

Chapter 125

NOISE CONTROL

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125-1 SHORT TITLE

This article may be cited as the "Noise Control Ordinance."

125-2 INTENT AND PURPOSE

The intent of this chapter is to establish regulations to protect the citizens of Lower Paxton Township from unnecessary noises and sounds that could cause them night-time sleep disturbance, discomfort, or serious annoyance. The Board of Supervisors, finding that excess 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, hereby declares it necessary to provide for greater control and more effective regulation of unnecessary noises and excessive sounds and the sources thereof within the Township.

125-3 DEFINITIONS

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-WEIGHTED SOUND PRESSURE LEVEL A unit of measure in decibels, dB(A), to be used to determine noise levels. The sound pressure level as measured on an ANSI-S 1.4-1971 Type 1 or Type 2 Sound Level Meter using the A-weighting network.

AMBIENT NOISE LEVEL The composite of sounds from many sources near and far within a given environment. It is the surrounding or steady background noise, as distinguished from the specific noise that is the subject of the attempted measurement. Ambient noise levels must be accounted for in order to measure noise effectively.

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

EMERGENCY WORK. Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency. Work made necessary following a public calamity to restore property to a safe condition, restore public utilities, or protect persons or property from an imminent exposure to danger.

MOTOR VEHICLE. Every vehicle which is self-propelled, but excluding fire trucks (engines, aerial units, rescue trucks, etc.), off-highway construction equipment, or unlicensed construction equipment or equipment operated upon rails.

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.

PLAINLY AUDIBLE SOUND: Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

NIGHTTIME: From 10:00 p.m. (2200 hours) to 7:00 a.m. (0700 hours).

NOISE: Any sound which is unwanted and annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans, or is plainly audible across boundary lines.

NOISE DISTURBANCE: Any sound that endangers the safety or health of humans, annoys or disturbs a reasonable person of normal sensitivities, or is in excess of the sound levels established herein.

PERSON: A person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature. Whenever used in any clause prescribing and imposing a penalty. Person includes the individual members, partners, officers, and managers of partnerships, associations, and corporations.

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

SOUND: An oscillation in pressure that evokes an auditory sensation. Any vibrating body produces sound. The sensation of sound is caused by stimulation of the ear's auditory nerve by sound waves produced by the vibrating body. The description of sound may include any characteristics of such sound, including duration, intensity, and frequency.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human

voice, music, or any other sound. "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles, warning devices on vehicles used for traffic safety purposes, or fire station sirens.

SOUND LEVEL A reference for the acoustical measurement of sound. Measurement of the intensity and frequency of sound as it applies to noises in the community can be quantified using a sound level meter. Readings are measured using a decibel scale.

SOUND-LEVEL METER: An instrument, including a microphone, an amplifier, an output meter, and applicable weighting system, which is sensitive to pressure fluctuations and is used to measure sound pressure levels as specified in ANSI Specifications 51.4-1971. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

ZONING DISTRICTS: The land use designations established by the Zoning Ordinance of the Township of Lower Paxton and all subsequent amendments thereto.

125-4 DECIBEL MEASUREMENT CRITERIA

Any decibel measurement made pursuant to the provisions of this chapter shall be based on the reference sound pressure and measured with a sound level meter using the A-weighting network. Instrument response shall be "fast" for motor vehicle measurements and "slow" for all other measurements.

All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications.

125-5 GENERAL SOUND LEVEL LIMITS BY RECEIVING ZONING DISTRICT

- A. Maximum permissible sound levels by zoning district. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the zoning districts in Table I, when measured at or across the property line (boundary) from the noise source. Any sound source, whether stationary or non-stationary, including motor vehicles, which produce sound in excess of those levels, shall constitute a noise disturbance.

**Table I
Sound Level By Zoning District**

Zoning District where the Noise Disturbance Occurs	Sound Level Limit 7:00 am -10:00 pm	Sound Level Limit 10:00 pm - 7:00 am
Residential District	65 dB(A)	55 dB(A)
Commercial or Industrial Districts	70 dB(A)	60 dB(A)
Any District other than above	70 dB(A)	65 dB(A)

- B. The sound level limits set forth in Table I shall be exceeded when any one or more of the following occur:
 - 1. The sound at any one point in time exceeds any of the established limits in Table I by a measured sound level of fifteen (15) dB(A);
 - 2. The sound exceeds any of the established limits in Table I by a measured sound level often (10) dB(A) for a cumulative of one (1) minute or more.
 - 3. The sound exceeds any of the established limits in Table I by a measured sound level of five (5) dB(A) continually for a period of five (5) minutes.
- C. In the event that the background ambient sound levels in an area of the noise disturbance exceed the levels set forth in Table I, the sound level of the intrusive sound source shall be measured with the ambient background sound level being substituted as the Table I sound level limit.
- D. For purpose of this chapter, sound shall be measured at or beyond the property line (boundary) of the property on which the noise source is located. For motor vehicles, sound shall be measured from the edge of the cartway.
- E. Radios, televisions, stereos, and other sound amplifying equipment shall be operated in such a manner that the noise level shall not exceed sixty (60) dB(A), or five (5) dB(A) above the levels set forth in Table 1, when measured at the property line of any residential property, or, if apartment house or other multi-family residential structure, within any adjoining apartment; provided that between 10:00 p.m. (2200 hours) and 7:00 a.m. (0700 hours) such equipment shall not be operated so as to be plainly audible within any dwelling unit which is not the source of the sound.

125-6. EXEMPTIONS

The following are exempt from the provisions of this chapter:

- A. Electronically amplified announcements at athletic or sporting events.
- B. Blasting, under permit by a Code Enforcement Officer or Fire Marshal.
- C. Band concerts, block parties, church carnivals, or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors provided that:
 - 1. Such activities do not produce sound fifteen (15) dB(A) in excess of the sound levels set forth in Table I of section 125-5 of this chapter.
 - 2. Such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m.
- D. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- E. Sounds resulting from the repair or replacement of any municipal or utility installation in

or about a right-of-way or easement.

- F. Sounds, not electronically amplified, created by organized school-related programs, activities, athletic, and entertainment events, or other like public programs, activities, or events.
- G. Snow blowers for the sole purpose of removing snow from sidewalks and driveways.
- H. Domestic power tools such as lawnmowers, weed trimmers, blowers, etc., are exempt between 7:00 am and 10:00 pm.
- I. Agriculture and farming operations.

505-7 SOUND AMPLIFYING EQUIPMENT

It shall be unlawful for any person to practice, play, or conduct live band activities using sound amplifying equipment in such a manner that the noise level produced exceeds sixty (60) dB(A), or ten (10) dB(A) above the ambient noise level, whichever is higher, when measured at the property line of any residential property (or if a condominium or apartment house, within any adjoining apartment) or to conduct such activities or operate any such device between 10:00 p.m. (2200 hours) and 7:00 a.m. (0700 hours) so as to be plainly audible within any dwelling unit which is not the source of sound.

125-8 SCHOOLS, HOSPITALS, CHURCHES AND LIBRARIES

It shall be unlawful for any person to create any unnecessary noise on any street, sidewalk, or public place adjacent to any school, library, or other institution of learning, or church, while the same is in use; or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital.

125-9 EMERGENCY SIGNALING DEVICES

- A. It shall be unlawful for any person to intentionally sound or permit the sounding outdoors of any emergency signaling device including fire, burglar, civil-defense alarm, siren, whistle, or similar emergency-signaling device, except in an emergency or as provided in subsection (B) below.
- B. Testing of an emergency-signaling device shall occur between 8:00 a.m. and 7:00 p.m. Any testing of the emergency-signaling system shall not occur more than once in each calendar week.

125-10 EQUIPMENT SOUND CONTROL DEVICES

It shall be unlawful for any person to operate or cause to be operated any equipment with sound control devices less effective than those provided on the original equipment, or in violation of any regulations of the United States Environmental Protection Agency.

125-11 DOMESTIC POWER TOOLS

It shall be unlawful for any person within a residential zoning district, or within a radius of 500

feet there from, to operate or permit the operation of any mechanically powered compressor, saw, drill, sander, grinder, lawn or garden tool or similar device used outdoors between the hours of 10:00 pm and 7:00 am, so as to cause a noise disturbance across a residential property line (boundary).

125-12 LOADING AND UNLOADING

It shall be unlawful for any person to loading unload, open, close, or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects between the hour of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line (boundary). This section shall not apply to municipal or utility services, including the collection of trash, recyclables, and leaf waste by haulers licensed to do business within the Township.

125-13 VEHICLE REPAIRS

It shall be unlawful for any person within any residential zoning district to repair, rebuild, test, or loudly rev any motor vehicle in such a manner that the noise produced by such activity exceeds sixty (60) dB(A), or ten (10) dB(A) above the ambient noise level, whichever is higher, when measured at a residential property line.

125-14 MOTOR VEHICLES

- ' A. No person shall operate a motor vehicle having a manufacturer's gross vehicle rating of less than 6,000 lb., except a motorcycle, at a measured sound level which exceeds ninety-five (95) dB(A). Operation of a motor vehicle includes both engine noise and noise from sound amplifying equipment.
- B. No person shall operate a motorcycle at a measured sound level which exceeds one hundred six (106) dB(A).
- C. No person shall remove or render inoperable, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device or sound dissipative element of design of any product.
- D. No person shall use a product which has had a muffler, sound dissipative device, element of design, or noise label removed or rendered inoperative with knowledge that such action has occurred.

125-15 DOMESTIC ANIMALS

It shall be unlawful to own, possess or harbor any dog or animal which howls, barks, meows, or makes other sounds frequently or for a continuous duration which creates a noise disturbance. Any person violating this section shall receive one warning, and upon a second occurrence, shall be issued a non-traffic summary citation.

125-16 PRIMA FACIE VIOLATION.

The noise from any of the aforesaid prohibited acts that disturbs two or more complainants, who are in general agreement as to the times and duration of the noise and who reside in separate

residences (including apartments and condominiums) in close proximity to the source of the noise, shall be prima facie evidence of a noise disturbance.

125-17 ADMINISTRATION

The Public Safety Director shall be responsible for the administration of this chapter. The Director shall promulgate rules, regulations, and test compliance procedures to carry out the intent and purpose of this chapter.

125-18 VIOLATIONS AND PENALTIES

- A. Lower Paxton Township Police and Codes Enforcement Officers are authorized to enforce this chapter.
- B. Any person violating any provision of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$1,000, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which any person violates any provision of this chapter shall constitute a separate offense.

125-19 ADDITIONAL REMEDIES; INJUNCTIONS

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this article may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.