

TOWNSHIP OF OHIO

ORDINANCE NO. 210

AN ORDINANCE OF THE TOWNSHIP OF OHIO DEFINING AND RESTRICTING THE MAXIMUM SOUND LEVELS THAT ARE EMITTED, GENERALLY, AND SPECIFICALLY BY MUSICAL INSTRUMENTS, EQUIPMENT, ANIMALS, PEDDLERS, VEHICLES, APPLIANCES AND PREMISES; AUTHORIZING THE ADMINISTRATION AND ENFORCEMENT THEREOF AND EXCEPTIONS THEREFROM; REGULATING THE USE OF PROPERTY SUBJECT TO NOISE REGULATIONS AND REQUIRING TESTING PROCEDURES; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of the Township of Ohio hereby enacts as follows:

Section 1. Purpose and Scope. 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 prohibited noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of the Township of Ohio.

Section 2. Application. This ordinance shall apply:

1. To all types of vehicles, appliances and equipment, whether privately or publicly owned.
2. To sounds of any time duration.
3. To both the owner and operator of vehicles, appliances, equipment, devices, animals or any other object creating noises.

Section 3. Exemptions. The following devices are exempt from the provisions of these regulations.

1. Aircraft (except model aircraft).

2. Police, fire, ambulance and other governmental emergency vehicles.

3. Back-up alarm devices on trucks and other equipment when installed and operated in accordance with Society of Automotive Engineers recommended practice J994, "CRITERIA FOR BACK-UP ALARM DEVICES."

4. Governmental warning devices (i.e., civil defense or fire siren).

Section 4. Definitions. All acoustical terminology shall be contained in ANSI S1.1 "Acoustical Terminology."

ANSI - American National Standards Institute or its successors.

APPLIANCE - any device or combination of devices used or capable of being used as a means of accomplishing a desired end, such as a window air conditioning unit.

DAY - the twenty-four (24) hour period starting at local midnight.

DAY-TIME - 7:00 A.M. to 6:00 P.M. (Mon.-Fri.)

8:00 A.M. to 5:00 P.M. (Sat.-Sun.)

DECIBEL (dB) - a unit of sound level which is a division of logarithmic scale used to express the ratio of the sound intensity of the source to the intensity of an arbitrarily chosen reference intensity. The ratio is expressed on the decibel scale by multiplying its "base ten logarithm" by ten.

EQUIPMENT - any devices or combination of devices to accomplish a desired end, such as a chain saw, bulldozer, etc.

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 of ordinary sensibilities.

FLUCTUATING NOISE - a fluctuating noise is a noise whose sound level varies significantly with time.

IMPULSIVE NOISE - impulsive noise is characterized by brief excursions of sound level. The duration of a single impulse is usually less than one second.

INTERMITTENT NOISE - an intermittent noise is a noise whose sound level exceeds the ambient noise levels at least twice during the period of observation, which is one minute or more. The period of time during which the level of the noise remains at an essentially constant value difference from that of the ambient is on the order of one second or more.

NOISE - noise is any sound emitted by a person, animal, vehicle, appliance, equipment or other device and its environmental interaction.

ORDINANCE ENFORCEMENT OFFICER - any person appointed by the Township of Ohio with responsibility to enforce municipal ordinances; or, any sworn member of the Ohio Township Police Department.

PERSON - either the owner or operator of vehicles, appliances, equipment or devices.

go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders and semi-trailers.

Section 5. Enforcement.

1. Abatement. Any emission of noise from any source in excess of the limitation established in or pursuant to this ordinance herein described shall be deemed and is hereby declared to be a public nuisance and may be abated, in addition to the administrative proceedings, fines and penalties herein provided. Such abatement may be made by any Police Officer or the Ordinance Enforcement Officer, or may be made by order of the Court of Common Pleas of Allegheny County on complaint or petition filed on behalf of the Township of Ohio.

2. 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 in such place or manner, or at such levels which may give rise to such cause of action.

Section 6. Noise Limitations.

1. General. No person shall make, permit or cause to be made, any excessive noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically-operated piano, other musical instrument,

wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device unless said person has obtained a special permit from the Ohio Township Manager as provided in this Part.

2. Musical Instruments. No person shall use or perform on any hand organ or other musical instrument or device, for pay or in expectation of payment, in any public way or public open space of the Township of Ohio before 7:00 A.M., or after 6:00 P.M. (8:00 A.M. - 5:00 P.M. Saturday and Sunday) of the day unless said person has obtained a special permit from the Township of Ohio.

3. Noise from Premises. No person owning, or in possession or control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood as measured at the property line in which such building or premise is situated, or be dangerous or detrimental to health.

4. Equipment Noise. It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power in building or construction operations from 6:00 P.M. to 7:00 A.M. Monday through Friday and 5:00 P.M. through 8:00 A.M. Saturday - Sunday of the following day, except for emergency work on public improve-

ments, work of public service utilities, and municipal services unless such equipment has been manufactured or modified for sound control and meets the provisions of this ordinance.

5. Noise in Handling Refuse Cans. No person shall make any unnecessary noise in the handling of ash, trash and garbage cans, either in loading or unloading, whether full or empty.

6. Noise in Vicinity of Hospitals, Schools and Churches. No person shall make any unnecessary noise in the vicinity of any hospital, or church during hours of public worship, or school during school hours.

7. Unlawful to Keep Noisy Animals. No person shall keep, or permit to be kept, harbor or otherwise maintain any animal which shall disturb the quiet of any public street or other public place, or of any neighborhood. Provided, however, that a noisy animal shall be defined as one or more animals which makes noises habitually, so as to constitute annoyance to a person of ordinary sensibilities.

8. Noise by Peddlers. No peddler or other person who plies a trade or calling of any nature on the streets of the Township of Ohio shall use any horn, bell, or other sound instrument to make any noise tending to disturb the peace and quiet of the neighborhood, for the purpose of directing attention to his wares, trade or calling.

9. Use of Horns and Other Devices on Vehicles. No person, operating any vehicle, other than police, fire, public

service or ambulance operators shall sound any horn, bell, gong, siren, or whistle, except for the ordinary horn installed on such vehicle by the manufacturer, or sound any type of horn except when reasonably necessary to prevent accidents or to otherwise comply with the law of motor vehicles.

10. The operational performance standards established by this ordinance shall not apply to any public performance being conducted in accordance with provisions of a special permit obtained from the Township of Ohio for the conduct thereof.

11. Vehicles. No person shall operate either a motor vehicle of a type subject to registration, except in police, fire equipment, ambulances or other government emergency vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits for the category of minor vehicles based on a distance of fifty (50') feet from the center of the lane traveled on within the speed limit specified in this section under test procedures established by section 10 of this ordinance.

Type of Vehicle	Speed Limit of 35 MPH or less	Speed Limit of 35 MPH or more
(1) Any motor vehicle with a manufacturer's gross combination weight rating of 10,000 lbs. or more and any combination of vehicles towed by such motor vehicle:	86 dB(A)	90 dB(A)

(2) Any other vehicle or any combination of vehicles towed by such motor vehicle: 76 dB(A) 82 dB(A)

(3) Any motorcycle or motor driven cycle. 78 dB(A) 82 dB(A)

A. This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers for noise control.

B. No person shall modify or change the exhaust muffler, intake muffler, or any other noise abatement device of a motor vehicle so that the noise level is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this paragraph shall be those used to establish compliance of a new motor vehicle with the requirements of this ordinance.

C. No person shall sell or lease or offer for sale or lease a new or second-hand vehicle that produces a maximum noise exceeding the noise limit at a distance of fifty (50') feet from the centerline of travel as stated in 8.11 of this ordinance. The manufacturer, distributor, importer or designated agent shall if requested certify in writing to the Township of Ohio that his vehicles sole or leased within the Township of Ohio comply with the provisions of this Part.

12. Equipment.

A. No person shall operate any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of fifty (50') feet,

under test procedures established by 10 of this ordinance, and only during daylight hours as defined herein.

Type of Equipment	Noise Limit
(1) Construction and industrial machines, such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors and pneumatic power equipment, but not including pile drivers:	86 dB(A)
(2) Agricultural tractors and equipment:	86 dB(A)
(3) Powered commercial equipment of 2HP or less intended for infrequent use in residential areas, such as chain saws, pavement breakers, log chippers, powered hand tools, etc.:	84 dB(A)
(4) Powered equipment intended for repetitive use in residential areas, such as lawnmowers, small lawn and garden tools, riding tractors, snow removal equipment, etc.:	70 dB(A)

B. No person shall sell or lease or offer for sale or lease new or second-hand equipment that produces a maximum noise exceeding the noise limit at a distance of fifty (50') feet as stated in this ordinance (Subsection 12 A above). The manufacturer, distributor, importer or designated agent shall if requested certify in writing to the Township of Ohio that his equipment sold or leased within the Township complies with the provisions of this ordinance.

Section 7. Use of Property.

1. Any property use established in a zoning district as

defined and designated under the provision of the Township of Ohio Zoning Ordinance shall be such as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

2. Noise levels shall be measured in terms of the sound level in dBA using equipment which meets the requirements established by this ordinance.

3. In all commercial and industrial zoning districts, at no point on the boundary of any residential zoning district shall the sound level of any individual operation or business, or the combined operations of any person, firm or corporation exceed the dBA levels shown below for the zoning district indicated from 6:00 P.M. to 7:00 A.M. Monday-Friday and 5:00 P.M.-8:00 A.M. Sat-Sunday of the following day, as measured under the test procedures established by 10.2 of this ordinance.

Maximum sound levels dB(A) along district boundaries as measured by conventional sound level meters on slow response:

	<u>Residential</u>	<u>Commercial/Industrial</u>
A-scale levels	55dB(A)	62dB(A)

In commercial zoning districts, all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products, or any property use shall conform with the performance standards stated above, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which any such activities take place, except in such cases where the maximum permitted

sound levels may be exceeded at a more distant point.

In residential zoning districts, any property use shall conform with the performance standards stated above for residential district boundaries, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which such use is established, except in such cases where the maximum permitted sound levels may be exceeded at a more distant point.

The maximum sound levels established in this section to be applied to the boundaries of a lot shall not apply to construction sites and emergency operations. Construction site noise levels shall be regulated by Section 8.12 of this ordinance.

Section 8. Penalties.

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine or not more than six hundred (\$600.00) dollars; and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of the ordinance continues shall constitute a separate offense.

Section 9. Severability.

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance, it

is hereby declared as the intent of the Township of Ohio that this ordinance would have been adopted had the unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 10. Repealer.

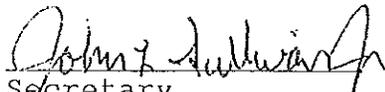
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

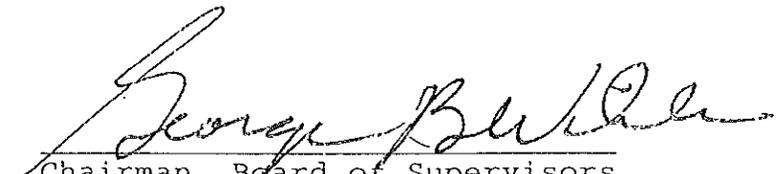
Section 11. Effective Date. This ordinance shall become effective immediately.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania, at a regular meeting held on the 8th day of July, 1996.

ATTEST:

TOWNSHIP OF OHIO:


Secretary


Chairman, Board of Supervisors