

**TOWNSHIP OF FAIRVIEW  
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING CHAPTER 187, "NOISE," OF THE CODE OF ORDINANCES OF FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA BY DELETING THE CURRENT TEXT OF CHAPTER 187 IN ITS ENTIRETY AND REPLACING IT WITH THE TEXT CONTAINED HEREIN, WHICH TEXT SETS FORTH RULES AND REGULATIONS REGARDING NOISE WITHIN FAIRVIEW TOWNSHIP, SETTING FORTH DEFINITIONS, PROHIBITED NOISE DISTURBANCES, EXEMPTIONS, SPECIAL PERMITS; AND ESTABLISHING ENFORCEMENT PROCEDURES AND PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE.

**WHEREAS**, the Board of Supervisors of Fairview Township, York County, Pennsylvania, adopted Ordinance No. 92-5 on December 8, 1992, which Ordinance set forth rules, regulations and requirements for the regulation of noise within Fairview Township; and

**WHEREAS**, said Ordinance was codified as Chapter 187 of the Township Code of Ordinances; and

**WHEREAS**, the current Township Noise Ordinance is quantitative in character and requires the use of a calibrated equipment to measure and document levels of noise in order to prosecute a violation thereof; and

**WHEREAS**, the Township does not and has not maintained such calibrated equipment, nor is any Township employee or police officer certified and trained to use such equipment due to both staffing and cost to maintain the calibrated equipment and the training in the use thereof; and

**WHEREAS**, as a result, the Township has had difficulty in enforcing complaints with regard to noise; and

**WHEREAS**, Section 1506 of the Second Class Township Code, 53 P.S. § 66506, authorizes the Board of Supervisors of the Township make and adopt ordinances necessary for maintenance of the health and welfare of the Township and its citizens; and

**WHEREAS**, the Board of Supervisors of Fairview Township, York County, Pennsylvania, desire to adopt this Ordinance to update the Township Noise Ordinance to provide more current regulatory practices and to provide for a more easily enforceable noise ordinance in order to enhance the health, safety and welfare of its residents.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED**, by the Board of Supervisors of Fairview Township, York County, Pennsylvania, and by and through the authority of the same, as follows:

SECTION 1. Chapter 187 of the Code of Ordinances of Fairview Township, York County, Pennsylvania, is hereby amended by the deletion of the existing text, in its entirety, and replacing it with the following text:

**Section 187-1.Short Title.**

This Chapter 187 shall be known as the “Fairview Township Noise Ordinance.”

**Section 187-2.Legislative Findings.**

The Board of Supervisors of Fairview Township, York County, Pennsylvania finds that:

- A. Excessive noise that continues for an extended period of time poses a serious hazard to the public health, welfare and the quality of life to the citizens, business invitees, guests and visitors of Fairview Township.
- B. Activities which generate excessive noise and related vibration are detrimental to the health, safety and welfare of the citizens of Fairview Township and interfere with the quiet enjoyment of residential and public property and the operation of business and institutions, and, therefore, should be reasonably controlled to reduce the negative impacts on others.
- C. Excessive noise constitutes noise pollution.
- D. Fairview Township is authorized to ensure the public safety and define conduct that constitutes disturbance of the peace pursuant to Section 1506 of the Pennsylvania Second Class Township Code, 53 P.S. 66506, as amended.

**Section 187-3.Definitions.**

**NOISE DISTURBANCE** – Sound of such loudness, character, duration or repetition from a single source or multiple sources that is plainly audible on the property of others, which sound is or may be predicted with a reasonable degree of certainty to be injurious to health, or which unreasonably interferes with the enjoyment of property of others or with the lawful business or institutional use, or is annoying to a reasonable person of normal sensibilities.

**Section 187-4.Noise Disturbance Prohibited.**

- A. No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any real estate or personal property (such as a vehicle), which property is subject to such person’s right to control.

B. The following acts or conduct or the causing thereof are hereby declared to be noise disturbances between the hours of 10:00 p.m. and 7:00 a.m., and shall constitute a violation of this Section:

1. Radios, televisions, musical instruments and other such sound amplification devices. The operation, playing or permitting the operation of or playing of any radio, television, disc jockey equipment, speakers, drum, musical instruments, sound amplifiers, automobile radios or stereos or similar devices which produce, reproduce or amplify sound at any time in such a manner as to cause a noise disturbance across a property boundary.
2. Commercial Use of Loudspeakers. Using or operating of any loudspeakers, public address system or other similar device for commercial purposes, such that sound therefrom creates a noise disturbance across a property line.
3. Commercial Construction Activities. For purposes of this Ordinance, the term "commercial construction" shall be the construction of a new residential, commercial, industrial, or other type of building or building by a third-party contractor, subcontractor or other paid individual, company or entity and shall exclude construction activities on existing buildings or structures undertaken by an owner of a building or structure. Unless authorized by a special permit issued as provide for in this ordinance, commercial construction activities shall be limited to Monday – Friday between the hours of 7:00 a.m and 6:00 p.m., Saturday between the hours of 7:00 a.m. and 3:00 p.m. and no commercial construction activities on Sundays, New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving or Christmas. Examples of construction activities shall include, but not be limited to, the operation, use or permitting of operation or use of any tools, whether hand, hydraulic, air, pneumatic tools or power tools, or any such equipment used in construction operations, drilling or demolition as to cause a noise disturbance across a property line. Such prohibited activities outside the permitted hours shall include the use of vehicles with back-up alarms or loading or unloading of materials, vehicles, dumpsters or equipment in preparation for construction activities.
4. Domestic power tools. The operation, use or permission to operate or use a mechanically powered saw, drill, sander, grinder, power washer, lawn or garden tool, or similar device used in residential areas by property owners so as to cause a noise disturbance across a property line.
5. Motor Vehicles.
  - a. The sounding of any horn or other signaling device on any vehicle on any road or public place, except as a danger warning pursuant to the Pennsylvania Motor Vehicle Code, as amended.

- b. The operation or permitting the operation of any motor vehicle or auxiliary equipment attached thereto for a period of ten (10) minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, road construction or emergency work.
  - c. Squealing tires, burn-outs, peel-outs, power-braking or similar activity, except as necessary to avoid a collision with another vehicle, person or other property.
  - d. Racing engine/rapid throttle advance/revving of engine so as to cause a noise disturbance such that the attention of a person is drawn towards the source of such noise disturbance.
  - e. The use of “jake brakes” in residential areas unless necessary for emergency purposes.
6. Engine repair and/or operation. The repair, reconstruction, modification, testing or operation of a motor vehicle, motorcycle, or boat in such a manner as to create a noise disturbance across a property line.
7. Domestic Animals. The possessing, harboring or keeping of domestic animals or birds out of doors, which animal(s) or bird(s) make any noise consistently or persistently for a period of thirty (30) minutes or more, at any time day or night, regardless of whether the animal is situated upon private property. This subsection shall not apply to livestock legally kept for agricultural purposes.
8. Recreational vehicles, motorbikes, powered model vehicles and drones. In addition to the restriction on the hours of operation provided above, the continued operation, use or the permitted operation and use of recreational vehicles, motor bikes, powered model vehicles or drones for more than two (2) hours without a cessation of the noise disturbance from such vehicles for at least one (1) hour between periods of noise disturbance.
9. Fireworks. Consumer fireworks, as defined in 3 Pa.C.S.A. 1105, as amended, may not be used between the hours of 10:00 p.m. and 10:00 a.m., except, as follows:
- a. July 2, 3 and 4 and December 31, when consumer fireworks may be used until 1:00 a.m. the following day;
  - b. when July 4 falls on a Tuesday, Wednesday or Thursday, consumer fireworks may be used until 1:00 a.m. on the immediately preceding and following Friday and Saturday;
  - c. Memorial Day, including the immediately preceding Saturday and Sunday; and

- d. Labor Day, including the immediately preceding Saturday and Sunday.
10. Hospitals, schools, nursing homes and churches. In addition to the restriction on hours of noise disturbance, the making, creating or permitting a noise disturbance in the vicinity of any hospital, nursing home or church during worship hours, or in the vicinity of a school during hours of school instruction.

**Section 187-5. Exemptions.**

The following sounds are exempted from the prohibitions set forth in this Chapter:

1. Emergency warning signals or operations. Sound caused by an emergency warning signal designed for such purpose to warn the general public of an emergency or to notify first responders of the need to respond to an emergency. Further, any sound caused by the performance of emergency operations or response to an emergency by first responders. Such emergencies shall include, but not be limited to fire protection, protection from flood or other disasters, vehicle accidents, the loss of electricity, water, sewer or other utility services by more than one (1) home or business.
2. Municipal, State and Utility Services. Sounds resulting from municipal, state or utility employees resulting from the repair or replacement of any municipal, state or utility installation, line, facility or part thereof. Such sounds include: Federally mandated alarms, back-up sounds or warning devices on emergency, municipal, state or utility equipment, such as back-up warnings and vehicles, equipment and machinery used in snow removal or plowing of snow.
3. School and public activities. Sounds, whether or not amplified, created by a school or other public entity activity, athletic and entertainment events or other public programs.
4. Event Venues, such as wedding venues or wineries. Outdoor events, receptions and other activities may be conducted between the hours of 9:00 a.m. and 11:00 p.m., unless otherwise authorized as conditions of zoning approval give for such use.
5. Blasting. Blasting done under an approved DEP permit, which blasting may only occur between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by such DEP permit.
6. Existing Shooting Ranges and the discharge of firearms. Existing firing ranges during daylight hours, provided that ranges used for training or certifying law enforcement agencies shall be exempt from this Chapter while in use by a law enforcement agency.
7. Business, Commercial and Industrial Uses. Sounds created by existing lawful, legitimate or licensed business, commercial and industrial operation, provided any equipment, machinery or devices used in such operation are used in accordance with the manufacturer's specifications and will all standard noise-reducing equipment in use, unmodified and in proper operating condition.

8. Sounds created by:

- a. Railway locomotives and cars.
- b. Traffic on state or local roads.
- c. Aircraft.
- d. Farm animals, farm equipment and normal agricultural activities in areas where such uses are permitted. The use of air cannons and other such devices to amplify sounds to deter animals or birds from damaging crops is not within normal agricultural activities.

**Section 187-6. Special Permits.**

A temporary waiver from strict compliance with this Chapter may be granted to a person or entity for special events or under special conditions, for good cause shown, as determined by the Township Manager, to permit reasonable time to undertake the requested activity or to conduct a special event. Special permits shall be limited to the time periods necessary to complete such activities requested or hold such events. Special permits must be requested at least 72 hours prior to the start of the activity or special event. Requests for special permits shall include a description of the activity or event, the times and dates of such activity or event, the type of sounds to be produced and the reason that such activity or event cannot be conducted in accordance with this Ordinance. Upon approval of a special permit, the applicant shall provide written notice in the form of a door hanger or door posting to all property owners within 300 feet of the source of the noise. In the event of a denial of a special permit, the applicant may appeal such denial to the Board of Supervisors at the next regularly scheduled meeting of the Board. The Board of Supervisors may adopt a fee or fees for such special permit by Resolution, adopted from time to time.

**Section 187-7. Relationship with other restrictions.**

The provisions of this Ordinance are not intended to interfere with, abrogate or preclude any other ordinance, statute, rule or regulation governing sound. If more stringent requirements concerning noise are contained in other statutes, rules, regulations or ordinances, the more stringent regulations shall apply.

**Section 187-8. Enforcement, Violation and Penalties.**

1. The Township Codes Enforcement Officer, Zoning Officer and Fairview Township Police Department are hereby authorized to enforce the provisions of this Chapter and may issue a warning or summary citation for violations of this Chapter. A cease and desist order for a violation of this ordinance may be issued with terms that are appropriate for the conditions existing upon investigation by the Township official, which may include an immediate order if the circumstances so dictate in that official's sole discretion.

2. Any person or business entity, including, but not limited to a property owner, tenant, business invitee, property manager, user or possessor of property, who shall violate the provisions of this Chapter shall, upon summary conviction for a first offense, be fined a minimum fine of not more than \$200.00, plus the costs of prosecution and, in default of payment of such fine, imprisonment for period not to exceed ten (10) days. When a second and/or subsequent violation is committed and such person or entity is found to be guilty of a summary conviction within any twelve (12) month period, such violation shall be punishable by a fine of not less than \$300.00 and not more than \$1,000.00, plus the costs of prosecution and, in default of payment of such fine, imprisonment for period not to exceed thirty (30) days. Each violation of any provision of this Ordinance and each day a violation shall continue shall be deemed to be separate and distinct offense.
  
3. In addition to the above, Fairview Township may institute an action for injunctive relief to abate or prohibit any activity in violation of this Chapter.

SECTION 2. The existing text of Chapter 187 of the Code of Ordinances of Fairview Township, York County, Pennsylvania, and any other ordinance(s) or portion thereof which are inconsistent herewith are hereby repealed.

SECTION 3. 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 that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 4. This Ordinance shall be effective five (5) days after adoption and shall remain in force until modified, amended or rescinded by Township of Fairview, York County, Pennsylvania.

{Signature page to follow}

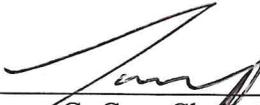
ENACTED AND ORDAINED at a duly advertised public meeting by the Board of Supervisors of Fairview Township, this 25<sup>th</sup> day of ~~September~~, 2025.

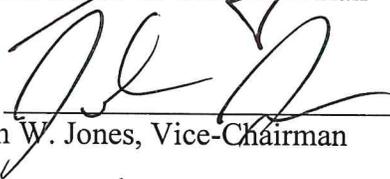
*August*

ATTEST:

**BOARD OF SUPERVISORS OF  
FAIRVIEW TOWNSHIP**

By:   
Donald F. Martin, III  
Township Secretary

By:   
Dr. Lawrence G. Cox, Chairman

By:   
John W. Jones, Vice-Chairman

By:   
Christopher L. Allen

By:   
Mario D. Pirritano

By:   
Matthew Cox