

TOWNSHIP ORDINANCE NO. 1-2014

Cumberland Township

Greene County , Pennsylvania

AN ORDINANCE DEFINING AND REGULATING NOISE IN CUMBERLAND TOWNSHIP, GREENE COUNTY, PENNSYLVANIA AND PROVIDING PENALTIES THEREOF.

**WHEREAS, the Cumberland Township Board of Supervisors has received a number of complaints concerning noise emanating from the Township.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Cumberland Township, Greene County, Pennsylvania as follows: **pursuant to the Second Class Township Code, as amended, as follows:**

**SECTION 1. TITLE** This Ordinance shall be known as the " Cumberland Township Noise Ordinance of 2014".

**SECTION 2. AUTHORITY** This Ordinance is enacted pursuant to the Second Class Township Code as amended.

**SECTION 3. PURPOSE** The purpose of this Ordinance is to ensure that public health, safety and welfare shall not be abridged by the making and creating of noise pollution or public nuisances from disturbing, excessive or offensive noises in the Township. The residents of the Township recognize that uncontrolled noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment where the level of impulsive and amplified noise is minimized for the community good. It is the purpose and scope of this Ordinance to provide regulations defining the maximum sound levels that vehicles, appliances, and equipment shall be allowed to produce at specified distances from these devices, and also to provide for the prohibition of other kinds of offensive noises. These regulations and prohibitions are intended to protect the physical, mental, and social well being of the residents of Cumberland Township.

**SECTION 4. DEFINITIONS .** The following words and phrases, when used in this Ordinance, shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section.

- a. All acoustical terminology shall be interpreted in accordance with that contained in ANSI S1. 1, "Acoustical Terminology" All other words and terms not defined herein shall be used with a meaning of standard usage.
- b. ANSI- American National Standards Institute , or its successors.
- c. Decibel (dB) - A unit of sound level which is a division of logarithmic scale used to express the ratio sound of pressure of the source to the pressure of an

arbitrarily chosen reference pressure . The ratio is expressed on the decibel scale by multiplying its" base 10 logarithm by 20."

d. Excessive Noise- Excessive noise is that sound which is (1) injurious or which unreasonably interferes with the comfortable enjoyment of life and property.

Measured noise levels in excess of limits established in these regulations or those specified in valid permits are declared to be excessive noise; (2) annoying to a person or ordinary sensibilities.

e. Night Time- 9:00 P.M. to 6:00 A.M., prevailing time, conversely, Day Time- 6:00 A.M. to 9:00 P.M., prevailing time.

f. Noise-Any sound emitted by a person, appliance, equipment, instrument or other device.

g. Noise-Level -Airborne sound levels expressed in dB and obtained by the use of specific frequency dependent weighting networks, as specified in the referenced standards and indicated by proper notation, "All weighing is employed , the sound is identified as dB(A

h. Noise Pollution- Noise of such loudness and character from a single source or from multiple sources, which is or may be predicted with reasonable certainty to be injurious to health or which unreasonably interferes with enjoyment of property or with any lawful business or activity. Noise/sound levels exceeding those permitted in any district shall constitute " noise pollution".

i. Person-Includes an individual, firm, association , organization partnership, trust company, corporation, or any other similar entity.

j. Sound Level- Noise Level.

k. Sound Level Meter- An instrument or combination of instruments which meets or exceeds the requirements for an ANSI Type S1A or Type S2A.

l. Vehicle- Any device, or combination of devices, used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, racers, and life devices, farm machinery, industrial machinery, highway graders, trailers, graders and semi trailers.

m. Township- Township of Cumberland, Greene County, Pennsylvania.

**SECTION 5. NOISE LIMIT-** No person shall create or allow the creation of any noise or operate or cause to be operated any source of sound on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level, on which such activities take place, to exceed the noise

levels specified below:

- A. 80 decibels (dB(A) between the hours of 6:00 o'clock a.m. and 9:00 o'clock p.m. prevailing time.
- B. 60 decibels (dB(A) between the hours of 9:00 o'clock p.m. and 6:00 o'clock a.m. prevailing time.
- C. All designated zoning areas in the Township except Agricultural will be measured from closest boundary line to the alleged complaint.
- D. Excessive noise complaints in areas zoned Agricultural shall be measured no more than 10' from the residential dwelling of the alleged complaint.
- E. A violation of the noise limit occurs when the average of measurements taken during a one half hour time frame exceeds specified decibel levels.

**SECTION 6 EXEMPTIONS** - Noise emitted from the following sources shall be exempt from the noise standards specified herein:

- A. All safety signals and warning devices ( e.g. intrusion alarms, back-up alarms on trucks), authorized vehicles when responding to emergencies (e.g. police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of emergency work.
- B. The provision, repair and maintenance of municipal services or public utilities.
- C. Bells, chimes, and carillons used for religious purposes or in conjunction with national celebrations or public holidays.
- D. Appliances, lawn and garden equipment, chain saws, snow removal equipment and power tools in use between the hours of 7:00 a.m. (Prevailing time) and 9:00 p.m.(Prevailing time) provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper operating condition.
- E. Heavy construction equipment when being used on a specific short term project (such as constructing a building, constructing, repairing or cleaning a road, drilling a well, and other similar short term specific construction demolition or repair projects in use for the duration of such short term, specific project: PROVIDED such heavy construction equipment is operated within the manufacturer specifications and with all standard noise reducing equipment in use, unmodified and in proper operating condition.

F. Air conditioners, fans, generators for emergency use, heating units and similar comfort devices, provided such are operated with the manufacturer's specifications and with all the standard noise reducing equipment in use, unmodified, and in proper operating condition.

G. Airplanes, helicopters, and normal activities or properly licensed airports; and trains operating on railroads.

H. Musical, recreational, and athletic events conducted by or permitted by schools, local government, community or community association or village festivals, or events sponsored by non-profit organizations.

I. Existing weapons firing ranges during the day time as defined herein and in accordance with state law.

J. All motor vehicles being operated on public roads in Cumberland Township, provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper working condition.

K. Activities permitted by special waiver, as provided herein, according to the terms and condition of said waiver.

L. All farm related operations and activities.

M. Any existing legitimate or licensed business, commercial, or industrial operation between the hours of 6:00 a.m. and 9:00 p.m. prevailing time; provided any appliances, equipment, machinery or devices used in such operations are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified and in proper operating condition.

**SECTION 7. SPECIAL WAIVER-** A temporary waiver from strict compliance with the noise standards specified herein may be granted to persons during emergency or special activity requiring approval of the Board of Supervisors.

**SECTION 8. POLICY** - It is the policy of the Board of Supervisors in adopting this Ordinance not to force any industrial or commercial enterprise out of business, but rather to work with any industrial or commercial enterprise to find ways to reduce noise levels to the level permitted by this Ordinance.

**SECTION 9. ENFORCEMENT OFFICERS.** This ordinance may be enforced by the Code Enforcement Officer and/ or officers of the Cumberland Township Police Department.

**SECTION 10. ENFORCEMENT PROCEDURES.** The following procedures and penalties are prescribed for enforcement of this ordinance.

A. Offenses. If it is determined by a sound level meter reading that a noise level is in excess of the levels permitted by this Ordinance the Township, and or zoning/Code enforcement officer, and or police officer upon authorization, and /or any person affected thereby, who resides in Cumberland Township, may prosecute such person causing or permitting said noise level before the District Magistrate.

B. Other Remedies. Nothing in this Ordinance shall be construed to impair any cause of action or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise on such place or manner, or at such levels which may give rise to such cause of action.

**SECTION 11. RELATIONSHIP WITH OTHER RESTRICTITONS.** The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations, or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in other statutes , rules, regulations, or Ordinances, the more stringent regulation shall apply.

**SECTION 12. PENANTIES.** Any persons, firm, or corporation who shall violate any provision of this ordinance shall. upon conviction thereof, as a summary offense, be sentenced to pay a fine of not more than One Thousand (\$1,000) Dollars; and in default of payment, to imprisonment for terms not to exceed thirty (30 ) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

**SECTION 13. SEVERABILITY.** If any sentence , clause, section, or part of this Ordinance is for any reason to be found unconstitutional , illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provision, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have

been adopted had the unconstitutional , illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 14. REPEALER.** All Ordinances or parts of Ordinances which are inconsistent therewith are hereby repealed.

**SECTION 15. EFFECTIVE DATE.** This Ordinance shall take effect five (5) days from the date of adoption.

**DULY ENANCTED AND ORDAINED** into an Ordinance and passed by the Board of Supervisors of Cumberland Township, Greene County, Pennsylvania, in public session duly assembled , on this day of, October 6, 2014.

CUMBERLAND TOWNSHIP  
BOARD OF SUPERVISORS

BY: William C. Groves



William Nicholson



James M. Sokol



ATTEST:



Debra Rush, Secretary