCE**

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**WHEREAS**, the Borough Council of the Glen Rock Borough has a duty to ensure the health, safety, and welfare of its residents; and

**WHEREAS**, excessive noise levels are detrimental to the physical, mental health, social well being, safety and welfare of the residents of the Glen Rock Borough as well as visitors to Glen Rock Borough; and

**WHEREAS**, excessive noise interferes with comfort, living conditions, enjoyment of life, property, and recreation and with the operation of business within the Glen Rock Borough and as such is a public health and welfare hazard; and

**WHEREAS**, effective control of noise within the Glen Rock Borough will protect the health, safety, and welfare of residents and visitors and will enhance the pursuits of life, recreation, and commerce within the Glen Rock Borough; and

**WHEREAS**, the Borough Council of the Glen Rock Borough declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound and desires to enact a comprehensive ordinance regulating noise and sound within Glen Rock Borough.

**NOW, THEREFORE**, the Borough Council of the Glen Rock Borough hereby enacts, adopts, and ordains the following:

**SECTION 1 – TITLE.** This Part may be cited as the "Glen Rock Borough Comprehensive Noise Control Ordinance."

**SECTION 2 – PURPOSE.** To provide for effective control of noise within Glen Rock Borough in order to protect the health, safety, and welfare of residents and visitors and to enhance the pursuits of life, recreation, and commerce within the Glen Rock Borough.

**SECTION 3 – LIQUOR CONTROL BOARD EXEMPTED AREA.** The area within the Borough of Glen Rock that, as approved by the PLCB, is exempted from enforcement of the PLCB Regulation 5.32(a) regarding amplified music.

**SECTION 4 – DEFINITIONS.** The following words, terms, and phrases when used in this Part shall have the meanings herein given, except where the context clearly indicates a different meaning:

**BOROUGH** – Glen Rock Borough, York County, Pennsylvania.

**CONSTRUCTION OPERATIONS** – The erection, repair, renovation, demolition or removal of any building, facility, street, road, bridge or other structures using equipment, tools, machinery and/or the excavation, filling, grading and regulation of lots, streets and other structures in connection therewith.

**EMERGENCY** – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

**EMERGENCY WORK** – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**ENGINE BRAKE RETARDER** – An engine-retarding device, or any retarding device or system that brakes on the engine rather than on the wheels as a means of slowing or stopping a gasoline-powered or diesel-powered motor vehicle.

**MOTORCYCLE** – A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

**MOTOR VEHICLE** – A vehicle that is self-propelled except an electric personal assistive mobility device or a vehicle that is propelled solely by human power.

**MUFFLER or SOUND-DISSIPATIVE DEVICE** – A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

**NOISE** – Any sound emitted by a person, animal, or noise-creating device.

**NOISE-CREATING DEVICE** – Any electrical, mechanical, or chemical device or instrument, or combination thereof, that creates noise during its operation by a person.

**NOISE DISTURBANCE** – In addition to the specific noise disturbances set forth herein, any sound that is:

- (1) Unpleasant, annoying, offensive, loud, or obnoxious to a reasonable person of normal sensibilities; or
- (2) Unusual for the time of day or location where it is produced or heard; or
- (3) Detrimental to or injurious to the health, comfort, or safety of persons or animals or to the reasonable enjoyment of property or the lawful conduct of business because of the loudness, duration, or character of the noise; or
- (4) Endangers or injures personal or real property; or
- (5) Is in violation of any other section of this or other Ordinance, statute, or applicable regulation.

**NON RESIDENTIAL AREA** – All areas of Glen Rock Borough excluding residential areas and the PLCB exempted area(s). The area zoned Commercial Industrial shall be included in a non-residential area for the purposes of this Ordinance.

**OPERATION** – Actual control by a person.

**PERSON** – Any individual, partnership, limited partnership, limited liability partnership, limited liability company, association, firm, corporation, or any other legally recognized entity. Whenever used in any provision prescribing and imposing a penalty, "person" includes the individual members, partners, officers and managers of any legally recognized entity.

**POLICE** – The Police Department employed or contracted by Glen Rock Borough, or any properly authorized member or officer thereof in any other law enforcement agency having jurisdiction within Glen Rock Borough.

**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 or rocket.

**PROPERTY LINE (BOUNDARY)** – An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separate properties; and also, for any two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public rights-of-way shall be deemed to be across the property line. As used herein, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police.

**PUBLIC** – Affecting, or likely to affect, persons in a place to which the public or a substantial group has access.

**PUBLIC STREET** – Property to which the public has a legal right of access, including but not limited to streets, alley, public sidewalks, public parks, or similar place which is either owned or controlled by Glen Rock Borough for the benefit and use of the public, but not including buildings.

**PUBLIC SPACE** – Any real property or structures thereon which are either owned or controlled by Glen Rock Borough for the benefit and use of the public.

**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 rights-of-way.

**REDUCED NOISE FACILITY** – Any hospital, nursing home, day-care facility located within the Borough of Glen Rock.

**RESIDENTIAL AREA** – Any area within a residential zone as codified in the Glen Rock Borough Zoning Ordinance or Zoning Map and which are currently identified as Residential Suburban and Residential Urban.

**SOUND** – An auditory sensation evoked by the oscillation of air pressure.

TAMPERING – The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement of any muffler or sound-dissipative device or element of design of any motor vehicle or motorcycle.

TRUCK – A motor vehicle designed primarily for the transportation of property.

VEHICLE – Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

VEHICLE CODE – The Vehicle Code of the Commonwealth of Pennsylvania (75 Pa. C.S.A. § 101 et seq.) as is hereafter amended, supplemented, modified, or reenacted by the General Assembly of the Commonwealth of Pennsylvania.

VILLAGE CENTER – An area zoned for commercial and residential use by the Borough of Glen Rock and identified by the Zoning Map as such.

## SECTION 5 – PROHIBITED ACTS.

### A. Noise disturbance.

No person shall make, continue or cause to be made, or cause to be continued, any noise disturbance by any means, nor shall any person suffer, allow or permit any noise disturbance, by any means, to be made or continued from or at any property, whether public or private, real or personal, that is subject to such person's right to control.

### B. Specific prohibitions. The following acts and the causing thereof are declared to be noise disturbances and are, therefore, in violation of this Part:

(1) Radios, televisions, musical instruments, CD player, stereo and similar devices. Operating, playing or permitting the operation or playing of any radio or audio equipment (including when the noise-creating device is operated in or on a vehicle, or hand carried, on a public right-of-way or public space), sound amplifier, loudspeaker, television, musical instrument, or similar device designed or used in a manner that intends to produce, reproduce or amplify sound in such a manner:

(a) At any time and in such a manner as to cause a noise disturbance in a Residential Suburban or Residential Urban area in such manner as to be plainly audible across a property line (boundary) and at a distance of fifty (50') feet from the source, shall be prima facie evidence of a violation of this Ordinance not otherwise exempted herein.

(b) At any time and in such manner as to create a noise disturbance with louder volume than is necessary for convenient hearing by the person that is operating such device and for those that are voluntary listeners thereto, in the Village Center and Commercial/Industrial zoned areas not otherwise exempted herein.

(2) The use of any drum, loud speaker, or other instrument or device for the purpose of attracting attention to the sale or display of merchandise of a commercial character.

- (a) At any time and in such a manner as to cause a noise disturbance across a property line (boundary) in such manner as to be plainly audible and at a distance of fifty (50') feet from the source, shall be prima facie evidence of a violation of this Ordinance.
- (b) In such a manner as to cause a noise disturbance across a property line (boundary) and at fifty (50') feet from the source of such noise-creating device, when the noise-creating device is operated in or on a vehicle, or hand carried, or fixed at a location at or near a public right-of-way or public space.
- (3) Yelling or shouting. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:
- (a) On public rights-of-way or public spaces between the hours of 10:00 p.m., and 7:00 a.m.; or
- (b) At any time or place in such a manner as to cause a noise disturbance across a property line (boundary).
- (4) Construction. Except for emergency work, operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work between the hours of 10:00 p.m., and 7:00 a.m., such that the sound therefrom creates a noise disturbance across a property line (boundary). The provisions of this section do not apply to any person who performs any construction, repair, or excavation pursuant to the express written permission of the Borough.
- (5) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, leaf blowers, lawn mowers or other powered landscape maintenance equipment or similar device used outdoors between the hours of 10:00 p.m., and 7:00 a.m., so as to cause a noise disturbance across a property line (boundary).
- (6) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m., and 7:00 a.m., in such a manner as to cause a noise disturbance across a property line (boundary). This provision shall not apply to municipal or utility services in or about a public right-of-way or public space.
- (7) Municipal waste collection. The performance of any municipal waste collection utilizing any mechanical equipment in any Residential Area or the Village Center between the hours of 10:00 p.m., and 7:00 a.m.
- (8) Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to cause a noise disturbance across a property line (boundary) between the hours of 10:00 p.m., and 7:00 a.m.
- (9) Vehicle, motor vehicle, motor cycle, motorboat or aircraft repairs and testing. Repairing, rebuilding or testing any vehicle, motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a property line (boundary) between the hours of 10:00 p.m., and 7:00 a.m.

C. Other prohibited acts.

Tampering. The use within the Borough of a motor vehicle or motorcycle, which has had a muffler or sound-dissipative device or element of design removed or rendered inoperative.

D. Specific prohibitions on public rights-of-way. Prohibition of certain noises upon public rights-of-way by the use of motor vehicles and noise-creating devices.

(1) Motor vehicles and motorcycles on public rights-of-way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the operation of the same violates the Vehicle Code. Consistent with Section 4523 of the Vehicle Code. All motor vehicles and motorcycles shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device.

(2) Standing vehicles. No person shall operate or permit the operation of any vehicle or any auxiliary equipment attached to such vehicle for a period in excess of fifteen (15) minutes in any hour while the vehicle is parked, stopped or standing within one hundred fifty (150') feet of a residence, whether on public or private property, in such a manner as to cause a noise disturbance across a residential property line (boundary).

(a) This provision shall not apply to vehicles performing emergency services or to vehicles forced to remain stopped or standing because of traffic conditions.

(b) Notwithstanding the foregoing, diesel-powered vehicles with a gross weight of 10,001 pounds or more are subject to the restrictions contained in Act 124 of 2008, 35 P.S. §§ 4601-4610, the Diesel-Powered Motor Vehicle Idling Act.

(3) Engine brake retarders. No person shall use an engine brake retarder device in Glen Rock Borough.

(4) Squealing tires. 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.

(5) Racing engine/rapid throttle advance. No person, while occupying any public right-of-way shall operate any noise-creating device 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 increase of noise from the engine.

E. Prima facie violation. The noise from any of the aforesaid prohibited acts that is heard by the police shall be prima facie evidence of a noise disturbance.

SECTION 6 – EXEMPTIONS.

The provisions of this Part shall not apply to the following:

- A. Blasting. Sounds resulting from blasting activities that have been authorized by the Borough, which blasting may occur only between the hours of 7:00 a.m., and 5:00 p.m., Monday through Friday, unless specifically authorized otherwise.
- B. Events. Events such as, but not limited to, concerts, block parties, carnivals, festivals, fireworks, or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between the hours of 10:00 p.m., and 7:00 a.m., unless specific permission by the Borough has been obtained.
- C. Emergency work. Sounds resulting from the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- D. Municipal and utility services. Sounds resulting from the repair, maintenance or replacement of any municipal or utility installation in or about the public right-of-way or any public space.
- E. Snow Removal. Sounds resulting from the use of snow plows, tractors or snow blowers used in connection with snow removal from private or public property.
- F. School and public activities. Sounds resulting from organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events that serve the public interest, provided such programs, activities or events do not occur between the hours of 10:00 p.m., and 7:00 a.m.
- G. Warning devices. Sounds or sirens, alarms, public address system or other communication device or equipment made by warning devices operating continuously for no more than three (3) minutes, except that in the event of an emergency, the time limitation shall not apply. A warning device or siren used in connection with the operation of a police car, fire truck or apparatus, train, ambulance or any other emergency or other vehicle in the event of an emergency or as part of a warning. Such to include but not be limited to generators used during an emergency for law enforcement purposes. Whether such is for an actual emergency, practice or for drill purposes.
- H. Bells and Chimes. Routine and customary ringing of bells and chimes in the performance of an institutional or commercial function in the Village Center and commercial/industrial zoned areas, whether such bells and chimes are through a recording or other amplified process.
- I. Official duty. Any noise created by a governmental entity, official or employee in the performance of an official governmental duty or activity, whether such is for an actual emergency, practice or drill purposes.
- J. Any sound created by the arrival or departure of a helicopter at a hospital or medical facility or during an emergency.
- K. Any sound related to construction or repair activities, municipal waste collection or lawn care equipment which is not in violation of Section 4.B. of this Ordinance.

L. A public amplification or address system used at an athletic or other public event including those held at public parks.

M. Glen Rock Borough Carol Singers. The annual customary, historic live public performance of the Glen Rock Borough Carol Singers, which shall be permitted in all zoning areas during the regular and customary times of such performances from December 24 through December 25 each year or other times as permitted by the Glen Rock Borough Council.

N. Authorized activity. Any noise for an event or activity for which approval is necessary and has been issued by the Borough, including expression or communication protected by the United States Constitution, may be obtained as long as any approval conditions relative to noise have not been violated. Such authorization shall be requested through Glen Rock Borough and shall be approved by Borough Council or other appointed representative of Glen Rock Borough.

#### SECTION 7 – INTENT.

The provisions of this chapter are intended to supplement all other provisions of these Codified Ordinances and shall not be deemed to preempt or preclude application of any of the other provisions of the Codified Ordinances except existing conflicting provisions of this chapter, which are repealed by this chapter.

#### SECTION 8 – PENALTIES.

A. Whoever violates any provision of this Part shall, upon conviction thereof in a summary proceeding, be fined for a first offense not less than one hundred fifty (\$150.00) dollars and not more than one thousand (\$1,000.00) dollars; for a second offense not less than three hundred (\$300.00) dollars and not more than one thousand (\$1,000.00) dollars; for a third offense not less than five hundred (\$500.00) dollars and not more than one thousand (\$1,000.00) dollars. Whoever violates any provision of this Part for a fourth or subsequent offense shall, upon conviction thereof in a summary proceeding, be fined one thousand (\$1,000.00) dollars. Each occurrence of a violation of any provision of this Part shall constitute a separate and distinct offense. However, for a violation of the Vehicle Code, upon conviction thereof in a summary proceeding, the fine shall be twenty-five (\$25.00) dollars.

B. In addition to the above penalties, the Borough may seek such equitable or other remedies as may otherwise be available which are deemed to supplement the other enforcement provisions including civil process to obtain a restraining order, preliminary or permanent injunction or any matter provided by the law for abatement of a nuisance.

#### SECTION 9 – SEVERABILITY.

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such holding shall not affect the other provisions or applications of this Part which can be given effect without the invalid provision or application and, to this end, the provisions of this Part are declared severable.



SECTION 10 – REPEALER.

All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 11 – EFFECTIVE DATE.

This Ordinance shall be effective \_\_\_\_\_ as enacted by the Borough Council of Glen Rock Borough, County of York, Commonwealth of Pennsylvania.

ADOPTED this \_\_\_\_\_.

ATTEST:

COUNCIL OF THE BOROUGH OF GLEN  
ROCK, YORK COUNTY, PENNSYLVANIA

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

APPROVED this \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor