

Notice

Notice is hereby given that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance summarized below, at the regularly scheduled Chambersburg Town Council Meeting on Monday, March 27, 2023 at 7:00 p.m. at the Borough Office, 100 South 2nd Street Chambersburg, Pennsylvania 17201.

The title of the proposed Ordinance is “AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG TO PROHIBIT THE PLAYING OR OPERATION OF ANY SOUND PRODUCING DEVICE AT A VOLUME WHICH DISTURBS A PERSON OF REASONABLE SENSITIVITIES; AND IMPOSING PENALTIES FOR ORDINANCE VIOLATIONS; AND AUTHORIZING BOROUGH POLICE TO ISSUE TICKETS FOR VIOLATIONS.

If enacted, the Ordinance will amend certain provisions of Chapter 200 of the Code of the Borough of Chambersburg

The contents of the Ordinance are summarized as follows:

SECTION 1: Chapter 200, Section 200-1 of the Code of the Borough of Chambersburg is amended to add a new subsection A, prohibiting the playing or operation of any sound producing device that produces, reproduces or amplifies sound in such a manner or volume to annoy or disturb a reasonable person of normal sensitivities. All prior subsections are retained and re-lettered accordingly.

SECTION 2: Amends Chapter 200, Section 200-1, subsection F (formerly subsection E) of the Code of the Borough of Chambersburg to prohibit, subject to certain exceptions, the selling of anything by outcry in residential zoned districts.

SECTION 3: Amends Chapter 200, Section 200- 2, subsection D of the Code of the Borough of Chambersburg to remove the exception that equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances may be used during the quiet period when done according to the Code.

SECTION 4: Amends Chapter 200, Section 200-2, subsection E of the Code of the Borough of Chambersburg to remove the exception that power equipment used for home or building repair or grounds maintenance may be used during the quiet period when do so within the regulations of the Code.

SECTION 5: Amends Chapter 200, Section 200-3, subsection F of the Code of the Borough of Chambersburg to provide the Borough Recreation Department is responsible for recognizing official Borough, school district, private school, and other organized leagues.

SECTION 6: Amends Chapter 200, Section 200-3, subsection G of the Code of the Borough of Chambersburg to authorize as an exemption from the ordinance the operation of snow plows, snow removal equipment, sanitation trucks, street sweepers and tree trimming equipment.

SECTION 7: Amends Chapter 200, Section 200-5, subsections A, B, and C to provide fines of \$100, \$200, and \$400 or subsequent offenses of the ordinance within a prescribed period of time, set forth violators shall pay for the costs of prosecution and reasonable attorney fees, and authorize police officers to issue tickets and citations for violations.

The full text of the proposed Ordinance may be examined without charge at the Office of the Chambersburg Borough Manager, 100 South 2nd Street, Chambersburg, Pennsylvania 17201, during regular business hours, which are Monday through Friday, 8:00 a.m. to 5:00 p.m. A copy will be provided upon request without charge. A copy of the proposed Ordinance has been filed at the Franklin County Law Library, 100 Lincoln Way East, Suite E, Chambersburg, Pennsylvania 17201, and is available for inspection during normal business hours.

Salzmann Hughes, P.C., Solicitor

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PUBLIC OPINION – PLEASE ADVERTISE IN THE LEGAL COLUMN ON **WEDNESDAY, MARCH 15, 2023**. PLEASE PROVIDE A PROOF OF PUBLICATION AND BILL TO THE BOROUGH OF CHAMBERSBURG.

THANKS,

Jamia L. Wright, BOROUGH SECRETARY

P O Number Reference: 2023-3705/70115

BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023- _____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG TO PROHIBIT THE PLAYING OR OPERATION OF ANY SOUND PRODUCING DEVICE AT A VOLUME WHICH DISTURBS A PERSON OF REASONABLE SENSITIVITIES; AND IMPOSING PENALTIES FOR ORDINANCE VIOLATIONS; AND AUTHORIZING BOROUGH POLICE TO ISSUE TICKETS FOR VIOLATIONS.

WHEREAS, the Borough Code, 8 Pa. C.S. § 101, *et seq.*, at Section 1202(5), authorizes the Borough to make regulations as may be necessary for the health, morals, general welfare, cleanliness, convenience, comfort, and safety of the Borough; and

WHEREAS, the Town Council for the Borough of Chambersburg (“Town Council”) has adopted certain regulations regarding the controlling of noise in the Borough at Chapter 200 of the Code of the Borough of Chambersburg (the “Code”); and

WHEREAS, the Mayor and Town Council of the Borough of Chambersburg have determined it to be in the best interests of the residents of the Borough of Chambersburg to amend certain provisions of Chapter 200 of the Code in the manner set forth below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. Chapter 200, Section 200-1 of the Code of the Borough of Chambersburg, entitled “Specific prohibited acts at any time”, is hereby amended as follows:

A new subsection A shall be added and set forth the following:

- A. No person shall play or permit the operation or playing of any radio, television, drum, musical instrument, music player, sound amplifier, phonograph or similar device which produces, reproduces or amplifies sound in such a manner or at a volume to annoy or disturb a reasonable person of normal sensitivities.

Prior subsections A through H shall be re-lettered accordingly.

SECTION 2. Chapter 200, Section 200-1 of the Code, entitled “Specific prohibited acts at any time” shall be amended by replacing subsection F (subsection E prior to the amendment set forth in Section 1 above) with the following:

- F. In residential zoned districts, no person shall sell anything by outcry. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses, public auctions and other similar licensed public entertainment events.

SECTION 3. Chapter 200, Section 200-2 of the Code of the Borough of Chambersburg, entitled “Quiet period: time and place restrictions on activities” is hereby amended so that subsection D reads as follows:

- D. Operate or permit the operation of any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances.

SECTION 4. Chapter 200, Section 200-2 of the Code, entitled “Quiet period: time and place restrictions on activities” is hereby amended so that Subsection E reads as follows:

- E. In residential zoned districts, except when necessary to provide access to and from a property, operate or permit the operation of any power equipment used for home or building repair or grounds maintenance, including, but not limited to, power saw, power generator, sander, lawn mower, and garden equipment.

SECTION 5. Chapter 200, Section 200-3 of the Code of the Borough of Chambersburg, entitled “Exemptions” is hereby amended so that subsection F reads:

- F. Noise resulting from any athletic, recreational, or other such outdoor activity from an official Borough, school district, private school, or other organized league recognized by the Borough Recreation Department.

SECTION 6. Chapter 200, Section 200-3 of the Code of the Borough of Chambersburg, entitled “Exemptions” is hereby amended so that subsection G reads as follows:

- G. Operation of a snowplow, snow removal equipment, sanitation truck (including container collection), street sweeper and tree trimming equipment.

SECTION 7. Chapter 200, Section 200-5 of the Code of the Borough of Chambersburg, entitled “Violations and penalties” is hereby amended by replacing its contents with the following:

- A. Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine as follows:
- (1) First offense, a fine of \$100.
 - (2) Second offense occurring within twelve months of the first offense, a fine of \$200,
 - (3) Any Third or subsequent offense that occurs within twelve months of a prior offense, a fine of \$400.

In addition to the fine, the violator shall be sentenced to pay the costs of prosecution and reasonable attorney fees. Each day that a violation continues shall be deemed a separate violation.

- B. Notwithstanding Subsection A above, a police officer is hereby authorized to issue a ticket, in a form established by the Borough, to any person violating the provisions of this Ordinance. The ticket shall identify the address of the property where the violation occurred, as well as the nature of the violation. The ticket may either be: (1) handed to an owner or occupant of the property, (2) affixed to the door providing ingress and egress to the primary structure, or (3) conspicuously posted on the property. The ticket shall instruct the violator that if the violator reports to the Police Department and pays to the Borough the sum of \$250.00 within 10 days of issuance of the ticket, then such payment shall save the violator from persecution by citation. If a ticket is not paid within 10 days of issuance, the police officer shall issue a citation to the violator.
- C. A police officer shall have sole and absolute discretion to issue a citation in accordance with Subsection A above without first issuing a ticket as permitted herein.

SECTION 8. Repealer. All provisions of previous ordinances of the Code, which are contrary to this Ordinance, are expressly repealed.

SECTION 9. Savings Clause. In all other respects, the Code shall remain as previously enacted and ordained.

SECTION 10. Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 11. Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED and APPROVED this _____ day of _____,
2023.

Allen B. Coffman
President of Town Council

ATTEST:

Jamia L. Wright
Secretary of Town Council

Kenneth Hock
Mayor