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Chapter 52A

Noise

[HISTORY: Adopted by the Board of Supervisors of the Township of West Goshen 4-25-2012 by Ord. No. 03-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm devices — See Ch. 25.

Curfew — See Ch. 34.

Dogs — See Ch. 36.

Fireworks — See Ch. 42.

§ 52A-1 Scope.

This chapter shall apply to the control of all sound originating within the limits of West Goshen Township.

§ 52A-2 Definitions.

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

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 numerical expression of the relative loudness of a sound.

DEMOLITION

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

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.

MOTOR VEHICLE

A vehicle which is self-propelled except for one which is propelled solely by human power or by electric power obtained from overhead trolley wires.

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.

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 5 dB for center frequencies of 500 Hz and above, by 8 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 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.

§ 52A-3 Administration and enforcement.

The West Goshen 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 § 52A-6 of this chapter. 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.

§ 52A-4 Noise standards.

- 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, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, electronic recording device, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to be plainly audible across a property line except between the hours of 7:00 a.m. until 9:00 p.m. every day of the week.
 - (2) 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. until 7:00 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 (which shall include the following 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).
 - (3) 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 across a property line except between the hours of 7:00 a.m. until 9:00 p.m. every day of the week.
 - (4) 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. 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.
 - (5) No person shall own, possess, harbor or control any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 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 cause which teased or provoked the animal or bird.
 - (6) 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.
 - (7) 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. until 9:00 p.m. every day of the week.

- (8) 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.

B. General performance standards/noise levels.

- (1) In those cases not specifically controlled by § 52A-4 above, no person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval) 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 American Standards Association specifications.

- (2) Continuous sound levels by receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential, public space, open space, agricultural or institutional	7:00 a.m. to 10:00 p.m.	65 dBA
	10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays	60 dBA
Residential uses permitted by ordinance in an industrial or industrial-commercial district	At all times	65dBA
Commercial or business	7:00 a.m. to 10:00 p.m.	65 dBA

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

(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 five dBA. For any source of sound which emits an impulsive sound (a 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), the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of the time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting ANSI Specification SI.4-1971.

§ 52A-5 Exceptions.

The following noises are exempted from the provisions set forth in § 52A-4 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 snowplow, snowblower 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.
- J. Agriculture.
- K. Between the hours of 7:00 a.m. and 7:00 p.m., industrial uses which were in existence as of April 25, 2012 (the date of adoption of this chapter), shall be exempt from all standards in § **52A-4** of this chapter. Between the hours of 7:00 p.m. and 7:00 a.m., industrial uses which were in existence as of April 25, 2012 (the date of adoption of this chapter), shall be required to comply with only the general performance standards/noise levels in § **52A-4B** of this chapter. [**Added 10-10-2012 by Ord. No. 07-2012**]

§ 52A-6 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. 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 of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.