

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF DERRY, COUNTY OF
WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA,
MODIFYING §284-6 (J) CODE OF THE BOROUGH OF
DERRY-LOUD AND UNNECESSARY NOISE-CERTAIN ACTS CONSTITUTE
LOUD, UNNECESSARY AND DISTURBING NOISE**

**THIS AMENDMENT PROVIDES FOR MODIFICATIONS
RELATING TO SECTION 284-6(J).**

WHEREAS, pursuant to the authority vested in the Borough of Derry (hereinafter “Borough”) by the Pennsylvania Borough Code (53 P.S. §46008), the Borough desires to enact an Ordinance modifying Section 284-6 of the Code of the Borough of **Derry-Loud and Unnecessary Noise-Certain acts constitute loud, unnecessary and disturbing noise** to expand the hours of construction and address emergency excavation/repairs.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Derry, Westmoreland County, Pennsylvania, as follows:

Section 284-6(J). **Certain acts constitute loud, unnecessary and disturbing noise** of the Code of the Borough of Derry is hereby modified and replaced with the following language:

J. Construction of repairing of buildings. The erection (including excavating), demolition, alteration or repair of any streets, highways, lands and buildings other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent or necessity in the interest of public health and safety and then only with a permit from the Chief of Police, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days

or less while the emergency continues. Any and all complaints concerning noises arising from construction activities shall be submitted to the Chief of Police. This time is not limited to emergencies such as water main breaks, gas line maintenance, electrical updates/repairs and any other necessary utilities, police, and emergencies to protect the community of Derry.

Severability: If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect, or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Derry that this Ordinance would not have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof been included therein.

Repealer: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Effective date: This ordinance shall take effect at the earliest date permitted by law.

ORDAINED AND ENACTED this _____ day of _____, 2022.

THE BOROUGH OF DERRY

By _____
President

ATTEST: (SEAL)

Mayor

CERTIFICATION

I, Lori Latta, duly qualified Secretary-Treasurer of the Borough Council of the Borough of Derry, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. _____ is a true and correct copy of the original Ordinance No. _____ duly passed and adopted by a majority vote of the Council of the Borough of Derry at a duly advertised and convened regular meeting held on the _____ day of _____, 2022, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of Derry, this _____ of _____, 2022.

Certified to by:

Secretary-Treasurer