

**BETHEL TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE No. 227

AN ORDINANCE OF BETHEL TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA REGULATING NOISE LEVELS WITHIN THE TOWNSHIP, DEFINING CERTAIN TERMS, PROHIBITING "NOISE DISTURBANCES" AS DEFINED HEREIN, ESTABLISHING ACCEPTABLE NOISE LEVELS WITHIN THE VARIOUS DISTRICTS OF THE TOWNSHIP, SETTING FORTH CERTAIN EXEMPTIONS, ALLOWING FOR SPECIFIC AND TEMPORARY WAIVERS, ESTABLISHING A PROCEDURE FOR COMPLAINTS AND ENFORCEMENT, ESTABLISHING PENALTIES FOR VIOLATIONS AND REPELAING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH TO THE EXTENT OF SUCH INCONSISTENCIES.

WHEREAS, the occurrence of loud noises in the Township constitutes a detriment to the public health, comfort, safety and welfare of the residents of the Township; and

WHEREAS, the residents have a right to and should be ensured an environment free from excessive and unnecessary sound that may jeopardize their health, welfare or safety or degrade their quality of life.

NOW, THEREFORE, THE BETHEL TOWNSHIP BOARD OF SUPERVISORS DOES HEREBY ORDAIN THAT:

1. Purpose. The Board of Supervisors of Bethel Township, while respecting the fair use of property, finds that excessive levels of sound are detrimental to the physical, mental and social well-being of the residents and therefore declares it to be necessary to provide for the control of excessive sound within Bethel Township.
2. Short Title. This Ordinance shall be known as the "Noise Disturbance Control Ordinance of Bethel Township" and may be referenced as such.
3. Definitions. All terminology not specifically defined in this section shall be in conformity with applicable publications of the American National Standards Institute [ANSI S1.1-1994 (R1999) and its revisions] or its successor body. In addition, as used in this chapter, the following definitions should apply:
 - a. Ambient Noise Level. The lowest sound level repeating itself during a ten-minute period, as measured with a Type I or Type II sound-level meter (ANSI S1.4-2014 and subsequent revisions). The minimum sound level shall be determined with the noise source silent

and in the same location as the measurement of the sound level of the source when emitting the sound under investigation.

b. A-Weighted Sound-Pressure Level. The sound-pressure level as measured in decibels on a sound-level meter using the A-weighted network. The level so read shall be designated dB(A) or dBA.

c. C-Weighted Sound-Pressure Level. The sound-pressure level as measured in decibels on a sound-level meter using the C-weighted network. The level so read shall be designated dB(C) or dBC.

d. Emergency Work. Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.

e. Impulsive Noise. Any 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.

f. LAEq. The average energy equivalent level of the A-weighted sound over the measurement period.

g. LAmax. The maximum value the A-weighted sound-pressure level reaches during the measurement period.

h. LCEq. The average energy equivalent level of the C-weighted sound over the measurement period.

i. LCmax. The maximum value the C-weighted sound pressure level reaches during the measurement period.

j. Motor Vehicle. Any vehicle which is propelled or drawn by mechanical equipment, including, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

k. Noise. Any sound which is unwanted or which causes or tends to cause an adverse psychological effect on human beings.

l. Noise Disturbance. Any sound and/or vibration of excessive levels as set forth in Paragraph 5 of this ordinance.

m. Person. Any individual, association, partnership or corporation, and includes officers, employees, departments, agencies or instrumentalities of a state or of any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporations, the officers and managers thereof, or any of them.

n. Property Boundary Line. Any imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separation of properties; and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public rights-of-way shall be deemed to be across the property line. For the purposes of this chapter, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing officer.

o. Public Right of Way. Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

p. Public Space. Any real property or structures thereon which are owned or controlled by a governmental entity.

q. Pure Tone. Any noise that can be distinctly heard as a single pitch or as a set of single pitches. For the purposes of measurement, a pure tone exists when the one-third octave band sound-pressure level of the tone exceeds the arithmetic average of the sound-pressure levels of the two contiguous one-third octave bands by 5 dB for frequencies of 500 hertz and above, by 8 dB for frequencies between 160 and 400 hertz and by 15 dB for frequencies less than or equal to 125 hertz.

4. General Prohibition Against Noise Disturbances. No person shall cause, or allow to be caused, any noise disturbance as defined in Paragraph 5 of this Ordinance, unless a permit was granted or the acts fall under Paragraph 6 of this Ordinance.

5. Noise Level Limits.

A. No person shall operate or permit operation of any device or otherwise cause or commit to be caused noise in such a manner as to create an equivalent noise level, LAeq or a maximum noise level, LMax, which exceeds either of the limits set forth for the receiving land

use in Table 1, attached hereto, when measured at the property boundary line. When a noise source can be identified and the noise it creates can be measured in more than one land use category, the limits of the most-restrictive use shall apply at the boundaries between different zoning designations. Any sound source that produces a sound in excess of those levels shall constitute a noise disturbance.

B. When (LC_{eq}-LA_{eq}) is greater than or equal to 20 dBA, indicating significant low-frequency content in the noise being measured, the limits in Table 1 shall be reduced by 3 dBA.

C. Ambient sound. In the event that the background ambient sound levels in an area of suspected noise disturbance exceed the levels set forth in Table 1, the sound of the intrusive sound source shall be measured with the ambient background sound levels being substituted as the Table 1 sound-level limits.

D. Where measured. For the purposes of this section, sound shall be measured at or beyond the property line 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 limits set forth in Table 1 shall be reduced by 5 dB(A).

F. Measuring instruments. All sound measurements shall be made on a sound-level meter that meets ANSI Type II standards or better according to ANSI S1.4-2014 and any subsequent revisions. An integrating sound-level meter is required to determine LA_{eq}.

G. All measurements made with an integrating sound-level meter shall be made with the meter set to the "fast" response time.

H. For continuous noise sources, the averaging period for LA_{eq} is to be 10 minutes. For intermittent noise sources of less than 10 minutes' duration, the averaging time for LA_{eq} is to be set to the duration of the noise source being measured.

I. In the event of a noise source in a public space or a place of public accommodation (as defined by the ADA Act, Title III) and within all property lines, a noise disturbance occurs when the maximum noise level (LA_{max}) exceeds the ambient noise level by 5 dBA or more when measured at 50 feet from the source.

J. See Paragraph 8.C for additional measurement requirements.

6. Exemptions.

This Ordinance shall not be construed to prevent the following:

A. Operation of properly licensed and properly maintained motor vehicles, which are legally permitted to operate upon the public highways pursuant to the Motor Vehicle Code of the Commonwealth of Pennsylvania.

B. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity. The use of stationary emergency signaling devices shall be for emergency use only.

C. Sounds resulting from the repair or replacement of any municipal utility installation.

D. Sounds made by warning devices, home alarms, motor vehicle alarms and security alarms operating continuously for 10 minutes or less, except that in the event of an actual emergency, the time limitation shall not apply.

E. Sounds emanating from ordinary agricultural operations.

F. Sounds emanating from construction work and/or the repair of any structure, but only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and on Saturday between the hours of 9:00 a.m. and 5:00 p.m.

G. Sounds emanating from the use of domestic power tools: any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower, blower, powered trimmer or similar device used outdoors in residential areas between the hours of: 8:00 a.m. and 5:00 p.m. on Saturdays, Sundays and legal holidays; and 7:00 a.m. and 7:00 p.m. Monday through Friday.

H. Sounds emanating from the operation of snow removal in order to remove snow at any time.

7. Permits for Specific and Temporary Waivers. The Township may grant permits for specific and temporary waivers from this chapter, upon written request by the applicant and review by the Board of Supervisors.

8. Complaint Procedure and Enforcement

A. Any Township Code Enforcement Officer may issue a notice requiring the immediate abatement of any noise disturbance in violation of this chapter. The owner or operator of the subject property or equipment shall be notified of the violation upon hand delivery or certified mail delivery of the notice, which shall specify the nature, date and time of the Code violation and shall set forth the date and time by which the violation must be abated, which date and time shall not be more than 24 hours from the time of notification. If a person or entity does not comply with the abatement notice upon its issuance within the time specified in the notice, a summary citation may be issued for such violation.

B. In order to implement the purpose of this Ordinance, a Township Code Enforcement Officer may:

i. Conduct, or cause to be conducted, measurements, studies, research and monitoring related to noise;

ii. For reasonable cause, and upon presentation of proper credentials, enter upon any property and inspect any noise source for the purpose of ascertaining compliance or noncompliance with this Ordinance.

C. The measurement of sound or noise under this section shall be made with an integrating sound-level meter meeting the standards prescribed by the American National Standards Institute for a Type I or Type II meter. The instrument shall be maintained in calibration and good working order. A check for calibration of the system shall be made at the time of any noise measurement. Measurements shall be recorded so as to provide a proper representation of the noise source. The microphone, during measurement, shall be positioned so as not to create any amplification or attenuation of the measured noise. A windscreen for the microphone should be used for all outdoor measurements. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements, except where such background noise interferes with the primary noise being measured. The noise measurements are to be made using an integrating sound-level meter using the fast response setting at the property boundary line of the property on which such noise is generated or received as appropriate. The microphone is to be located at least three feet above the ground and at least five feet from any structure that reflects sound. In case of an elevated or directional sound or noise source, compliance is to be maintained at any elevation at the boundary.

