



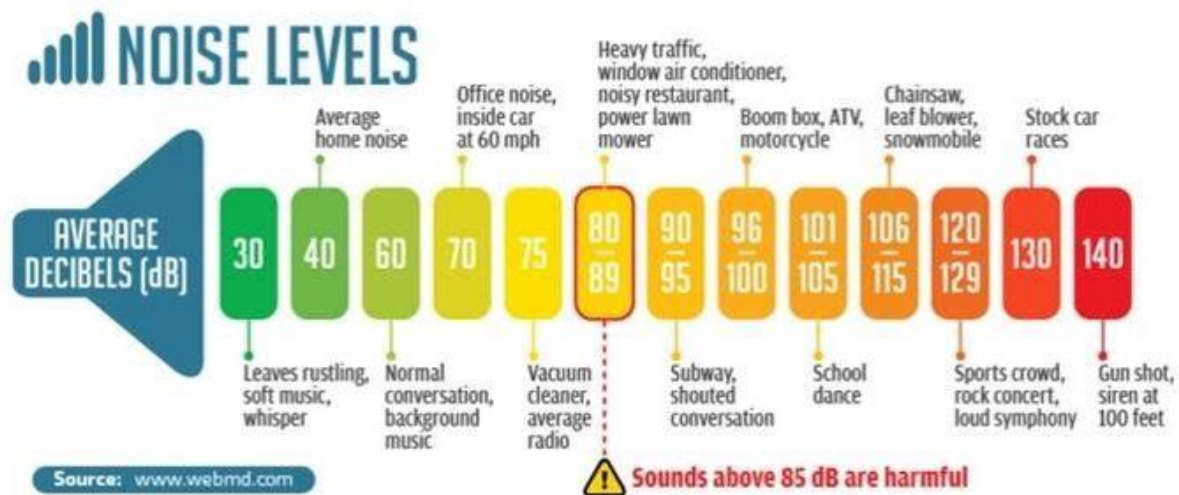
The Township's Peace and Good Order Ordinance (Chapter 181) regulates general noise disturbances between the hours of 10:00 p.m. – 6:00 a.m. (§ 181-1.C). However, there are no specifics to define noise pollution nor the regulation of noise disturbances. The proposed noise ordinance seeks to:

- Define maximum permissible sound levels for both daytime and nighttime hours for both residential and non-residential uses.
- Define how sound levels are measured and determine when maximum levels are exceeded.
- Identify noise exemptions.
- Create opportunities for waivers, whether it be exemptions for the operations of certain businesses or a limited time waiver for a special circumstance.

## What is noise and how is it measured?

Noise is defined as any sound emitted by a person, animal, appliance, equipment, instrument, or other device. We hear and feel noise through the sensation produced in our ears or by vibrations transmitted through the air or other medium, which is often defined as "sound". Sound levels are measured in decibels, a scale used to express the ratio of sound pressure of the source to the pressure of the chosen reference. The louder the sound, typically the higher the decibel rating. However, certain nuisance noises may be deemed annoying but not "loud".

While there are many charts available online, the following chart serves as a useful tool to help better understand what an average decibel (dB) equates to in our everyday environment.



While The Environmental Protection Agency (EPA) states 45 decibels (dB)<sup>1</sup> as the level of background noise that begins to interfere with normal speech, both the World Health Organization (WHO) and the EPA have determined that most people will not experience any type of hearing impairment caused by noise at 70 dB or lower, even after a lifetime of exposure.<sup>2</sup> Prolonged sounds at 85-90 dB or higher are considered harmful, according to the EPA and the WHO. The EPA also states that many noise ordinances use a sound level standard typically ranging from 35-50 dB, although they can go as high as 80-85 dB. However, it was unclear as to whether those ranges were limited to only daytime or nighttime hours.

The Occupational Safety and Health Administration (OSHA) has maximum noise levels for certain uses in the workplace. For example, commercial car washes cannot exceed 85 dBA before soundproofing/sound minimizing measures must be put in effect, and 90 dBA for construction and other industries (an 8-hour exposure)<sup>3</sup>. In general, exposure to noise of 85 dBA for longer than eight hours is identified as being able to cause hearing damage.

## Draft Noise Ordinance Summary

### Prohibited Noises at Night

Chapter 181 currently regulates general noise disturbances between the hours of 10:00 p.m. – 6:00 a.m. The proposed ordinance identifies specific acts that are to be declared noise disturbances during these hours, unless otherwise noted elsewhere in the ordinance. Section 181-2.5 (Pages 5-7) lists the specific prohibited noises.

### Maximum Permissible Sound Levels

Section 181-2.6.A, Table 1, (see Page 7) lists the maximum permissible sound levels proposed for both daytime and nighttime hours. The decibel levels align to what we found as an average from other noise ordinances throughout the country. Using the noise level chart above, a normal conversation is 60 dB. By way of example, the Police Department (unofficially) measured the decibel level of one of their offices at a quiet level and the decibel level ranged 50-55 dB, with an approximate 10 dB increase when using the computer keyboard.

**Table 1: Maximum Permissible Sound Levels**

Sound Originating Land Use	Maximum Sound Level (dBA or dBC)	
	6:01 a.m. to 9:59 p.m. (Daytime Hours)	10:00 p.m. to 6:00 a.m. (Nighttime Hours)
Residential dwelling (at the lot line of a property that is used for residential use only)	65 dBA/dBC or 10 dBA/dBC above ambient sound level, whichever is higher.	55 dBA/dBC or 10 dBA/dBC above ambient sound level, whichever is higher.
Other	75 dBA/dBC or 10dBA/dBC above ambient sound level, whichever is higher.	60 dBA/dBC or 10 dBA/dBC above ambient sound level, whichever is higher.

<sup>1</sup> epa.gov

<sup>2</sup> 1995 *Guidelines for Community Noise*

<sup>3</sup> osha.gov

When regulating maximum decibel levels, it is also important to define where and how the decibel reading will be measured for consistency and reliability of data. Sections 181-2.6.C and 181-2.6.D (both on Page 7) define where and how the sound will be measured, and when outdoor measurements cannot be taken.

### Noise Exemptions

The proposed ordinance contains a list of noises that are exempt. Exemptions are listed in Section 181-2.7 (Pages 8 – 9). Some types of noises are exempt under state and federal laws, such as safety signals and sounds, emergency work, municipal and utility operations, and certain vehicles and aircrafts, etc.

One example of an exemption granted by state law (subsection P on Page 9) is an amendment to the Liquor Code. Governor Wolf signed HB 1615 into law in July 2022 (known as Act 67 of 2022). The amendment now allows all restaurants, bars, taverns, breweries, hotels, resorts, etc. that hold a liquor license to offer amplified sound, up to 75 decibels past the property line, Sunday – Thursday between 10:00 am – 9:00 pm and from 10:00 am – midnight on Friday and Saturday nights. The state said this law was put in place to support these establishments having outdoor dining/seating and offering patrons music and entertainment. The sound regulations of this law supersede that of any local ordinance, until such time as the state's Liquor Code would be amended. The regulations of Act 67 are enforced by the PA State Police.

Municipalities can also choose to exempt other types of noises not regulated under state and federal laws. After reviewing other noise ordinances throughout the country, additional exemptions were added to create a more comprehensive list, including household tools (certain hours only), air conditioning, heating, and other fans, weapons firing range, etc.

### Waivers

Section 181-2.8 (Page 9) offers two waiver options. One option is a permanent waiver to be used for any business that can provide proof that a noise ordinance would restrict their operation. Some municipalities automatically exempt certain operations, such as animal and food processing/packaging plants, or businesses that are not within a certain distance of any residential neighborhoods. There are two similar exemptions listed in Section 181-2.7.N. Any business not automatically exempt within this section would need to apply for a waiver. The Board of Commissioners would then determine if that business successfully proved the noise ordinance created an undue burden on its operation.

A second option is a temporary waiver for special events. This could apply to a construction project, business event, or other special event not already exempt under this chapter, other township code, or state or federal law.

End.