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Chapter 125

Noise

[HISTORY: Adopted by the Board of Supervisors of the Township of Pocopson 4-12-2004 by Ord. No. 1-2004; amended in its entirety 8-24-2020 by Ord. No. 5-2020. Subsequent amendments noted where applicable.]

§ 125-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE (ATV)

Any motorized off-road recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, including but not limited to go-carts and multi-track, multi-wheel or low pressure tire vehicles or similar two-wheel, three-wheel, four-wheel or belt-driven vehicles, or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property, or motorized vehicles being used for law enforcement, fire, emergency, military or other authorized governmental purpose.

COMMERCIAL CONSTRUCTION

The operation of heavy construction equipment in construction or demolition projects.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration, remodeling, or similar action, including demolition and removal of buildings or structures.

CONTIGUOUS LAND USE

Any land use bordering or abutting, whether divided by real property boundary or by real property boundary and public street.

CONTINUOUS SOUND

Any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval.

DECIBEL (dB)

A unit of sound level which is a division of a logarithmic scale used to express the ratio of the sound pressure of the source or the pressure of an arbitrarily chosen reference pressure; the ratio is expressed on the decibel scale by multiplying its "base 10 logarithm" by 20.

DEMOLITION

Any dismantling, destruction, or removal of buildings, structures, utilities or roadways.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

HEAVY CONSTRUCTION EQUIPMENT

Trucks with three or more axles and earthmoving grading equipment.

IMPULSIVE SOUND

Sound of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval. Examples of sources of impulsive sound include explosions and the discharge of firearms.

LAND USE

The actual real use of land and buildings thereon situated regardless of the zoning or other classification attributed to such land and buildings.

LEGAL HOLIDAYS

New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas.

NOISE

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

PLAINLY AUDIBLE SOUND

Any sound that can be detected by a person using his or her unaided hearing facilities.

POWERED MODEL VEHICLE

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

PURE TONE

Any sound which can be distinctly heard as a single pitch or set of single pitches. For the purposes of this chapter, a pure tone shall exist if the 1/3 octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by five dB for center frequencies of 500 Hz and above, or by eight dB for center frequencies between 160 Hz and 400 Hz and by 15 dB for center frequencies less than or equal to 125Hz.

RECEIVING LAND USE

The land use which is a contiguous land use to the noise source.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND DISSIPATIVE DEVICE

A noise-control device intended to abate or lessen the noise made by vehicles, equipment or machinery.

SOUND LEVEL

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 S1.4-1983, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER

An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output

meter and weighting networks used to measure sound pressure levels. The sound level meter used for testing purposes in accordance with this chapter shall meet the current American National Standard Institute specifications (ANSI S1.4-1983, or the latest approved revision thereof).

SOUND PRESSURE

The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals [20 times (10 to the negative sixth power) times N over (m squared)]. The sound pressure level is denoted L_p or SPL and is expressed in decibels.

§ 125-2 Prohibited acts; general standards; exceptions.

- A. Specific prohibited acts. The following actions are specifically prohibited, regardless of the sound level which is emitted, unless otherwise exempted in this chapter:
- (1) No person shall operate or permit the outdoor operation of any tools, equipment or machinery used for commercial construction, drilling or demolition, or in the sweeping of parking lots in such a manner as to be plainly audible across a property line, except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday and from 9:00 a.m. to 5:00 p.m. on Saturdays. It shall be unlawful to operate or permit the outdoor operation of any tools, equipment or machinery used for commercial construction, drilling or demolition, or in the sweeping of parking lots in such a manner as to be plainly audible across a property line on Sundays and legal holidays as defined in this chapter.
 - (2) No person shall load or unload trucks or other motor vehicles or open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects in such a manner as to be plainly audible across a property line, except between the hours of 7:00 a.m. and 9:00 p.m. every day of week, except for municipal waste haulers who may operate between the hours of 6:00 a.m. and 9:00 p.m. every day of the week.
 - (3) No person shall repair, rebuild, or test or otherwise work on any motorcycle, motor vehicle, motorboat or aircraft outdoors in such a manner as to be plainly audible across a property line, except between the hours of 7:00 a.m. and 9:00 p.m. every day of the week.
 - (4) No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawnmower, garden tool, leaf blowers, or similar device used outdoors in residential areas in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. and 9:00 p.m. every day of the week.
 - (5) No person shall operate go-carts, ATVs, motorcycles or motorbikes in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. and 9:00 p.m. every day of the week. All ATVs and dirt bikes operating in the Township shall be equipped with a muffler or other effective noise suppressing system in working order and in constant operation. A muffler, noise suppressing system or exhaust system shall not be equipped with a cutout, bypass or similar device.
 - (6) No person shall play radios, musical instruments, sound amplifiers, loudspeakers or public address systems in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. and 9:00 p.m. every day of the week.
 - (7) No person shall operate or permit the operation of a powered model vehicle in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. and 9:00 p.m. every day of the week.

B. General performance standards/noise levels.

(1) In those cases not specifically controlled by Subsection A above, no person shall operate or cause to be operated on private or public property any source of continuous sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use. All measurements shall be made with a sound level meter which is in conformance with the current American National Standard Institute specifications (ANSI S1.4-1983, or the latest approved revision thereof).

(2) Continuous sound levels by receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential, public space, open space	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	60
Commercial	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays	60
Industrial	At all times	70

(3) Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound-level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the "fast" meter characteristics of Type II Meter, meeting the ANSI specifications S1.4-1983, or the latest approved revision thereof.

(4) The maximum permissible sound level as listed in the previous table shall not apply to any of the following noise sources:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.

- (b) Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
- (c) Usual and customary agricultural activities.
- (d) Public celebrations, when specifically authorized by the Township.
- (e) The operation of municipal or public works vehicles or equipment.
- (f) Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

§ 125-3 Administration and enforcement.

The Township Code Enforcement Officer and state police shall have the power to administer the terms of this chapter, investigate complaints and prosecute violations of this chapter in accordance with § **125-4** of this chapter. When enforcing the terms of this chapter, the Township may retain consultants and engineers with experience in measuring sound levels with the use of sound level meters.

§ 125-4 Violations and penalties.

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution and reasonable attorney's fees. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice. All fines and penalties collected for violation of this chapter shall be paid to the Township Treasurer.