

Noise & Nuisance

Version #1 Changes

Red-Lined

MEMORANDUM

TO: East Goshen Township Board of Supervisors
FROM: Bill Christman
DATE: August 11, 2022
SUBJECT: Noise & Nuisance Ordinance

Attached for your consideration is a redlined version of the draft Noise and Nuisance Ordinance that has been discussed by the Board of Supervisors for the last few months. As you will see, in coordination with Township staff, we have made edits to the following sections:

- Amended the applicable time periods and sound level limits for the regulation of noise depending on receiving land use category (page 2)
- Clarified the exceptions to noise limits to exempt: (1) noise caused by snow removal and other emergency equipment, regardless of whether the works is being performed by the Township or not; and (2) private events for which a waiver has been granted (page 4)
- Overhauled the waiver section to delineate certain criteria for the justification of a waiver, provide for notice to properties within 500 feet of the subject property, authorize the charging of a fee for a waiver application, and list the penalties for failure to abide by the terms of the granting of a waiver (pages 5 & 6)

The remainder of the draft ordinance has remained the same.

Once we are given direction on these matters from the Board, the next step will be to forward a final draft of this ordinance to the East Goshen Township Planning Commission and the Chester County Planning Commission for their review, since the ordinance includes amendments to the Township's Zoning Ordinance. Then, we will need to schedule a hearing before the Board of Supervisors before the Board can consider the ordinance for adoption.

DRAFT MOTION: Madam Chair, I move that we direct the Solicitor and Township staff to make the edits discussed at tonight's meeting (if any), and forward the draft ordinance to the East Goshen Township Planning Commission and Chester County Planning Commission for review. Upon review of the ordinance by both Planning Commissions, we further direct the Solicitor and Township staff to advertise this for a hearing before the Board of Supervisors on the soonest date practicable.

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

Ordinance No. _ _ _ _ _

AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, REPEALING CHAPTER 156 OF THE EAST GOSHEN TOWNSHIP CODE OF ORDINANCES, TITLED “NOISE”, AND REPLACING IT WITH A NEW CHAPTER 156, TITLED “NOISE AND NUISANCES”, IN ORDER TO EFFECTIVELY REGULATE NOISE AND NUISANCE DISTURBANCES IN THE TOWNSHIP; TO REMOVE NOISE REGULATIONS FROM THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE; AND TO CLARIFY NOISE AND NUISANCE STANDARDS FOR SPECIFIC PRINCIPAL USES. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township that the East Goshen Township Code of Ordinances, as amended, is hereby further amended as follows:

SECTION 1. Chapter 156 of the Code of Ordinances, titled “Noise”, is hereby repealed and replace with the following:

Chapter 156 Noise and Nuisances

Article I – Noise

§ 156-1 Title.

This chapter shall be known and may be cited as the "East Goshen Township Noise Ordinance."

§ 156-2 Purpose; intent; authority.

- A. Excessive sound is a hazard to the public health, safety, and welfare and to the quality of life of the residents of East Goshen Township, interfering with the quiet enjoyment of residential and public property and the operation of businesses.
- B. It is the policy of the Board of Supervisors to prevent, to control, or to mitigate environmental factors including noise pollution that may jeopardize the health, safety, or welfare of Township residents and businesses.
- C. The Township is empowered to define conduct that constitutes disturbing the peace by § 1527 of the Second Class Township Code, 53 P.S. § 66527, to abate and to prohibit

nuisances on private and public property pursuant to § 1529 of the Second Class Township Code, 53 P.S. § 66529, and to provide for enforcement of noise pollution ordinances by summary offense by § 1601(c.1)(2) of the Second Class Township Code, 53 P.S. § 66601(c.1)(2).

§ 156-3 Establishing limits on noise.

All sound exceeding the limits established hereinbelow are hereby declared to be a public nuisance, and may be abated by administrative or judicial proceedings, fines, and penalties herein provided.

A. Limits established.

- (1) No person shall operate or cause to be operated on private or public property any source of continuous sound (that is, any sound which is static, fluctuating, or intermittent with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level that exceeds the limits set forth in the following table for the land use of the property receiving the sound, as measured at or within the boundary of the said receiving property.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential, public space, open space, agricultural, or institutional	Monday through Friday—7:00 a.m. to 7:00 p.m.; Saturday—9:00 a.m. to 5:00 p.m. 7:00 a.m. to 7:00 p.m.	<u>650</u>
	All other times, plus legal holidays 7:00 p.m. to 7:00 a.m.	<u>550</u>
Commercial or business	7:00 a.m. to 10:00 p.m.	<u>7065</u>
	10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays 10:00 p.m. to 7:00 a.m.	<u>6560</u>
Industrial	At all times	<u>705</u>

- (2) The proper designation of "receiving land use category" shall be determined by the Township representative taking the sound measurement for the purposes of

enforcement of these provisions.

B. Correction for character of sound.

- (1) For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five dBA.
- (2) For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval) the maximum sound level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or type of receiving land use.

C. Measurement of sound.

- (1) For the purpose of measuring sound to determine compliance with the provisions of this chapter, test equipment, methods, and procedures shall conform to the latest approved standards of the American National Standards Institute (ANSI), or equivalent entity as may be identified by the Board of Supervisors.
- (2) Test equipment shall be operated in accordance with the manufacturer's instructions, specifically including calibration requirements as necessary to assure an accurate measurement.
- (3) The measurement of the sound shall be taken at or beyond the property line of the property from which the sound being measured is emanating.

D. Noise sources defined as nuisances.

- (1) The following sources of noise are hereby defined as public nuisances and subject to control by the Township, regardless of decibel level:
 - (a) A domesticated animal that makes a noise continuously or persistently for a period of 15 minutes or more in such a manner as to disturb persons beyond the property line of the property whereupon such animal is kept.
 - (b) The operation, playing, or permitting of operation or playing of any musical instrument, radio, television, sound amplifier, audio equipment, or similar device between the hours of 9:00 p.m. and 8:00 a.m. in such a manner as to disturb persons beyond the property line of the property upon which such devices are located.
 - (c) Performing any construction operation or operating or permitting the operating of any tools or other equipment used in construction, drilling, blasting, demolition, excavation, extraction of stone, or other such activities, except between the hours of 7:00 a.m. and 7:00 p.m., prevailing time, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m., or at any time on Sunday.

- (d) The operation of an internal combustion engine in such a manner as to disturb persons beyond the property line of the property upon which the engine is located.
 - (e) The operation or permitting of operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used out of doors between the hours of 9:00 p.m. and 7:00 a.m. in such a manner to disturb persons beyond the property line of the property upon which such device is being operated.
- (2) In addition to the above, it is hereby declared to be a nuisance and shall be unlawful for any person, firm, or business entity to make, cause, or allow to be made or caused upon a property owned, occupied, or controlled by him or it any excessive noises or sounds by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments), or by any other means or methods which are physically annoying to the comfort of any reasonable person or which are so harsh, prolonged, unnatural, or unusual in their use, time, and place as to occasion physical discomfort or which are otherwise injurious to the lives, health, peace, and comfort of the inhabitants of the Township.

§ 156-4 **Exceptions to noise limits.**

The following noise sources are hereby exempted from the maximum permissible sound levels provided hereinabove and are furthermore deemed not to be nuisances:

- A. Devices used to alert persons to the existence of an emergency.
- B. Noise associated with emergency work to provide electricity, water, or other utilities when the public health or safety is at risk.
- C. Noise caused by the operation of snow removal and other emergency equipment ~~operated by the Township or an individual or agency retained by the Township to do such work.~~
- D. Hand-held power tools and yard maintenance equipment operated on a residential property between the hours of 7:00 a.m. and 9:00 p.m.
- E. Noise caused by construction activity between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday.
- F. Noise attributable to agricultural operations.
- G. Public events authorized by the Township.
- H. Noise from trains.
- I. The unamplified human voice.
- J. Private events for which a waiver under § 156-7 has been granted.

§ 156-5 **Enforcement; violation and penalties.**

- A. Any person or business entity who or which shall violate any of the provisions of this chapter shall, upon summary conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be punishable by a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution and, in default of such fine and costs, by imprisonment for a term not exceeding 30 days. Each violation of any of the provisions of this chapter shall be deemed to be a separate and distinct offense. A summary citation under this Chapter may be filed by any Township law enforcement officer, zoning officer, code enforcement officer, Township Manager, or any other person designated by the Board of Supervisors.
- B. In addition to the above, the Township may institute an action for injunctive relief to prohibit or abate any activity in violation of the provisions of this chapter.

§ 156-6 **Other remedies.**

Nothing in this chapter shall be construed to impair any cause of action or legal remedy thereof of any person or the public for injury to or damage arising from the emission or release into the atmosphere or ground from any source whatsoever of noise in such a place or manner, or at such levels which may give rise to such cause of action.

§ 156-7 **Waivers.**

~~A. Upon demonstrating evidence of a hardship or negative impact on public safety, as determined at the sole discretion of the Township Manager, a~~ No more than two (2) times in any calendar year, applicants may request in writing a waiver from any of the parameters specified herein upon demonstrating evidence of the following, as determined at the sole discretion of the Township Manager:-

- (1) The temporary operation or causation of such sound, under the circumstances, will not severely jeopardize the health, welfare or safety of the citizens of East Goshen Township;
- (2) The denial of such a permit will impose excessive hardship on the applicant, the community, or other persons;
- (3) The operation will not have an adverse effect on contiguous land use; and
- (4) The operation will not exceed 30 days.

~~B. Requests shall be submitted to the Township Manager or his/her designee and shall include the time, and duration of the requested waiver and the reason for the requested waiver. The request should include a list of the names and addresses of all properties within 500 feet of the property upon which the waiver is requested. The request should be submitted at least seven (7) days prior to the commencement of the noise source, unless such advance notice is impossible or impracticable under the circumstances.~~

C. The fee for a waiver request shall be set forth from time to time by resolution of the Board of Supervisors.

D. Waivers granted by the Township Manager or his/her designee shall be issued in writing, may contain conditions and restrictions in order to ensure that the intent of this Chapter is implemented, and shall be kept on the premises upon which the waiver is in effect for the duration specified.

E. Upon the granting of a waiver, the Township shall send notice to all properties within 500 feet of the subject property as soon as practicable.

A-F. Failure to abide by the terms of this Chapter, or the conditions and restrictions imposed upon the granting of a waiver, may result in the revocation or suspension of the waiver, as well as a one-year ban on obtaining further waivers from the provisions of this Chapter.

Article II – Nuisances

§ 156-8 Title.

This chapter shall be known as the "East Goshen Township Nuisance Ordinance."

§ 156-9 Definitions and word usage.

- A. The following words, when used in this chapter or any accompanying resolution, shall have the meaning ascribed to them in this section, except in those incidences where the context clearly indicates a different meaning:

ABANDONED OR JUNKED MOTOR VEHICLES

Any vehicle in a nonserviceable or nonoperational condition, or without having both a current inspection sticker and current registration plate.

BAMBOO

Any monopodial (running) tropical or semi-tropical grasses from the genera Bambusa, including, but not limited to, Bambusa, Phyllostachys, Fallopia and Pseudosasa, as well as common bamboo, golden bamboo, arrow bamboo, and Japanese bamboo.

BAMBOO OWNER

Any property owner and/or resident, corporation and/or other entity who has planted and/or grows bamboo, or who maintains and/or cultivates bamboo on his/her/its property, or who permits bamboo to grow or remain on any property in East Goshen Township, even if the bamboo has spread from an adjoining property. Any property owner and/or resident, corporation and/or other entity owning, residing, occupying or doing business on property on which bamboo is found shall be considered a bamboo owner. A property owner and/or resident, corporation and/or other entity will not be considered to be a bamboo owner if:

- (1) He/she/it has provided satisfactory proof to East Goshen Township that, within a

reasonable period of time not to exceed 60 days after discovering the encroachment of bamboo onto the subject property from an adjoining or neighboring property, he/she/it advised the owner of such property of his/her/its objection to the encroachment of the bamboo; and

- (2) He/she/it has initiated steps for the removal of the bamboo from the property, including remedies at law.

NUISANCE

The unreasonable, unwarrantable, or unlawful use of or activity on any public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of person or property. This shall include any activity, condition, structure or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the Township.

OWNER

The actual person owning, leasing, occupying or having charge of any premises within the Township, whether individual, partnership, association or corporation.

PERSON

Every natural person, association, partnership, firm, club, society, company, corporation or any organization of any kind. Whenever used in connection with prescribing or imposing a penalty, or both, the term as applied to a partnership shall include the individual partners, or any of them, and as applied to corporations or associations shall include the individual officer(s) thereof.

SUPERVISORS

The Board of Supervisors of East Goshen Township, Chester County, Pennsylvania.

TOWNSHIP

East Goshen Township, Chester County, Pennsylvania.

- B. For the purposes of this chapter, the single shall include the plural, and the masculine shall include the feminine and the neuter.

§ 156-10 Health hazards and nuisances prohibited.

It shall be unlawful for any person to create or maintain any condition, activity or use upon their property which could directly or indirectly cause a nuisance or health hazard to residents of the Township. While not intended to be a comprehensive list, the establishment, maintenance, operation or continuance of any of the following, at any time within the Township, is hereby declared to be a nuisance under the terms of this chapter:

- A. The maintenance, storage or accumulation of the following:

- (1) Garbage or rubbish;
- (2) Junk material, including, but not limited to, unused or abandoned machinery,

equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste or other similar materials; and

- (3) Any other materials which are conducive to the harboring of vermin, or otherwise cause a potential health hazard or nuisance.
- B. The maintenance, storage or accumulation of one or more abandoned or junked motor vehicles.
- C. The ownership or maintenance of abandoned or neglected buildings, structures, sidewalks or premises which shall pose or constitute any of the following conditions or hazards:
- (1) A fire hazard;
 - (2) A danger of infestation by vermin;
 - (3) An area, building or condition which is or which might potentially serve as an area of play or general attraction for children, or the public in general;
 - (4) Buildings, structures, sidewalks or premises, or parts thereof, which have been damaged by fire, wind or other causes so as to become dangerous to life or safety of the occupants or to others in the vicinity;
 - (5) Buildings, structures, sidewalks or premises, or parts thereof, which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity;
 - (6) Buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other means of access and egress;
 - (7) Buildings, structures, sidewalks or premises, or parts thereof, which are in such condition that they may fail, collapse, break down, or otherwise cause damage to property or injury to members of the public;
 - (8) Allowing or permitting any excavation, material excavated or obstruction on or joining any highway, street or road, to remain opened or exposed without the same being secured by a suitable barricade, a temporary fence or other protective materials; and
 - (9) Any other condition which the Supervisors shall deem to be a health hazard, potential health hazard, or nuisance.
- D. The draining or flowing, or allowing to drain or flow, whether natural or artificial, of any foul or offensive water or drainage from any dwelling, sink, bathtub, wash stand, lavatory, water closet, swimming pool, privy, or cesspool of any kind or nature whatsoever, or any foul or offensive drainage of any kind, from any property into or upon any adjoining

property, or onto or along any public highway, road, street, avenue, lane or alley.

- E. The burning of garbage, tires or other tar products.
- F. Permitting or allowing any well or cistern to be, or remain, uncovered.
- G. Permitting the growth of any grass, weed, noxious weeds or any vegetation whatsoever, to conceal any rubbish, garbage, trash or any other violation of this chapter.
- H. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing the same to remain thereon.
- I. The establishment, maintenance, carrying on or permitting of any use or activity which is dangerous, injurious, offensive or damaging to the property of others, or which prevents the reasonable use, comfort or enjoyment of the property of others by reason of flames, odor, smoke, fumes, dust, gas, noise, dirt, vibration or emission of electromagnetic waves. In determining the offensive or damaging nature of any of the aforesaid items, the Township is not required to make quantitative measurements by instrumentation or other testing, but, instead, may utilize the reasonable and substantial determinations of affected individuals, property owners or occupiers, as well as testimony of the Supervisors, or other persons authorized by the Township.
- J. The setting, maintenance, operation, conduct or permitting of the establishment and maintenance of fire, combustion or manufacturing, or commercial or other process which is or shall be accompanied by constant, periodic or occasional emission of smoke, odor, sparks, ash particles, burned sawdust and debris, or the creation and spreading of ash, debris, poison and like materials on surrounding or adjacent property to the annoyance, disturbance or detriment of surrounding property owners, residents, passersby or the traveling public.
- K. The storing of gasoline, kerosene or other petroleum products in excess of 5,000 gallons, except by gasoline service stations or petroleum products companies.
- L. Removing or altering the embankment of a stream so as to alter the natural flow of the stream.
- M. Interfering with the flow of a stream, creek or other waterway, by means of a dam, construction or otherwise.
- N. The permitting, growth or maintenance of ragweed, chicory, thistle, goldenrod, poison ivy, poison oak, sumac, or other similar vegetation, in such a manner that it extends or borders upon or overhangs any street, roadway, sidewalk or other public place.
- O. The permitting, growth or maintenance of any grass, weeds or other such vegetation, not edible or planted for some useful or ornamental purpose, so as to exceed a height of six inches. Excluded from this subsection are wooded areas and open fields or acreage to within 100 feet of any building or structure.

§ 156-11 **Bamboo.**

East Goshen Township has determined that the planting, cultivating and growing of certain running plants, particularly those plants commonly referred to as "bamboo," within East Goshen Township has a negative impact on the health, safety and welfare of the citizens of East Goshen Township and the public at large, as the uncontrolled planting, cultivating and growth of said bamboo plants results in the destructive spread of said plants onto private and public property and thereby constitutes a nuisance within East Goshen Township. East Goshen Township has therefore determined that is in the best interests of the citizens of East Goshen Township and the public at large to control the planting, cultivating and/or growing said bamboo plants within East Goshen Township, primarily by prohibiting the future planting, cultivating and/or growing said bamboo plants within East Goshen Township, and by requiring the use of barriers to prevent the invasive spread of existing bamboo plants within East Goshen Township.

- A. For purposes of this chapter, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted, cultivated and/or grown by, and/or with the consent of, the subject property owner, tenant, and/or any other individual, entity or corporation then having control of and/or over the subject property, subject to the definition of "bamboo owner," above.
- B. Prohibition. Upon the effective date of this section, the planting, cultivating and/or growing of bamboo shall be prohibited within the Township. No persons, property owners, tenants, and/or other individuals, entities, and/or corporations having control of and/or over any property located within the Township shall plant, cultivate, and/or cause to grow any bamboo on any real property within the Township. Any person who plants, cultivates, and/or grows, and/or causes or allows to be planted, cultivated and/or grown, bamboo within the Township shall be deemed to be in violation of this chapter and shall be subject to such penalties as are set forth herein.
- C. This section shall not be deemed to alter or abrogate any rights at common law, or otherwise, that any persons, property owners, tenants, and/or other individuals, entities, and/or corporations may have to recover the cost of removal of any bamboo found on their own property that has encroached from a neighboring property.
- D. Exceptions. Notwithstanding the prohibitions set forth in § 156-11.B, above, upon the effective date of this section, persons, property owners, tenants, and/or other individuals, entities, and/or corporations having control of and/or over any property located within the Township shall be permitted to plant, cultivate, and/or cause to grow bamboo on any real property within the Township only if:
 - (1) The root system of such bamboo is entirely contained within an above-ground-level planter, barrel or other vessel of such design, material, and location as to prevent completely the spread of growth of the bamboo root system beyond the container in which it is planted; or
 - (2) The root system of such bamboo is contained within and/or restricted by a barrier, constructed in accordance with the following specifications, and installed by an experienced installer with certification provided to the Township:

- (a) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of 40 mils, or more;
 - (b) Each portion or sheet of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - (c) The barrier shall be installed not less than 30 inches deep;
 - (d) The barrier shall be circular or oblong shaped;
 - (e) Not less than three inches of the barrier shall protrude above ground level around the entire perimeter of the bamboo; and
 - (f) When installed, the barrier shall slant outward from the bottom to top.
- (3) Any and all bamboo existing pursuant to this shall, at all times, be located, trimmed and maintained so that no bamboo, or any part thereof, shall be within 10 feet of any property line, curb, and/or sidewalk, nor within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.
- E. Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this section may remain on such property subject to compliance with the following:
- (1) The bamboo shall not be within 10 feet of any property line, curb, and/or sidewalk, or within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.
 - (2) Any bamboo owner whose property contains bamboo that is located within 10 feet of any property line, curb, and/or sidewalk, or within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township shall remove such bamboo and shall abate the growth of such bamboo so that it is not within 10 feet of any property line, curb, and/or sidewalk, nor within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.
 - (3) A bamboo owner shall further be responsible to ensure that any bamboo planted and/or growing on the property of the bamboo owner prior to the effective date of this section is maintained such that it does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and public rights-of-way. If the Township determines that any such bamboo, or part thereof, has been allowed to encroach, grow upon, extend roots across, and/or extend branches, stalks and/or leaves over any public right-of-way and/or any private property not owned by and/or in the possession of the bamboo owner, the bamboo owner shall be required to comply with the provisions of § 156-11.D above.

- F. Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this section may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed, unless such replanting is consistent with the provisions of § 156-11.D above.

§ 156-12 Notice to abate nuisances.

Whenever a condition constituting a nuisance or health hazard is permitted or maintained, the Supervisors, or persons authorized by the Township, may give the owner of the property in which said nuisance is located, and any other person permitting the maintenance of such a nuisance, written notice to completely remove, repair or abate the same. Said notice shall require such removal, repair, or abatement within 15 days of the date of such notice. Said notice shall be served in one of the following matters:

- A. By personal delivery;
- B. By certified mail, return receipt requested, to the last known address of the owner;
- C. By posting a copy of the notice upon the premises; or
- D. By publishing a copy of the notice in a local paper of general circulation within East Goshen Township, Chester County, Pennsylvania, once a week for three consecutive weeks.

§ 156-13 Violations and penalties.

Any person or business entity who or which shall violate any of the provisions of this chapter shall, upon summary conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be punishable by a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution and, in default of such fine and costs, by imprisonment for a term not exceeding 30 days. Each violation of any of the provisions of this chapter shall be deemed to be a separate and distinct offense. When a violation continues beyond the time limit as may be set forth in an NOV, each day that a violation continues beyond the time limit shall be deemed a separate and distinct offense. When a person or entity who or which has been issued an NOV is found again to be in violation of this chapter and issued another NOV within 12 months of the previous NOV, the fine shall be double the amount of the previous fine up to a maximum fine of \$1,000 for each separate and distinct offense.

§ 156-14 Abatement of nuisances by Township.

In addition to, or instead of, invoking the penalties set forth in the preceding section, the Township, or persons authorized by the Township, may, in the event of any continued violations of this chapter, enter upon the offending premises and remove, repair or alter any nuisance, hazard or dangerous structure or condition on such property, or otherwise abate any identified nuisance or health hazard. Further, the Township may collect the costs of such removal or abatement, together with any penalty and costs as granted in summary proceedings, from the owner of the property or premises. The actual costs of such removal, together with the penalties, costs and reasonable attorney's fee, shall be a lien upon such premises, and may be enforced against the property and recovered by the Township in the manner prescribed for the levying and

collecting of municipal liens under appropriate law.

§ 156-15 Injunctive relief.

The Township may, by means of a complaint in equity or other appropriate filing, compel the owner of a structure or premises declared a nuisance to comply with the terms of any notice of violation, or seek any other appropriate relief, including an injunction, from any court of competent jurisdiction.

SECTION 2. Section 240-24 of the East Goshen Township Zoning Ordinance, titled “General Performance Standards”, is hereby amended to delete Subsection C, titled “Noise Control”, as well as the subsection’s constituent paragraphs, and is replaced with the following:

C. Reserved.

SECTION 3. Section 240-24 of the East Goshen Township Zoning Ordinance, titled “General Performance Standards”, is hereby amended to delete subsection D, titled “Vibration Control”, and is replaced with the following:

D. Reserved.

SECTION 4. Section 240-31 of the East Goshen Township Zoning Ordinance, titled “Conditional Uses; Additional Standards for Specific Principal Uses”, Subsection 240-31.C(3)(h)[2][b][ii][C], is hereby repealed and replaced with the following:

[C] A study demonstrating compliance with the noise standards in Chapter 156 of the Code of Ordinances. In instances where there are multiple carriers or multiple equipment boxes proposed to be built on one site, the applicant must demonstrate that the cumulative noise from all carriers’ equipment shall comply with the noise standards of Chapter 156 of the Code of Ordinances;

SECTION 5. Section 240-31 of the East Goshen Township Zoning Ordinance, titled “Conditional Uses; Additional Standards for Specific Principal Uses”, Subsection 240-31.C(3)(h)[3][c][ii][B]{3}, is hereby repealed and replaced with the following:

{3} A study demonstrating compliance with the noise standards in Chapter 156 of the Code of Ordinances. In instances where there are multiple carriers or multiple equipment boxes proposed to be built on one site, the applicant must demonstrate that the cumulative noise from all carriers' equipment shall comply with the noise standards in Chapter 156 of the Code of Ordinances;

SECTION 6. Section 240-31 of the East Goshen Township Zoning Ordinance, titled “Conditional Uses; Additional Standards for Specific Principal Uses”, Subsection 240-31. C(3)(p)[6], is hereby repealed and replaced with the following:

[6] See the general performance standards of Article V and the noise and nuisance regulations of Chapter 156.

SECTION 7. Section 240-31 of the East Goshen Township Zoning Ordinance, titled “Conditional Uses; Additional Standards for Specific Principal Uses”, Subsection 240-31.C(3)(aa)[14], is hereby repealed and replaced with the following:

[14] All uses shall be conducted in compliance with applicable governmental regulations, including the general performance standards of this chapter and the noise and nuisance regulations of Chapter 156.

SECTION 8. 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 hereof. 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 9. General Code is hereby authorized to make any necessary formatting and numbering changes needed in order for this Ordinance to be made consistent with the formatting and numbering standards applicable to the East Goshen Township Code of Ordinances as published by General Code.

SECTION 10. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 11. This Ordinance shall become effective five days after enactment.

ENACTED and ORDAINED this _____ day of _____, 2022.

**BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP**

Michele Truitt, Chair

John Hertzog, Vice Chair

Cody Bright, Member

Michael Lynch, Member

David E. Shuey, Member

ATTEST:

Derek J. Davis, Secretary