

ORDINANCE NO. 06 OF 2013

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

AN ORDINANCE OF SOUTH MIDDLETON TOWNSHIP SETTING FORTH THE
HOURS, DAYS, AND TYPE OF WORK ALLOWED PURSUANT TO CONSTRUCTION
ACTIVITIES

WHEREAS the South Middleton Township Board of Supervisors has identified construction noise work associated with construction activities to be detrimental to the physical, mental, and social well-being of the residents of the Township, as well as to their comfort, living conditions, general welfare and safety and therefore are a public health and welfare hazard; and

WHEREAS this Ordinance is enacted pursuant to the Second Class Township Code; and

NOW THEREFORE BE IT ORDAINED by the South Middleton Township Board of Supervisors, Cumberland County, Pennsylvania as follows:

SECTION 1 - PROHIBITED ACTIVITIES

1. The following activities are hereby prohibited:

- a) Operating or causing the operation heavy equipment (such as graders, excavators, and backhoes) associated with the construction of infrastructure (roads, stormwater management facilities, storm drains, utilities, etc.); and operation of power tools or hammering associated with new home construction, except between the hours of 7:00 am and 9:00 pm on week days, and except between 8:00 am and 5:00 pm on Saturdays or at any time on Sunday or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- b) Delivery of construction materials (such as lumber and concrete) and arrival or departure of heavy equipment (such as graders, excavators, and backhoes) except between the hours of 7:00 am and 9:00 pm on week days, and except between 8:00 am and 5:00 pm on Saturdays or at any time on Sunday or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

- c) Blasting except between the hours of 7:00 am and 9:00 pm on week days, and except between 8:00 am and 5:00 pm on Saturdays or at any time on Sunday or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
 - d) Maintenance and servicing of heavy equipment except between the hours of 7:00 am and 9:00 pm on week days, and except between 8:00 am and 5:00 pm on Saturdays or at any time on Sunday or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
2. Exceptions: The limitations in Section 1 above, shall not apply in the following instances:
- a) When, prior to the commencement of any work, the Township grants written permission to perform work outside of the prescribed hours;
 - b) Emergency maintenance or repair of municipal facilities, services, or public utilities conducted by public agencies and/or utility companies (or their contractors).

SECTION 2 - PENALTIES

Any person or entity who shall violate the provisions of this Ordinance shall, upon conviction before a District Justice, be sentenced to pay a fine of not exceeding six hundred dollars (\$600.00) nor less than two hundred dollars (\$200.00), plus costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days in the County Prison. Extinguishing costs may also be assessed, as necessary.

SECTION 3 - SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted such that any unconstitutional, illegal or invalid provision had not been included therein.

SECTION 4 - REPEALED

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5 - EFFECTIVE

This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED INTO LAW this 14th day of November, 2013.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

Attest:

Sandra A. Quickel
SANDRA A. QUICKEL, Secretary

- Absent
BRYAN A. GEMBUSIA, Chairman
THOMAS E. FALEY, Vice Chairman
WALTER G. REIGHARD
RONALD P. HAMILTON
R. DUFF MANWEILER