

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2010-225

“Noise Ordinance”

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, PART II (GENERAL LEGISLATION), BY ADDING A NEW CHAPTER ENTITLED “NOISE CONTROL” AND BY ADDING SECTION 111-1 (DEFINITIONS) ADDING NEW DEFINITIONS ADDRESSING SOUND/ NOISE WITH SUB-PARTS A THROUGH Z; BY ADDING SECTION 111-2 ENTITLED “NOISE” SETTING FORTH GENERAL NOISE REGULATIONS IN ORDER TO REGULATE NOISE POLLUTION AND REMEDIES FOR SAME; AND BY ADDING NEW SECTION 111-3 ENTITLED “REMEDIES” AND PROVIDING FOR SAME.

The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN**:

SECTION I. **Amendment to the Code.**

The Codified Ordinances of Worcester Township, Part II (General Legislation) are hereby amended by adding a new Chapter 111 (Noise Control) and further adding a new Section 111-1 (Definitions) addressing sound/noise with sub-parts A through Z as more specifically set forth as follows:

**CHAPTER 111
Noise Control**

§ 111-1 Definitions.

- A. **AMBIENT NOISE LEVEL** – The sound pressure at a given location, normally specified as a reference level to evaluate an intrusive sound source. The ambient noise level is sometimes called the background noise level or reference sound level.
- B. **ANSI** – The American National Standards Institute or its successor body.
- C. **CONSTRUCTION** – Any site preparation or site work; assembly, erection, repair, alteration or similar action, including demolition, of buildings or structures.

- D. dB(A) – The abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band of 1/3 octave band data.
- E. DECIBEL (dB) – A unit of measure, on a logarithmic scale, of the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this chapter, 20 micropascals shall be the standard reference pressure.
- F. DEMOLITION – Any dismantling, destruction or removal of buildings, structures, or roadways.
- G. EMERGENCY – Any occurrence of a set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- H. IMPULSIVE SOUND – Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.
- I. NOISE – The intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.
- J. NOISE CONTROL OFFICER – An employee or contractor of the Township possessing training in noise enforcement activities and who has been appointed by the Board of Supervisors to enforce this Ordinance.
- K. NOISE POLLUTION – The presence of noise audible outdoors of sufficient loudness and character, from a single off-site source or from multiple off-site sources, which is, or may be predicted with reasonable certainty to be, injurious to health, safety and comfort or unreasonably interferes with the peaceful enjoyment of property or with any lawful business or activity. Noise/sound pressure levels exceeding those permitted in this ordinance constitute noise pollution.
- L. PERSON – An individual or an entity, as applicable.
- M. PLAINLY AUDIBLE – Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.
- N. PUBLIC RIGHT-OF-WAY – Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

- O. PUBLIC SPACE – Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.
- P. REAL PROPERTY LINE – The imaginary line including its vertical extension that separates one parcel of real property from another.
- Q. SOUND LEVEL – In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI SI.4, Specifications for Sound Level Meters. “Sound Level” and “Noise Level” are synonymous.
- R. SOUND LEVEL METER – An instrument meeting ANSI SI.4, Specifications for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting network or networks that is used for the measurement of sound-pressure levels in a specified manner.
- S. SOUND PRESSURE – Minute fluctuations in atmospheric pressure which accompany the passage of a sound wave.
- T. SOUND PRESSURE LEVEL – In decibels, 20 times the logarithm to the base 10 of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is to be that of a root-mean-square pressure.
- U. TOWNSHIP – Worcester Township, Montgomery County, Commonwealth of Pennsylvania.
- V. VEHICLE or VEHICLES – Any device or combination of devices used for or capable of being used for transporting persons or property, whether or not licensed for use on public roads. “Vehicle” or “Vehicles” include but are not limited to the following: automobiles, trucks, buses, motorcycles, motorized bicycles, mopeds, mini-bikes, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders and semitrailers.
- W. WEEKDAY DAYTIME HOURS – 7:00 A.M. to 9:00 P.M. local time Monday through Friday.
- X. WEEKEND DAYTIME HOURS – 9:00 A.M. to 9:00 P.M. local time Saturday and Sunday.
- Y. WEEKDAY NIGHT-TIME HOURS – 9:01 P.M. local time of one day through 6:59 A.M. local time of the next day.

- Z. WEEKEND NIGHT-TIME HOURS – 9:01 P.M. local time Friday through 8:59 A.M. local time Saturday and 9:01 P.M. local time Saturday through 6:59 A.M. local time Monday.

SECTION II. Amendment to the Code.

The Codified Ordinances of Worcester Township, Part II (General Legislation), is hereby amended by adding a new Section 2 to Chapter 111 as more specifically set forth as follows:

§ 111-2 Noise.

In all districts, the following general noise regulations shall apply:

A. Purpose.

1. The purpose of this chapter is to ensure that public health, safety and welfare shall not be abridged by the making and creating of noise pollution or of public nuisances as a result of disturbing, excessive or offensive noise 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 in which the level of impulsive and amplified noise is minimized for the community good. It is the purpose and scope of this chapter to provide regulations defining the maximum sound levels that all vehicles, appliances, persons and equipment shall be allowed to produce at specified distances from such 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 the Township.

B. Noise Control Officers.

1. The provisions of this Ordinance shall be enforced by a Noise Control Officer(s) or other duly-authorized law enforcement officer.
2. Noise Control Officers shall possess training in noise enforcement activities and shall be appointed by the Board of Supervisors to enforce this Ordinance.
3. In the absence of specifically appointed Noise Control Officers, the appointed Zoning Officer and any Assistant Zoning Officer(s) shall, by virtue of their appointment and training, serve as Noise Control Officers.
4. The duties of Noise Control Officers shall be as follows:
 - i. Coordinate the noise control activities of Worcester Township and cooperate with all other public bodies, agencies and municipalities to the extent practicable;

- ii. Review public and private projects for compliance with this Ordinance, when requested by the Board of Supervisors;
- iii. Investigate reasonable complaints and pursue possible violations of this Ordinance for sound levels that exceed the maximum permissible sound levels set forth below.

C. Ambient Noise Correction.

1. Prior to and after taking noise measurements of the source in question, the Noise Control Officer shall measure the ambient noise level, in accordance with industry standards, to provide a reference point for analyzing noise in connection his/her duties above.
2. The Noise Control Officer shall use the ambient noise level, in accordance with industry standards, to develop a correction for ambient noise which shall be used to adjust the measure of noise when measuring the source in question.

D. Maximum Permissible Sound Levels for Ongoing or Constant Noise.

1. No person shall create or allow the creation of ongoing or constant noise at sound levels audible outdoors in excess of 65 dB(A) above the ambient noise level during weekday or weekend daytime hours and 55 db(A) above the ambient noise level during weekday or weekend nighttime hours when measured at or outside any real property line.

E. Maximum Permissible Sound Levels for Impulsive Sound.

1. No person shall create or allow the creation of impulsive sound levels audible outdoors in excess of 80 dB(A) above the ambient noise level during weekday or weekend daytime hours and 55 db(A) above the ambient noise level during weekday or weekend nighttime hours when measured at or outside any real property line.

F. Specific Activities Prohibited.

1. No person shall operate or permit the operation of powered vehicles in such a manner as to exceed the permissible sound levels established herein across a real property line or within a public space in the Township.
2. Offering for sale any item or selling anything by shouting or outcry in the Township is hereby prohibited.
3. Construction noise, and noise resulting from the operation of tools and/or equipment used in activities including, but not limited to, drilling, grading, renovations, lawn/yard and/or pool maintenance, tree maintenance, trimming

and/or removal, digging, and demolition during weekday and weekend night-time hours is hereby prohibited.

G. Exceptions. The following shall constitute exceptions to the noise standards set forth in this Ordinance:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
2. Emergency work to provide electricity, water or other public utilities, and to prevent flooding, fire, or other damage when public health or safety is involved.
3. Operations by Township, County, or Commonwealth employees or agents, when acting in an official capacity.
4. Public celebrations authorized by the Township.
5. Vehicles licensed for operation on public roads, when operated on public roads in a lawful manner.
6. Noncommercial public speaking and public assembly activities on any public space or public right-of-way.
7. Bells, chimes, and carillons used for religious purposes or in conjunction with national celebrations, national observances or public holidays.
8. Bells, chimes, and carillons operated by any non-profit organization as of the date of this Ordinance.
9. Lawn care equipment operated during weekday and weekend daytime hours, only if used and maintained in accordance with the manufacturer's specifications.
10. Agricultural farm machinery used in districts zoned for agricultural use in connection with farming operations.
11. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.
12. Construction noise, and noise resulting from the operation of tools and/or equipment used in activities including, but not limited to, drilling, grading, renovations, lawn/yard and/or pool maintenance, tree maintenance, trimming and/or removal, digging, and demolition during daytime hours only.

SECTION III. **Amendment to the Code.**

The Codified Ordinances of Worcester Township, Part II (General Legislation), Article XXIV (General Regulations) are hereby amended by adding a new Section 3 to Chapter 111 as more specifically set forth as follows:

§ 111-3 Remedies.

- A. Violation of any provision of this chapter shall be cause for a citation to be issued by a Township Noise Control Officer or another duly-authorized law enforcement officer.
- B. Abatement orders.
 - 1. In lieu of issuing a citation as provided in Subsection A, the Noise Control Officer or other duly-authorized law enforcement officer may issue an order requiring abatement of any sound source alleged to be in violation of this chapter within a reasonable time period and according to guidelines which the officer may prescribe.
 - 2. An abatement order shall not be issued in lieu of a citation if any person willfully or knowingly violates any provision of this chapter, or if the Noise Control Officer or law enforcement officer has reason to believe that there will not be compliance with the abatement order.
- C. Penalties.
 - 1. Any person who violates any provision of this chapter shall be subject to a fine for each offense of not more than \$1,000.
 - 2. If the violation is of a continuous nature, each day (or night, as applicable) during which a violation occurs shall constitute a separate and distinct offense.
- D. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

SECTION IV. Repealer.

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

SECTION V. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court or competent

jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 15th day of December, 2010.

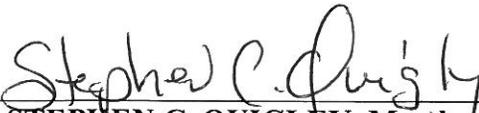
WORCESTER TOWNSHIP

By: 

ARTHUR C. BUSTARD, Chairman
Board of Supervisors

By: 

SUSAN G. CAUGHLAN, Vice Chair
Board of Supervisors

By: 

STEPHEN C. QUIGLEY, Member
Board of Supervisors

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 15, 2010, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Noise Ordinance" amending the Codified Ordinances of Worcester Township, Part II (General Legislation), by adding a new chapter entitled "Noise Control" and by adding Section 111-1 (Definitions) adding new definitions addressing sound/noise with sub-parts A through Z; by adding Section 111-2 entitled "Noise" setting forth general noise regulations in order to regulate noise pollution and remedies for same; and by adding new Section 111-3 entitled "Remedies" and providing for same.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19404 and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township**

