

ORDINANCE NO. 2018-03

**AN ORDINANCE OF THE TOWNSHIP OF PENN, CUMBERLAND COUNTY,
PENNSYLVANIA, DEFINING AND
PROHIBITING SOUND/NOISE DISTURBANCE AND PROVIDING PENALTIES FOR
VIOLATIONS**

1. Purpose.

The Board of Supervisors of Penn Township, finding 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, safety, and being, therefore a public health and welfare hazard, hereby declare it necessary to provide for the greater control and more effective regulation of noise disturbances within Penn Township.

2. Definitions.

dBa: Is an abbreviation for “decibels adjusted”. It is the degree of loudness. A logarithmic unit of sound intensity. A unit of power ratio, the number of units being equal to a constant times the logarithm to the base 10 of the intensities of two sources.

Noise Limits: As specified in Section 4 of this Ordinance.

Noise Disturbance: Noise of such loudness, character, duration, or repetition from a single source or from multiple sources from the same property, that exceeds the limits in section 5.2.a and b, and which is or may be predicted with reasonable certainty to be injurious to the health or the welfare, or unreasonably interferes with the enjoyment of property or lawful business or activity, or annoying to a reasonable person with normal sensitivities.

Nuisance: The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his or her reasonable rights of a person or property, and also any condition upon public or private land which is offensive to the senses, including, but not limited to, visual, noise and smell.

Sound-level Meter: An apparatus for comparing sound intensity levels usually in decibels.

Place of Worship: A building or place utilized for public worship or gatherings of people including but not limited to churches, temples, synagogues, mosques or similar places of worship.

3. Legislative Findings.

The Board of Supervisors finds that the failure of individuals, businesses, industries, persons maintaining non-farm animals, social gatherings, religious gatherings, and other activities to regulate noise emanating from their premises constitutes a violation of the peace and enjoyment of the residents of the Township and to be a public nuisance. Specifically, such noise emanating from home occupations, businesses, industries, persons maintaining non-farm animals, social gatherings, religious gatherings, and other activities, between certain hours, emanating from sound amplification equipment, vehicles, powered equipment, non-farm animals, social gatherings, religious gatherings, or other activities. Failure to properly regulate noise can:

1. Deprive residents of their rightful enjoyment of their homes, disturb their sleep, and/or prevent them from the quiet enjoyment of their residential premises;
2. Negatively affect the property values residences in the Township;
3. Affect the public welfare by reflecting negatively on the quality of life in residential areas of the Township; and
4. Disturb the peace and good order of the Township;

4. Noise Limits.

1. No Person(s) 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.
2. Noise measurement guidelines.
 - a. Within or adjacent to a Residential District, ambient exterior and measurable sound levels shall not exceed 90 dBa between the hours of 7 AM and 9 PM, and shall not exceed 50 dBa between the hours of 9 PM and 7 AM.
 - b. Within all other zoned Districts, ambient exterior and measurable sound levels shall not exceed 85 dBa. OSHA and other governing regulations are not invalidated by this ordinance and remain in place for regulation and enforcement by such organizations.
 - c. Sound levels shall be measured with a sound level meter and associated octave band filter, operated on an A-weighted scale and manufactured and certified in accordance with the American National Standards Institute, and operated by the township Codes Enforcement Officer. Penn Township will maintain proof of current compliance of

the equipment and satisfactory training of the Code Enforcement Officer in the proper use of the device.

d. Noise is measured from the receiving property line.

3. Domesticated Animals and Pets.

Owning, possessing, harboring, or controlling any animal or bird which howls, squawks, barks, or makes any noise or sound exceeding the limits in section 4.2.a and b, continuously for a period in excess of 30 minutes, or makes such noise or sound intermittently for at least once every minute for 1 hour or more to the disturbance of any person at any time, day or night, regardless of whether the animal or bird is situated in or upon private property shall be a noise disturbance. Exception: Provided that no person is trespassing on said property, or teasing or provoking the animal or bird at the time of the noise (sound).

5. Exemptions.

Noise emitted from the following sources shall be exempt from the noise standards specified herein:

1. All safety signals and warning devices on authorized vehicles when responding to emergencies or used during the conduct of emergency work (e.g.: police, fire, ambulance sirens of any device used to alert persons to an emergency).
2. Railroad road crossing warning horns on trains and gated railroad crossing signals.
3. The provision, repair, and maintenance of municipal services, public utilities, or any governmental agency.
4. Tools, materials, equipment used in the event of an emergency. (e.g.: power generators, earth moving equipment.)
5. Musical, recreational, and athletic events conducted or permitted by township recognized public or private schools, local institutions, or permitted non-profit organizations. This excludes amplified or electronic sound in use at the enactment of this Noise Ordinance.
6. Existing quarry operations and organizations using amplified or electronic sound.
7. Agricultural related operations and activities. Commercial wood cutting and mill work are not considered agricultural related operations and activities.
8. Snow removal equipment – provided such is operated within manufacturers' specifications and with all standard original equipment noise abatement in place.
9. The annual Huntsdale Fireman's Fair fireworks. This is a long-standing history for Penn Township.

Duly Enacted and Ordained into Law:

This Noise Ordinance is duly enacted and ordained into law on 14th of June, 2018 by the Penn Township Board of Supervisors.

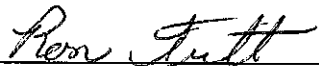
**PENN TOWNSHIP BOARD
OF SUPERVISORS
CUMBERLAND COUNTY,
PENNSYLVANIA**



GARY MARTIN, Chairman

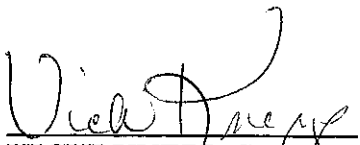


KENNETH SHEAFFER, Vice Chairman



RON TRITT, Supervisor

ATTEST:



VICKI KNEPP, Secretary