

**PATTON TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2018 – 595**

NOISE CONTROL ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF PATTON ADDING CHAPTER 105 (NOISE CONTROL) TO THE CODE OF PATTON TOWNSHIP TO ESTABLISH INTENT, APPLICABILITY, EXEMPTIONS, DEFINITIONS, AND REGULATIONS FOR CONTROL OF LEVEL OF NOISE IN THE COMMUNITY

WHEREAS, the Board of Supervisors of Patton Township, Centre County, Pennsylvania (“Township”) aims to ensure that public health, safety and welfare shall not be abridged by persons, vehicles, appliances, animals and equipment within Patton Township that may create unreasonable noise; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED by Patton Township, Centre County, Pennsylvania, in accordance with the general powers permitted by the Second Class Township Code (53 P.S. §65101 et seq.), that the following Ordinance be enacted:

SECTION 1: TITLE

This Ordinance shall officially be known as the “Noise Control” Ordinance.

SECTION 2: The Code of Patton Township is hereby amended to add Chapter 105 (Noise Control) to read as follows:

§ 105-1 Intent.

It is the purpose and scope of this Ordinance to provide regulations defining the maximum sound levels that persons, vehicles, appliances and equipment shall be allowed to produce. 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 noise is minimized for the community good.

§ 105-2 Applicability.

This Ordinance shall apply to the following unless exempted in **§ 105-3**:

- A. To all persons
- B. To all types of vehicles, appliances and equipment, whether privately or publicly owned.
- C. To both the owner and operator of vehicles, appliances, equipment, devices, animals or any other object creating noises.

§ 105-3 Exemptions.

The following devices and/or activities are exempt from the provisions of these regulations:

- A. Aircraft (except model aircraft).
- B. Police, fire, ambulance and other governmental emergency vehicles.
- C. Back-up alarm devices on trucks and other equipment when installed and operated in accordance with Society of Automotive Engineers recommended practice J 994, "Criteria for Back-up Alarm Devices."
- D. Governmental warning devices (i.e., civil defense or fire siren).
- E. Commercial agricultural activities within the A-1 District on parcels where such activities are permitted under Chapter 175 of the Patton Code. Includes customary accessory activities such as timbering, other silvicultural activities, and related activities. Building construction on these parcels is not exempt.
- F. Commercial agricultural activities within Districts other than the A-1 District where such activities were customarily practiced prior to the effective date of the enabling ordinance for this section. Building construction on these parcels is not exempt.
- G. Existing weapons firing ranges between the hours of 7 am and 7 pm or sundown, whichever is later.
- H. Construction activities in compliance with Section 6. Emergency Construction or Repair activities in accordance with Section 6b.
- I. Bells, chimes and carillons used for religious purposes or in conjunction with national celebrations or public holidays.
- J. Residential property maintenance activities between the hours of 7 am and 7 pm or sundown, whichever is later.
- K. Snow removal. The operation of snow removal equipment necessary for the removal of snow or ice from public or private streets, alleys, drives, sidewalks, and parking areas, provided that any motor vehicle used for snow removal which is required to be licensed shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent engine noise in excess of the limits established by the laws or statutes of the Commonwealth of Pennsylvania. Also, any motor-driven vehicle of a type not subject to registration for road use or domestic snow removal equipment shall be equipped with an exhaust system or mufflers in good working order to prevent excessive or unusual noise.

- L. Fireworks authorized under Pennsylvania law may be discharged until 11 pm, except on December 31st fireworks may be discharged from 11:45 pm until 12:15 am, of the following day (i.e. January 1st). Fireworks operators must comply with all applicable state law and local permitting.

§ 105-4 Definitions.

- A. The following words and phrases, when used in this chapter, shall have the meanings given in this section:

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.

CONSTRUCTION ACTIVITIES

Includes the use of heavy construction equipment (including pile drivers, crawler-tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors, pneumatic power equipment and similar devices) for the duration of such construction and/or demolition work, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

EQUIPMENT

Any devices or combination of devices to accomplish a desired end, such as a chain saw, leafblower, bulldozer, etc.

NOISE

Noise is any sound emitted by a person, animal, vehicle, appliance, equipment or other device.

ORDINANCE ENFORCEMENT OFFICER

Any person appointed by the Township with responsibility to enforce municipal ordinances; or, any sworn member of the Patton Township Police Department.

OWNER

The person owning, leasing, occupying or having charge of any premises within the Township

PERSON

Any natural person, firm, partnership, association, corporation, company or organization of any kind.

UNREASONABLE NOISE

Sound that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, comfort or repose of reasonable persons of ordinary sensitivities within Patton Township, given the time of day, location, and/or other relevant factors in which and where the sound is made.

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

§ 105-5 UNREASONABLE NOISE PROHIBITED

- A. Except as otherwise provided in this chapter, it shall be unlawful for any person to make or cause to be made any unreasonable noise or to allow any unreasonable noise to be caused or made in or on any real or personal property occupied or controlled by that person.
- B. In addition to the foregoing, it shall also be unlawful for any person to create, assist in creating, or as owner, lessee or occupant of the property on which the activity is located permit any of the following acts:
- (1) Radios, stereos, and musical instruments. The playing of any radio, stereo, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder, compact disc player, or other such electronic sound-producing devices, in such a manner or with volume that is:
 - (a) plainly audible beyond the property line of a single-family dwelling unit from which it is generated or outside of the duplex dwelling unit or individual dwelling unit of the multiple-family dwelling unit from which it is generated; or
 - (b) plainly audible at a distance of 50 feet from the vehicle in which it is generated; or
 - (c) plainly audible at a distance of 50 feet from its location on public property or private property open to the general public.
 - (d) causing or has caused vibrations with a bass within a dwelling unit or within a vehicle other than the unit or vehicle from which it is/was generated.
 - (2) Shouting and whistling. Continuous or repeated yelling, shouting, crying, calling, loud whistling, or loud singing, so as to disturb the peace, comfort, or repose of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office or other type of residence other than that from which it originates.
 - (3) Other noises. By means of any whistle, rattle, bell, gong, drum, clapper, hammer, horn, vuvuzelas, signaling device, siren, or by other means which disturbs the peace, comfort, or repose of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office or other type of residence other than that from which it originates.
 - (4) Construction Activities. See section **§ 105-6**.

- (5) Other excessive noise. The creation of any other excessive or unreasonably loud noise which disturbs the peace, comfort, or repose of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office or other type of residence other than that from which it originates.

§ 105-6 Construction Activities

Construction activities shall not begin before 7 am on Monday through Saturday, and not before 8 am on Sunday, except as may be exempted below. Construction activities shall be scheduled to conclude each day by 7 pm except as may be exempted below.

- A. Exceptions, Modifications and Waivers. The Board of Supervisors designates the Township Manager as the point of contact for requests for exceptions, modifications or waivers from this policy.

In reviewing a request for an exception, modification or waiver, the value of affording residents a “quiet night’s sleep” will always far outweigh a contractor’s desire to schedule work hours outside of the policy limits. In almost all circumstances, a request for an exception, modification or waiver for work in a residential section or near lodgings and dwellings will be denied.

The Township Manager will engage with a requestor to determine the least intrusive method available to address the contractor’s needs while still protecting residents.

- (1) All decisions by the Manager for exceptions, modifications or waivers will be in writing. Approvals may be conditioned on the Contractor’s agreement to undertake certain mitigating actions. Denials shall state the Manager’s rationale for not approving the request.
 - (2) The Manager may elect to send the request to the Board of Supervisors for consideration. No Special Meetings of the Board will be called to consider a request.
 - (3) The Manager’s decision to deny or approve with conditions, may be appealed to the Board. The request for appeal must be in writing, must provide Contractor’s rationale for the appeal, and must provide means to mitigate resident’s disruption.
 - (4) All decisions by the Board for exceptions, modifications or waivers will be in writing. Approvals may be conditioned on the Contractor’s agreement to undertake certain mitigating actions. Denials shall state the Board’s rationale for not approving the request.
- B. Emergencies. The Township recognizes that emergencies may occur, both on public and private property, that would involve construction or construction-like activities being utilized to address emerging issues that can pose hazards to people and property. In such cases, as soon as practicable, the Township shall be notified.

- (1) Once an emerging issue has been stabilized, the Manager or his designee will engage with the responsible party (owner, contractor, or lead agency) to determine the remaining scope of the response and recovery efforts. Based on the nature of the emergency and the scope of the recovery the Manager will offer guidance to the responsible party to balance the recovery requirements and the health, safety and welfare of the public.
- (2) The Manager or his designee will continue to engage with the responsible party until such time that the remaining activities enter a non-emergency phase. After that point, the responsible party shall comply with the policy or seek an exception, modification or waiver (see above.)

C. Exemptions.

- (1) Construction Activities within PennDOT's limited access rights-of-way.
- (2) Work performed under an Emergency Declaration.
- (3) Work performed as part of an emergency response under the direction of an Incident Commander or a Unified Command.
- (4) Certain seasonal activities wherein exposure to the elements can be harmful to workers. For example, roofing work during hot weather may commence prior to 7 am.
- (5) Specific construction activities that involve materials that are temperature sensitive. For example, large concrete placements during hot weather may commence prior to 7 am.

§ 105-7. Waivers for Special events

In reviewing a request for a waiver, the value of affording residents a “quiet night’s sleep” will always far outweigh an applicant’s desires. In almost all circumstances, a request for a waiver that would impact a residential section or nearby lodgings and dwellings will be denied.

- A. Written applications for a waiver to this ordinance shall be submitted to the Board of Supervisors at least 60 days prior to the event.
 - (1) No Special Meetings of the Board will be called to consider a request.
- B. The application must be submitted on the form provided by the township. (105 Attachment 1)

- C. In reviewing a request for a waiver, the value of affording residents a “quiet night’s sleep” will always far outweigh an applicant’s desires. In almost all circumstances a request for a waiver that would impact a residential section or nearby lodgings and dwellings will be denied.
- D. The Board may engage with a requestor to determine the least intrusive method available to address the applicant’s needs while still protecting residents.
- E. All decisions by the Board for a waiver will be in writing. Approvals may be conditioned on the applicant’s agreement to undertake certain mitigating actions. Denials shall state the Board’s rationale for not approving the request.

§ 105-8. Penalty for Violation

- A. Any person found guilty of violating provisions of this ordinance, shall be fined not less than \$100.00 for the first offense, and not less than \$500 for any subsequent offenses in any 120-day period and, upon failure to pay such fine, shall be sentenced to jail for a term not to exceed 30 days for each offense.
- B. A penalty provided for under this ordinance may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.
- C. A separate and distinct offense shall be committed each day that a violation of the terms of this ordinance continues to exist.

§ 105-8. ADMINISTRATION

The provisions of this ordinance shall be enforced by Township Police Officers, Township Ordinance Enforcement Officers, and others designated by the Township Manager.

SECTION 3: The Code of Patton Township is hereby amended to add “105 Attachment 1” to Chapter 105 (Noise Control) as shown on the following page:

PATTON TOWNSHIP

100 PATTON PLAZA – STATE COLLEGE, PENNSYLVANIA – 16803
PHONE: 814/234-0271 -- FAX: 814/238-7790
EMAIL: patton@twp.patton.pa.us -- WEB SITE: <http://twp.patton.pa.us>

**APPLICATION FOR WAIVER
TO
CHAPTER 105 – NOISE CONTROL REQUIREMENTS**

APPLICANT: Name _____

E-mail _____ Phone _____

PROPOSED EVENT: Location _____

Type of Event _____

Date(s) _____ Time(s) _____

Will there be amplified sound: **Yes No** Est'd number attending _____

Are you the property owner **Yes No** If no, must provide proof of owner's permission

Contact during event: (same as above **OR** name and phone number) _____

Other Notes / Special Circumstances _____

Township Notes:

Date Submitted: _____ **For Board Meeting On:** _____

Board Action: **Approved:** _____

Approved with Conditions: _____

Denied: _____

SECTION 4: SEVERABILITY

If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance, which remaining portions shall continue in full force and effect.

SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment by the Patton Township Board of Supervisors.

SECTION 6: In all other respects the Code of Patton Township remains in full force and effect, and is not in any way affected or modified by this amendment.

ENACTED AND ORDAINED by the Township of Patton this the ____ day of August, 2018.

Attest:

PATTON TOWNSHIP BOARD OF SUPERVISORS

Secretary

[Seal]

