

ORDINANCE NO. 844

AN ORDINANCE OF THE TOWNSHIP OF EAST DEER, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, CONCERNING NOISE

NOW, Therefore, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of East Deer, County of Allegheny, Commonwealth of Pennsylvania as follows:

§ 129-1. Purpose.

The Township of East Deer wishes to prevent the generation of excessive, unnecessary or unusually loud noise within the Township in order to preserve, protect and promote the public health, comfort, convenience and safety of the residents of the Township.

§ 129-2. Definitions.

With this purpose in mind, the following definitions will apply:

A-WEIGHTED SOUND LEVEL — The sound pressure level measured with a meter using an A-weighted frequency response, as prescribed by the American National Standards Institute (ANSI) or its successor.

AMBIENT NOISE — The background average noise level within an area, exclusive of any extraneous sounds.

AUTHORIZED EMERGENCY VEHICLE — Every ambulance, police, fire or civil defense emergency vehicle.

CALIBRATION — The checking of the calibration of the microphone and electronics of a sound level measuring device using an appropriate calibrator traceable to the National Bureau of Standards (NBS) criteria.

CLASS A, RESIDENTIAL — Lands residentially zoned and used primarily for sleeping purposes by people. Such land shall include the residence, building or structure where sleeping normally takes place, and any outside location within three feet of the major surfaces of such residence, building or structure. Class A shall include areas designated as R-1, and R-2 Zones.

CLASS B, COMMERCIAL — Lands where people are likely to communicate with one another by speech. Class B shall include public lands and zoning districts designated C and SC (Special Conservation) and all publicly owned parks.

CLASS C, INDUSTRIAL — Lands intended primarily for heavy commercial or industrial. Class C shall include areas designated I.

CONSTRUCTION — Any activity necessary or incidental to the erection, demolition, assembly, alteration or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property.

CONTINUOUS SOUND — Any sound that is not an impulsive sound.

DAYTIME — From 7:00 a.m. to 10:00 p.m.

dBA — The abbreviation for A-weighted sound level in decibels.

DEVICE — Any machine, mechanism or equipment which is intended to, or which actually produces sound or vibration.

DISCRETE TONE — Shall mean a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Such sound wave may exist alone or as a component of a complex sound wave.

EMERGENCY — A public calamity, utility services failure, or an exposure of any person or property to actual or immediate danger.

EMERGENCY OPERATIONS — The operation or parking of an authorized emergency vehicle when such vehicle is engaged in response to an emergency. "Emergency operations" shall not include return from such service.

EMERGENCY WARNING DEVICES — Any sound-generating device that is designed to be used, and is actually used,

to warn of an emergency.

EMERGENCY WORK — The work or activity that is necessary to prevent or recover from an emergency, including, but not limited to, work to repair electric, gas, water, sewer or telephone services.

FAST RESPONSE — The characteristic of a sound level meter which allows for accurate measurement of impulsive sounds such as horn blasts, firearm discharge or vehicle pass-by.

GENERATING LAND — The land whereon the sound is being generated or emitted.

IMPULSIVE SOUND — A sound characterized by excursions of the sound pressure which exceed the ambient sound, by six or more decibels, but last two seconds or less.

INDUSTRIAL OPERATION — The production, fabrication or storage of man-made goods, and the production, transformation and storage of energy in all forms.

MAXIMUM SOUND LEVEL — The recorded or noted maximum RMS (root-mean-square) sound pressure level noted using an instrument which meets the requirements of this chapter.

MAXIMUM IMPULSIVE SOUND LEVEL — Shall be measured using the "fast response" setting.

MAXIMUM CONTINUOUS SOUND LEVEL — Shall be measured using the "slow response" setting.

OWNER — Any person who has regular control of a device or site, including, but not limited to, the owner of the freehold of the premises or lesser estate therein, or an agent of such person.

PERSON — Any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust estate, group of individuals or any other legal entity whatsoever.

PUBLIC HIGHWAY — Any highway, road, street, avenue, alley, public driveway or any other public way.

PUBLIC PLACE — Any real property or structures thereon which are owned or controlled by a governmental entity.

RECEIVING LAND — The property line of the real property where the sound is being heard, and where appropriate level restrictions apply. In the case of an apartment, townhouse or condominium, the point of measurement is within the affected unit.

SOUND LEVEL — The quantity, in decibels, measured using an instrument satisfying the requirements of ANSI SI.4-2014. "Sound level" is the frequency-weighted (see "A-weighting") sound pressure level obtained with fast or slow response.

SOUND LEVEL METER — An instrument designed to detect and measure sound pressure levels and display this information in decibels, in an analog or digital form. An instrument meeting the requirements of this code shall conform to the requirements of ANSI SI.4-2014, Type 1 or Type 2.

§ 129-3. Prohibited noise emanating from real property.

It shall be unlawful for the owner or occupant of any parcel of land to create or permit the creation of sound which exceeds the levels shown on the following table:

A. Continuous sound. Maximum sound level in dB(A):

| Class | Day (dBA) | Night (dBA) |
|-----------------------|----------------------|------------------------|
| Class A (residential) | 65 | 55 |
| Class B (commercial) | 70 | 60 |
| Class C (industrial) | 80 | 70 |

B. Impulsive sound.

(1) Maximum sound level in dB(A):

| Class | Day (dBA) | Nigh (dBA) |
|-----------------------|------------------|-----------------------|
| Class A (residential) | 75 | 65 |
| Class B (commercial) | 80 | 70 |
| Class C (industrial) | 90 | 80 |

(2) With impulsive noise, the following adjustment in the allowable maximum levels shall apply:

- (a) Three to 10 repetitions per hour: deduct one dB(A).
- (b) Eleven to 20 repetitions per hour: deduct two dB(A).
- (c) Twenty-one to 60 repetitions per hour: deduct three dB(A).
- (d) Over 60 repetitions per hour: deduct four dB(A).

C. General conditions. In the event that the background noise (ambient) level for a given land use exceeds the standards above, the following maximum sound levels, measured using the criteria above, shall apply.

- (1) Any continuous sound which exceeds the ambient by 10 dBA or more; and
- (2) Any impulsive sound which exceeds the ambient by 20 dBA or more, with the above adjustment applied.

D. Exceptions. The following activities shall be exempt from the provision of this code:

- (1) The operation of lawnmowers, leaf blowers, or other landscaping equipment during regular lawn maintenance, between the hours of 8:00 a.m. and 8:00 p.m.
- (2) Operation of snow blowers.
- (3) Construction activity as permitted, between the hours of 7:00 a.m. and 8:00 p.m.
- (4) Public assemblies, community events, outdoor concerts, festivals, and/or firework displays (collectively "Outdoor Events"), in which East Deer Township has been provided at least 7 days' advance notice of the Outdoor Event and:
 - (1) the amplified sound does not exceed 90 dBA; and
 - (2) the Outdoor Events end at or before midnight.
- (5) Emergency, emergency work, emergency devices or emergency operations; and

(6) Church bells.

E. Sound measuring equipment to be used. Enforcement of this code shall be affected using a sound pressure level meter (sound level meter) or logging dosimeter meeting or exceeding the requirements of ANSI S1.4-2014, Type 1 or Type 2, with a dynamic range consistent with the measurements being taken, A-scale weighting, and a fast and slow response constant.

(1) The meter shall be calibrated using a calibrator properly fitted to the sound measuring instrument being used, traceable to NBS, and having an accuracy of plus or minus 0.4 dB or better.

(2) Enforcement officers shall be trained in the proper calibration and use of the instrument.

F. Special license.

(1) The Code Enforcement Officer is authorized to issue a license for any activity which would otherwise create an unlawful noise level under this chapter. Such license may be issued only upon written application of the owner and occupant of the land or premises where the sound is to be generated, such application specifically stating:

(a) The source of the anticipated sound.

(b) The anticipated level of the sound at the property line of both the closest and highest-class receiving land use within 400 meters.

(c) The time of day or night when the noise is to occur.

(d) The land class from which the sound is to emanate.

(e) The anticipated duration of the noise.

(f) Whether the noise is impulsive or continuous in nature.

(g) The presence of discrete tones.

(h) Whether alternate methods are available to achieve the objective of sound producing activity.

(i) What sound abatement steps have been taken; and

(j) The benefit of the activity to the residents of East Deer Township.

(2) Such a license will be issued at the sole discretion of the Code Enforcement Officer, so as to minimize the inconvenience and disturbance of the affected residents.

§ 129-4. Prohibited noise emanating from motor vehicles.

It is unlawful for the owner or occupant of any motor vehicle to allow or operate a radio, sound amplifier or similar device which produces, reproduces, or amplifies sound such that the sound coming from said device is heard at a point 50 feet from such motor vehicle.

§ 129-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be subject to a fine of not more than \$250 for the first offense or \$500 for any subsequent offense.

Township Secretary

Board President