UNION CITY BOROUGH

ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1183

AN ORDINANCE OF UNION CITY BOROUGH, REPEALING ORDINANCE NO. 1029 KNOWN AS "THE BOROUGH OF UNION CITY NOISE CONTROL ORDINANCE," REPLACING IT WITH A NEW NOISE CONTROL ORDINANCE; AND PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on August 13, 2002, the Borough Council of the Union City Borough (the "Borough") adopted Ordinance No. 1029, entitled the Borough of Union City Noise Control Ordinance (the "Ordinance"); and

WHEREAS, the Ordinance in its current state penalizes noise disturbances and defines the term "noise disturbance" in relation to specific decibels as measured by use of a sound level meter; and

WHEREAS, Borough Council has determined that the Ordinance in its current state presents significant practical barriers to enforcement; and

WHEREAS, Borough Council has determined that a more practical definition of "noise disturbance" and enforcement structure consistent therewith is required to bring about the desired protection of public health and welfare originally purposed by the Ordinance; and

WHEREAS, Borough Council continues its prior findings that excessive levels of sound are detrimental to the physical, mental, and social well-being of the people as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, and declares it to be necessary to provide for control and regulation of excessive sound and the sources of excessive sound within the Borough of Union City.

NOW THEREFORE, on this 25th day of November 2025, be it enacted and ordained by the Borough Council of the Union City Borough, Erie County, Pennsylvania, as follows:

Section 1. **Recitals**

The Recitals set forth above are incorporated herein as if more fully set forth.

Section 2. **Repeal of Ordinance 1029**

Borough Ordinance No. 1029, known as the "Borough of Union City Noise Control Ordinance," including any amendments thereto, is repealed in its entirety.

Section 3. **Title**

This Ordinance may be cited as the "Union City Borough Noise Control Ordinance."

Section 4. **Definitions**

The following words, terms, and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

ALL TERRAIN VEHICLE (ATV) – a motorized off-highway vehicle which travels on three or more inflatable tires. This term does not include any vehicles for law enforcement, fire, emergency, military, or other authorized government purposes or any vehicle performing necessary snow removal.

CONSTRUCTION OPERATION – the erection, repair, renovation, demolition, or removal of any building or structure; and the excavation, filling, grading, and regulation of lots in connection therewith.

DIRT BIKE – a motorcycle designed and built with special tires and suspension for riding on unpaved roads and over rough terrain.

DOMESTIC POWER TOOLS – any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors for residential construction projects and maintenance. This term does not include air conditioners, fans, heating units, and similar devices for heating or cooling, provided such are operated within the manufacturer's specifications.

EMERGENCY – any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

EMERGENCY WORK – any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

MUFFLER or SOUND-DISSIPATIVE DEVICE – a device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

NOISE – any sound emitted by a person, an appliance, equipment, instrument, or other device or an animal.

PERSON – any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality 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, or any of them, of partnerships and associations, and as to corporation, the officers and managers thereof or any of them.

POWERED MODEL VEHICLE – any self-propelled airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

PROPERTY LINE (BOUNDARY) – an imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses, and duplexes owned, rented, or leased by different persons, a demarcation or a line of separation of properties, and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purpose of this Ordinance, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

PUBLIC RIGHT-OF-WAY – any street, avenue, boulevard, highway, sidewalk, alley, or similar place that is owned or controlled by a governmental entity.

PUBLIC SPACE – any real property or structures thereon that are owned or controlled by a governmental entity, church, or civic organization.

SNOWMOBILE – a motorized vehicle which is designed to travel over snow or ice. This term does not include any vehicles for law enforcement, fire, emergency, military, or other authorized government purposes or any vehicle performing necessary snow removal.

SOUND –something audible, something that can be heard, vibrations sensed by ear, vibrations traveling through air, water, or some other medium, especially those within the range or frequencies that can be perceived by the human ear. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.

UNREASONABLE NOISE – sound that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, comfort, or repose of reasonable persons of ordinary sensitivities within the Borough, given the time of day, day of week, location, and/or other relevant factors in which and where the sound is made.

Section 5. **Prohibited Acts**

A. Unreasonable Noise Prohibited. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to make or cause to be made any unreasonable noise or to allow any unreasonable noise to be caused or made in or on any real or personal property occupied or controlled by that person.

B. Specific Prohibitions. In addition to the foregoing, it shall also be unlawful during the same time frames for any person to create, assist in creating, or as owner, lessee, or occupant of the property on which the activity is located to permit any of the following acts:

1. Operating or playing a radio, television, phonograph, musical instrument, sound amplifier, automobile sound equipment, or similar device which produces, reproduces, or amplifies sound in a manner plainly audible sound across a property line (boundary).

2. Engaging in yelling, shouting, hooting, whistling, or singing in a manner plainly audible across a residential property line (boundary) or in a public right-of-way between the hours of 9:00 p.m. and the following morning at 8:00 a.m.

3. Operating or permitting the operation of any tools or equipment (other than domestic power tools) used in construction operations, drilling, or demolition work between the hours of 9:00 p.m. and the following morning at 7:00 a.m., or at any time on Sundays or legal holidays.

4. Operating domestic power tools in a manner plainly audible across a residential property line (boundary) between the hours of 9:00 p.m. and the following morning at 8:00 a.m., except for necessary snow removal.

5. Loading, unloading, or otherwise handling boxes, crates, containers, garbage cans, or similar objects between the hours of 9:00 p.m. and the following morning at 7:00 a.m. in a manner plainly audible across a residential property line (boundary). This provision does not apply to municipal or utility services in or about a public right-of-way or to licensed refuse haulers.

6. Owning, possessing, harboring, or controlling any animal or bird which howls, barks, meows, squawks, or makes other sounds continuously and/or incessantly for a period of longer than ten minutes or makes such noise intermittently for thirty minutes or more to the disturbance of any person at any time of the day or night, provided that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property upon which the animal or bird may be present or for another legitimate cause that teased or provoked the animal or bird.

7. Operating or permitting the operation of powered model vehicles in a manner plainly audible across a residential property line (boundary) between the hours of 9:00 p.m. and the following morning at 8:00 a.m.

8. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound between the hours of 9:00 p.m. and the following morning at 8:00 a.m.

9. Removing or rendering inoperative any muffler or sound-dissipative device or element of design, except for the purposes of maintenance, repair, or replacement.

10. The use of a produce that has had a muffler or sound-dissipative device or element of design removed or rendered inoperative.

11. Idling a vehicle, other than for reasons of traffic congestion, for longer than fifteen minutes in a manner plainly audible across a residential property line (boundary).

12. Sounding a horn or other warning device of a vehicle except when necessary as a warning when actually operating the vehicle.

13. Operating an ATV, dirt bike, or snowmobile in a manner plainly audible across a residential property line (boundary). between the hours of 9:00 p.m. and the following morning at 8:00 a.m.

Section 6. **Exemptions**

The following sounds are exempt from the provisions of this Ordinance:

1. Electronically amplified announcements at athletic events.

2. Blasing under permit by the Police Department that occurs between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

3. Concerts, block parties, church carnivals, festivals, or other similar activities or performances publicly or privately sponsored and presented in any public space outdoors, except between the hours of 10:00 p.m. and the following morning at 8:00 a.m.

4. Sounds created by emergency work.

5. Sounds created by repair or replacement of municipal or utility installations in or about a public right-of-way.

6. Sounds not electrically amplified that are created by organized school-related activities or events, or other public programs, activities, or events, other than motor vehicle racing events.

7. Sounds made by warning devices operating continuously for three minutes or less, or for any amount of time during an actual emergency.

Section 7. **Special Permits**

A. Issuance of Special Permits. The Chief of the Police Department, or his designee, may, upon application and guided by the standards for review set forth herein, grant special permits for infrequent noise events or activities which do not exceed twenty-four (24) hours in duration.

B. Review Standards. In determining whether to grant a permit as described in Section VI(1), the Chief of the Police Department, or his designee, shall consider the following:

1. The type and volume of sounds,

2. The times and duration of sounds,

3. The geography, zone, and population density of the affected area,

4. Whether the event or cause of the otherwise unreasonable noise offers a benefit to the Borough, and

5. Any other factors relevant to the particular event or cause of the otherwise unreasonable noise.

Section 8. **Enforcement**

A. Enforcement Authority. This Ordinance shall be enforced by the Police Department of Union City.

B. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay of fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

C. No Limit on Civil Remedies. This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of the Borough or any person to such equitable or other remedies as may otherwise be available with or without process of law.

Section 9. **Repealer**

Any ordinances, rules or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby repealed. Nothing in this Ordinance is intended to interfere with or abrogate any rules, regulations, or offenses contained in Title 18 (Crimes Code) or Title 75 (Vehicle Code) of the Pennsylvania Consolidated Statutes.

Section 10. **Severability**

The provisions of this Ordinance are severable. 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 11. **Effective Date.**

This Ordinance shall be effective on the tenth (10th) day following the enactment of this Ordinance, as indicated below.

DULY ENACTED AND ORDAINED this 25th day of November 2025, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Cindy Wells, Borough Manager

UNION CITY BOROUGH

Riley Cross, President of Borough Council

APPROVED:

Mayor

CERTIFICATION

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1183, adopted by the Union City Borough Council on November 25th, 2025, and advertised in the Corry Journal on November 13th, 2025

Cindy Wells, Borough Secretary

2605285.v1