

ORDINANCE NO. 6-1986 - SHENANGO
TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA
AN ORDINANCE PROVIDING FOR NOISE CONTROL

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ARTICLE I. INTENT AND PURPOSE

The Supervisors find 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, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Township.

ARTICLE II. DEFINITIONS

The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this article, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute

(ANSI S1.1 1960 R 1971 and its revisions) or its successor body.

- (a) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
- (b) "Ambient noise" means the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.
- (c) "Construction operation" means the erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, grading and regulation of lots in connection therewith.
- (d) "Decibel dB" means a unit for measuring the sound pressure level.
- (e) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
- (f) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (g) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts and the discharge of firearms.
- (h) "Muffler or sound dissipative device" means a device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.
- (i) "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (j) "Noise disturbance" means any sound which
 - (1) Endangers or injures the safety or health of humans or animals; or
 - (2) Annoys or disturbs a reasonable person of normal sensitivities; or

- (3) Endangers or injures personal or real property; or
 - (4) Is in excess of the sound levels established in this article.
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- (k) "Person" means 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.
 - (l) "Powered model vehicle" means 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.
 - (m) "Public right of way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.
 - (n) "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.
 - (o) "Pure tone" means any sound which can be heard as a single pitch or a set of single pitches. For the purpose of this article, a pure tone shall exist if the one-third octave band sound pressure level in the band which the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous octave bands by 5dB for center frequencies of 500 Hz and above and by 8dB for center frequencies between 160 and 400 Hz and by 15dB for center frequencies less than or equal to 125 Hz.
 - (p) "Property line (boundary)" means 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 such buildings. All areas devoted to public right of way shall be deemed to be across the property line. For the purpose of this

regulation, 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.

- (q) "Real property" means all land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right of way.
- (r) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.
- (s) "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- (t) "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and any applicable weighting network used to measure sound pressure levels which meets or exceeds the requirement for a Type I or Type II sound level meter as specified in ANSI Specification S1.4-1971. The manufacturer's published indication of compliance with such specifications shall be prima-facie evidence of such compliance.
- (u) "Zoning districts" mean the land use districts established by the Zoning Ordinance in Article 1331 of the Codified Ordinances, and all subsequent amendments.

ARTICLE III. NOISE DISTURBANCE PROHIBITED.

No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or

permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right to control.

ARTICLE IV. SPECIFIC PROHIBITED ACTS.

The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this article:

- (a) Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound:
 - (1) At any time in such manner as to cause a noise disturbance across a property line (boundary), or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a property line (boundary); or
 - (2) In such a manner as to create a noise disturbance across a property line (boundary) or at fifty feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right of way or public space; or
 - (3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.
- (b) Yelling and Shouting. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:
 - (1) On the public streets between the hours of 10:00 p.m. and 7:00 a.m.; or
 - (2) At any time or place in such a manner as to create a noise disturbance.
- (c) Construction Tools or Equipment. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:

- (1) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance across a residential real property line (boundary), except for emergency work.
 - (2) At any other time such that the sound level at or across a real property line (boundary) exceeds 85 dB(A) for a period of one hour.
 - (3) This subsection (c) shall not apply to the use of domestic power tools as hereinafter provided in subsection (d) hereof.
- (d) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. so as to cause a noise disturbance across a residential property line (boundary) except in an emergency.
- (e) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property line (boundary). This subsection (e) shall not apply to municipal or utility services in or about the public right of way.
- (f) Animals and Birds. 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 ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.
- (g) Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property line (boundary) between the hours of 10:00 p.m. and 7:00 a.m.

- (h) Street Sales. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound within any residential or commercial area of the Township, except between the hours of 7:00 a.m. and 10:00 p.m., and at no time in such a manner as to violate Article VII relating to sound levels by districts.
- (i) Tampering. The following acts or the causing thereof are prohibited:
 - (1) The removal or rendering inoperative by any person, other than for the purposes of maintenance, repair or replacement, of any muffler or sound dissipative device or element of design or noise label of any product.
 - (2) The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the Bureau of Police, provided such device or the immediate area is clearly labeled in accordance with noise control regulations, to warn of the potential illegality.
 - (3) The use of a product which has had a muffler or sound dissipative device or element of design or noise labeled removed or rendered inoperative, with knowledge that such action has occurred.
- (j) Vehicle, Motorboat or Aircraft Repairs and Testing. Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat, or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary).

ARTICLE V. MOTOR VEHICLE PROHIBITIONS

- (a) Motor Vehicle and Motorcycles on Public Right of Way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right of way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such a vehicle exceeds the level set forth in Pennsylvania Code Title 67, Chapter 157 entitled Established Sound Levels.

- (b) Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than fifteen minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).
- (c) Unnecessary Horn Blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such vehicle or unless necessary in the testing of such for state inspection purposes.
- (d) Sound Trucks. No person shall operate sound amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth in subsection (a) hereof.

ARTICLE VI. PRIMA-FACIE VIOLATION

The noise from any of the acts prohibited in Articles III and V that disturbs two or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences, including apartments and condominiums located within the same building, located across a property line (boundary) from the property on which the source of the noise is generated, shall be prima-facie evidence of a noise disturbance. This is not the exclusive example of a prima-facie violation.

ARTICLE VII. SOUND LEVEL BY ZONING DISTRICTS

- (a) Maximum Permissible Sound Levels by Zoning Districts. 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 designations category in Table I when measured at or across the property line (boundary) from the noise source. Any sound source that produces sound in excess of those levels shall constitute a noise disturbance.

TABLE I. SOUND LEVELS BY ZONING DISTRICTS AS
MAY BE AMENDED FROM TIME TO TIME

Zoning District of the Property on Which the Source of the Noise is Located	Sound Level Limit, dB(A)	
	8:00 a.m. to 9:00 p.m.	9:00 p.m. to 8:00 a.m.
Residential	57	52
Commercial	67	62
Manufacturing	77	77

- (b) When Exceeded. 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 zone limits in Table I by a measured sound level of fifteen dB(A); or
 - (2) The sound exceeds any of the established zone limits in Table I by a measured sound level of ten dB(A) for a cumulative total of one minute or more out of any ten minute period; or
 - (3) The sound exceeds, except in the Manufacturing District, any of the established zone limits in Table I by a measured sound level of three dB(A) continually for a period of five minutes, or a total of five minutes out of any ten minute period.
- (c) Ambient Sound. In the event the background ambient sound levels in an area of suspected 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) Where Measured. For the purposes of this section, sound shall be measured at or beyond the property line

(boundary) of the property on which the noise source is located.

- (e) Pure Tone and Impulsive Sound. For any source of sound which emits a pure tone or impulsive sound, the limits set forth in Table I shall be reduced by five dB(A).
- (f) Measuring Instruments. All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications.
- (g) Exemptions from Sound Level Limits. The provisions of this section shall not apply to:
 - (1) Activities covered by the following sections: construction, domestic power tools or any emergency signaling device used because of an emergency;
 - (2) Interstate railway locomotives and cars; or
 - (3) Motor vehicles

ARTICLE VIII. EXEMPTIONS

The following sounds are exempted from the provisions of this article:

- (a) Amplified Announcements. Stationary electronically amplified announcements at athletic events, political events and civic events.
- (b) Blasting. Blasting, under proper permit. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by permit.
- (c) Concerts, Etc. 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:
 - (1) Such activities do not produce sound fifteen dB(A) in excess of the sound levels set forth in Table I of Article VII; and
 - (2) Such activities do not occur between the hours of 10:00 p.m. and 8:00 a.m.; and

- (3) All necessary permits as defined by Township ordinances have been procured.
- (d) Emergency Work. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- (e) Municipal and Utility Services. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right of way.
- (f) School and Public Activities. Sounds not electronically amplified, created by organized school related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.
- (g) Warning Devices. Sounds made by warning devices operating continuously for three minutes or less except in the event of an actual emergency the time limitation shall not apply.
- (h) Special Permits. The Chief of Police, or his designee, may, upon application, grant special permits for infrequent events or activities.

ARTICLE IX. ENFORCEMENT

This article shall be enforced by the Bureau of Police of the Township.

ARTICLE X. CONFLICT AND REPEAL

All ordinances or parts of ordinances conflicting with the provisions of this article are hereby repealed. It is hereby declared that the provisions of the Dog Law Ordinance are not in conflict with this article and shall remain in full force and effect.

ARTICLE XI. PENALTY

- (a) Whoever violates any provision of this article shall, upon conviction thereof, in a summary proceeding, be fined not more than three hundred dollars (\$300.00) for each and every offense, to be collected as other fines and costs are by law collectible, and in default of payment thereof shall be imprisoned for not more than ninety (90) days. Each day during which any person violates any provision of this article shall constitute a separate offense.
- (b) This article and the foregoing penalties shall not be construed to limit or deny the right of the Township or any person to such equitable or other remedies as may otherwise be available with or without process of law.

This ordinance shall become effective five (5) days after it is enacted.

ORDAINED AND ENACTED into an Ordinance by the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, on this 8th day of July, 1986.

ATTEST:

TOWNSHIP OF SHENANGO,
LAWRENCE COUNTY, PENNSYLVANIA

James K. Lenz
Secretary

By Joseph Shinsky
Chairman

By Earl F. Cunningham
Supervisor

By Andrew Piccolo
Supervisor