

**FRANKLIN TOWNSHIP
NOISE ABATEMENT ORDINANCE**

ORDINANCE NO. 1 of 2022

An Ordinance of Franklin Township, Erie County, Pennsylvania, providing for the regulation of noise within certain identifiable areas within the Township; mandating that noise be limited in those areas to approved levels at certain mandated times; providing for penalties for noncompliance and including repealor and severability clauses.

WHEREAS, the purpose of this article is to ensure that the public health, safety and welfare shall not be abridged by the making and creating of noise pollution or of public nuisances from disturbing, excessive, or offensive noises in Franklin Township. The residents of Franklin Township recognize that uncontrolled 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 impulsive and amplified noise is minimized for the community good. It is the purpose and scope of this article to provide regulations prohibiting offensive noises. These regulations and prohibitions are intended to protect the physical, mental, and social well-being of the residents of Franklin Township.

WHEREAS, the Second Class Township Code as reenacted and amended authorizes the Franklin Township Board of Supervisors to regulate noise within certain identifiable areas of the Township;

Definitions.

Section 1. For purposes of this Ordinance, the following words and phrases shall have the meanings hereinafter indicated:

Amplified Sound. Sound whose volume is increased by any electric, electronic, mechanical, or motor powered means.

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

Emergency Vehicle. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

Enforcement Personnel. The person or persons authorized by the Supervisors of Franklin Township to enforce this Ordinance. If no other person has been authorized, the Supervisors shall have the authority to enforce this Ordinance.

Licensed Establishment. A place of business or public or private institution in possession of a valid license to serve alcohol issued by the Pennsylvania Liquor Control Board.

Nighttime. Weekdays (Sunday – Thursday): 9:00 p.m. to 11:00 a.m. the following day.
Weekend (Friday & Saturday): 10:00 p.m. to 11:00 a.m. the following day.

Noise Disturbance. Any sound which:

- A. Disrupts or injures the comfort, repose, health, hearing, peace or safety of persons;
- B. Annoys, disturbs or perturbs a reasonable person with normal sensitivities; or

C. Endangers or injures personal or real property.

Persons. Any individual, association, partnership or corporation, user, owner or operator, and includes any officer, employee, department, agency or instrument of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes the individual members, partners, officers and managers of any or any of them of partnerships and associations, and as for corporations, the officers and managers thereof or any of them and, in their absence, the shareholders.

Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

Township. Franklin Township, Erie County, Pennsylvania.

Sound/Noise Disturbance Prohibited.

Section 2. General Prohibition. It shall be unlawful and a violation of this Ordinance for any licensed establishment to make or cause, or allow the making of, a noise disturbance during the nighttime.

Exemptions. The following uses and activities shall be exempt:

A. Nonamplified human voice from any licensed establishment, except yelling, shouting, whistling, hooting, singing or generally creating a raucous sound such that it creates a noise disturbance during the nighttime.

B. Any emergency vehicle when responding to an emergency call or acting in time of emergency at any licensed establishment.

Rebuttable Presumption. Noise from any licensed establishment during nighttime that disturbs two or more residents who are in general a written agreement as to times and duration of the noise and who reside in separate residences shall create a presumption that there has been a noise disturbance. The presumption may be rebutted by clear and convincing evidence that the noise from the licensed establishment did not result in a noise disturbance.

Section 3. Hours of Operation for Outdoor Entertainment. There shall be no outdoor amplified sound from a licensed establishment during the nighttime.

Section 4. Sound Mitigation.

A. All outdoor dining areas, outdoor beer gardens, and outdoor public gathering spaces at a licensed establishment shall provide for adequate buffering in conformity with the Franklin Township Zoning Ordinance.

B. All on-site functional or decorative lighting at a licensed establishment shall be designed and operated in conformity with the Franklin Township Zoning Ordinance.

C. All garbage and refuse collection and storage areas at licensed establishments shall be in conformity with the Franklin Township Zoning Ordinance, and be located in areas that will prevent a noise disturbance.

Section 5. Enforcement Order; Time to Comply.

A. A violation of this Part shall be cause for a citation to be issued directly to the person or persons in charge of or in control of the licensed establishment.

B. Enforcement personnel may verbally communicate with the on-site staff to request that sound levels be decreased. Enforcement personnel shall have the power to shut down amplified sound during the nighttime if two complaints are received in writing for the same event from unrelated parties and sound levels are not decreased.

Section 6. Licensed Establishments.

A. It is the intent of the Board of Supervisors of Franklin Township to enforce noise locally for licensed establishments located within the Township.

B. Licensed establishments shall comply with the Liquor Code for local enforcement per Act 2012-116 (July 5, 2012).


Section 7. Violations and Penalties.

A. Any person who violates any provision of this Ordinance, upon conviction in a summary proceeding, shall be subject to a fine each calendar year of \$150 for the first violation, \$250 for the second violation, \$375 for the third violation, and for each offense thereafter, a minimum fine of \$500 not to exceed a maximum amount of \$1,000 per incident, plus the costs of prosecution.


B. If the violation is of a continuing nature, each day during which the violation occurs shall constitute an additional, separate, and distinct offense, and continuing violation may result in prohibition of all outdoor amplified sound at the establishment.

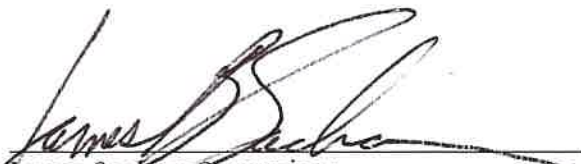
BE IT ENACTED this 21st, June, 2022.


FRANKLIN TOWNSHIP SUPERVISORS


Dennis Howard, Supervisor

FRANKLIN TOWNSHIP
SECRETARY


ATTEST


James Sachar, Supervisor


Robert Simonelli, Supervisor