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Chapter 119

Noise

[HISTORY: Adopted by the Board of Supervisors of the Township of West Brandywine 11-16-2017 by Ord. No. 2017-09. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. **56**.

Nuisances — See Ch. **123**.

§ 119-1 **Title.**

This chapter shall be known as the "West Brandywine Township Noise Ordinance."

§ 119-2 **Purpose.**

- A. The purpose of the chapter is to protect real property owners from noise emanating from adjoining or nearby properties which causes an unreasonable and substantial interference with the legitimate use and enjoyment of their property. The Board of Supervisors recognizes that uncontrolled noise represents a danger to the health and welfare of the Township residents and that each person in the community is entitled to live in an environment in which the level of noise is minimized for the community good.
- B. To achieve the intent and purpose of the Board of Supervisors, this chapter regulates noise in three manners: (1) through an objective, reasonable person standard of annoyance (as set forth in § **119-5**); (2) through per se prohibitions on certain types of noise known to cause annoyance (as set forth in § **119-6**); and (3) through maximum sound levels (as set forth in § **119-7**). Noncompliance with any one of these three methods of noise control constitutes a violation of this chapter subject to the penalties provided herein.

§ 119-3 **Definitions.**

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application. The following is a list of defined terms to apply to this chapter.

AMBIENT SOUND

The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and afar.

COMMERCIAL CONSTRUCTION

The operation of heavy construction equipment in construction or demolition projects. Work intended to benefit or advance a commercial use or to which a person derives an economic interest.

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 for a duration of greater than 15 minutes.

DECIBEL (dBA)

A numerical expression of the relative loudness of a sound.

DEMOLITION

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

HEAVY CONSTRUCTION EQUIPMENT

Trucks with three or more axles, 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 for a duration of greater than 15 minutes.

LAND USE

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

MOTOR VEHICLE

A vehicle which is self-propelled except for one which is propelled solely by human power.

NOISE

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans, excepting any law enforcement activity including, but not limited to, training sessions.

NOISE DISTURBANCE

Any sound, excepting any law enforcement activity, including but not limited to training sessions, which:

- A. Endangers or injures the safety or health of humans or animals.
- B. Annoys or disturbs a reasonable person of normal sensitivities.
- C. Endangers or injures personal or real property.
- D. Endangers or injures personal or real property in excess of the sound levels established in this chapter.
- E. A violation of § 119-6 or 119-7 of this chapter.

PLAINLY AUDIBLE SOUND

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

PURE TONE

Any sound which can be distinctly heard as a single pitch or a 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, by eight dB for center frequencies between 160 Hz and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

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 causes 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- 1971, 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 averager, 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.

§ 119-4 Administration and enforcement.

The West Brandywine Township Police and Code Enforcement Officers shall have the power to administer the terms of this chapter, investigate complaints and prosecute violations of this chapter in accordance with § 1-16 of the Township Code and § 119-9 herein. When enforcing the terms of this chapter, the Police and Code Enforcement Officers may retain consultants and engineers with experience in measuring sound levels with the use of sound level meters. Enforcement actions related to or based upon verbal or written complaints of violations of the terms of this chapter shall require the complainant to be subpoenaed to testify at a Magisterial District Court to substantiate the complaint.

§ 119-5 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.

§ 119-6 Specific acts prohibited.

The following actions are specifically prohibited regardless of the sound level which is emitted, unless otherwise exempted in this chapter:

- A. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to be plainly audible sound across a property line, except between the hours of 6:00 a.m. until 10:00 p.m. every day of the week.
- B. No person shall operate or permit the outdoor operation of any tools, equipment or machinery for purposes of commercial construction, drilling or demolition, in such a manner as to be plainly audible across a property line except between the hours of 6:00 a.m. until 9:00 p.m. Monday through Friday and from 6:00 a.m. to 9:00 p.m. on Saturdays and Sundays.
- C. No person shall operate or permit the outdoor operation of any powered tool, equipment or machinery (including but not limited to electrically powered saw, drill, sander, grinder, lawn or garden tool) in such

a manner as to be plainly audible sound across a property line (boundary) except between the hours of 6:00 a.m. until 9:00 p.m. every day of the week.

- D. 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 6:00 a.m. until 9:00 p.m. every day of the week, except that municipal trash trucks may operate between the hours of 6:00 a.m. until 9:00 p.m. every day of the week.
- E. No person owning, possessing, harboring or controlling any animal or bird shall allow the howling, barking, meowing, squawking continuously for a period of 15 minutes or longer and/or intermittently for a period of 30 minutes or longer 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 cause which teased or provoked the animal or bird.
- F. No person shall remove or render inoperative a sound dissipative device from motor vehicles, equipment or machinery, other than for purposes of maintenance, repair or replacement when such motor vehicle, equipment or machinery is not in use; intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Township or other governmental entity or agent thereof; or use any motor vehicle, equipment or machinery which has had a sound dissipative device or any part thereof removed or rendered inoperative.
- G. 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 6:00 a.m. until 9:00 p.m. every day of the week.
- H. Except for emergencies, no person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm or any similar stationary emergency signaling device intended for public notification.
- I. No person shall discharge firearms creating plainly audible sound across a property line except between the hours of 7:00 a.m. until sunset every day of the week and for not more than a duration of greater than 30 minutes within a two-hour allotted time period, unless the activity is within parameters regulated and enforced by the Pennsylvania Game Commission.
- J. No person shall discharge fireworks creating plainly audible sound across a property line. This prohibition excludes firework events that are properly permitted.

§ 119-7 Maximum sound level by receiving land use.

- A. 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 for the receiving land use category in the following table when measured at or within the property line or boundary of the receiving land use. All measurements shall be made with a sound level meter which is in conformance with American Standards Association specifications. Any sound source that produces sound in excess of those levels shall constitute a noise disturbance.

Table 1

Land Use of the Property on which the Source of the Noise is Received	Sound Level Limit (dBA)	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential*	70 dBA	65 dBA
Commercial**	75 dBA	70 dBA
Industrial** *	75 dBA	70 dBA
Agricultural****	70 dBA	65 dBA

NOTES:

* Consisting of the R-2, R-3 and R-4 Zoning Districts.

** Consisting of the RM and MSI Zoning Districts.

** Consisting of the L-1 and L-2 Zoning Districts.

** Consisting of the R-1 Zoning District.

B. When exceeded. The sound level limits set forth in Table 1 shall be exceeded when any one or more of the following occur:

- (1) The sound at any one point in time exceeds the established zone limits in Table 1 by a measured sound level of 15 dB(A); or

- (2) The sound exceeds any of the established zone limits in Table 1 by a measured sound level of 10 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 Industrial District, any of the established zone limits in Table 1 by a measured sound level of three dB(A) continually for a period of five minutes, or total of five minutes out of any ten-minute period.
- C. Ambient sound. If background ambient sound levels in an area of suspected noise disturbance exceed the levels set forth in Table 1, then the sound level of the intrusive sound source shall be measured with the ambient sound level being substituted as the sound level limit set forth in Table 1.
- 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 level set forth in Table 1 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 specification.

§ 119-8 Exemptions.

The following noises are exempted from the provisions set forth in § 119-5, 119-6 or 119-7 of this chapter:

- A. Blasting, only if performed in accordance with a permit issued by the Pennsylvania Department of Environmental Protection. Such blasting may occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times by the DEP permit.
- B. Alarms or other devices used for the purpose of alerting people to the existence of an actual emergency or devices such as a horn or siren installed in a motor vehicle and used to warn persons of an imminent danger.
- C. Emergency work to provide electricity, water or other public utilities or restore essential public services, including construction activities directly related to the abatement of an emergency.
- D. Authorized emergency vehicles responding to an emergency.
- E. A snow plow, snow blower or other similar device in operation used to remove snow or ice.
- F. Work or activities performed or sponsored by schools and governmental agencies or their contractors in the performance of public service.
- G. Noises made by bells, chimes, carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock strike mechanisms that are currently in use for any purpose.
- H. Motor vehicle operations shall not exceed the noise levels established in Chapter 450 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.
- I. Public celebrations specifically authorized by the Township Board of Supervisors.
- J. Agriculture-related procedures.
- K. Property maintenance equipment with properly maintained factory exhaust systems (i.e., lawn maintenance equipment).

L. Emergency generators whether in test mode or operational mode.

§ 119-9 **Violations and penalties.**

Violations and penalties shall be imposed in a manner consistent with § **1-16A** and **1-16B** of the Township Code. In addition to or in lieu of a criminal or civil action before a Magisterial District Court, the Township may enforce this chapter through an action in equity.