

ORDINANCE NO. 2008- 01

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, DEFINING AND REGULATING NOISE WITHIN THE TOWNSHIP OF WASHINGTON

IT IS HEREBY ENACTED AND ORDAINED that the Township of Washington acting through its Board of Supervisors in order to accomplish the foregoing hereby ordains as follows:

SECTION 1 - TITLE. This Ordinance shall be known as the Township of Washington Noise Ordinance.

SECTION 2 - AUTHORITY. This Ordinance is enacted pursuant to the Second Class Township Code.

SECTION 3 - PURPOSE. The purpose of this Ordinance is to ensure that public health, safety and welfare shall not be abridged by the making or creating of noise pollution or of 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 in which 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 the Township of Washington.

SECTION 4 - LEGISLATIVE FINDINGS. The Board of Supervisors find that failure of individuals, businesses, industries, persons maintaining animals, social gatherings and other activities to regulate the noise emanating from their premises constitutes a violation of the peace and enjoyment of the residents of the Township and a public nuisance. Specifically, such noise emanating from home occupations, businesses, industries, sound amplification equipment, radios, electronic sound recording equipment, vehicles, persons maintaining animals, social gatherings, and other activities:

- a. Creates a nuisance in that residents are deprived of the enjoyment of their homes, disturbed in their sleep, and otherwise prevented from the quiet enjoyment of their residential premises;
- b. Affects the property values of residences in the Township;
- c. Affects the public welfare by reflecting negatively on the quality of life in

residential areas of the Township;

- d. Disturbs the peace and good order of the Township; and
- e. Creates noise pollution.

SECTION 5 - 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 a logarithmic scale used to express the ratio of sound 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 of ordinary sensibilities.

e. Night Time - 9:00 p.m. to 7:00 a.m., prevailing time, conversely, Day Time - 7:00 a.m. to 9:00 p.m., prevailing time.

f. Noise - Any sound emitted by a person, animal, 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; if all weighting is employed, the sound level 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 the enjoyment of property or with any lawful business or activity. Noise/sound pressure levels exceeding those permitted in any district shall constitute noise pollution.

i. Period of Observation - The time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and the instrumentation being used. The period of observation must be at least as long

as the response time of the instrumentation. The greater the variance in individual sound level, the longer must be the observation time for a given expected accuracy of measurement.

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

k. Sound Level - Noise level.

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

m. 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.

n. Township - The Township of Washington, County of Berks, Pennsylvania.

SECTION 6 - 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, when measured at or beyond the boundaries of the lot, parcel, tract or property, on which such activities take place, to exceed the noise levels specified below:

a. 70 decibels (dB(A)) between the hours of 7:00 a.m. and 9:00 p.m., prevailing time.

b. 60 decibels (dB(A)) between the hours of 9:00 p.m. and 7:00 a.m., prevailing time.

SECTION 7 - 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. 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 between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, 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, hearing units, similar comfort devices, provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition.

g. Airplanes, helicopters and normal activities of 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 nonprofit organizations.

i. Existing weapons firing ranges during day time as defined herein.

j. All motor vehicles being operated on the public roads in the Township of Washington, 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 conditions of said waiver.

l. All farm related operations and activities.

m. Any exiting legitimate or licensed business, commercial or industrial operation between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, provided any appliances, equipment, machinery or devices used in such operation are operated within the manufacturer=s specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

SECTION 8 - SPECIAL WAIVER. A temporary waiver from strict compliance with the noise standards specified herein may be granted to persons during emergency circumstances, as determined by the Board of Supervisors, to permit reasonable time to effect repairs.

SECTION 9 - 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 10 - ENFORCEMENT OFFICERS. This Ordinance may be enforced by any police officer or by any person affected by noise as defined herein.

SECTION 11 - ENFORCEMENT PROCEDURES. The following procedures and penalties are prescribed for enforcement of this Ordinance.

a. Warnings. If it is determined by a sound level meter reading that a noise level is in excess of the levels prescribed by this Ordinance, the Township shall upon written complaint by the affected person, who resides in Washington Township, issue a written warning to the person responsible. Any such warning shall be in effect for six (6) months.

b. Offenses. If it is determined by a sound level meter reading that a noise level in excess of the levels permitted by this Ordinance shall have been caused or permitted by any person within six (6) months after the issuance of a warning, any person affected thereby, who resides in Washington Township, may prosecute such person causing or permitting said noise level before the District Magistrate.

c. Injunctions. In addition, any person affected thereby, may file legal or equitable actions in Court to abate or enjoin violations of this Ordinance.

d. Public Nuisance. Any emission of noise from any source in excess of the limitations established herein is hereby declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties herein provided.

e. 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 of manner, or at such levels which may give rise to such cause of action.

SECTION 12 - RELATIONSHIP WITH OTHER RESTRICTIONS. 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 13 - PENALTIES. Any person, 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 Dollars (\$1,000.00); and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION 14 - 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 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 15 - REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 16 - EFFECTIVE DATE. This Ordinance shall take effect five (5) days from the date of adoption.

APPROVED by the Board of Supervisors of Washington Township, Berks County, Pennsylvania, this ____ day of _____, 2008.

BOARD OF SUPERVISORS OF WASHINGTON
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

Chairman

Attest:

Vice-Chairman

Township Secretary

Member

ORDINANCE NO. 2008- 02

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, PROHIBITING THE DUMPING, SHOVELING, PUSHING OR PLACEMENT OF ANY SNOW OR ICE INTO THE PUBLIC HIGHWAYS OR STREETS OF THE TOWNSHIP OF WASHINGTON; AND PROSCRIBING PENALTIES FOR VIOLATION.

WHEREAS snow storms can and do impair the flow of vehicular traffic and fire equipment which may result in conditions adverse to the welfare and safety of the residents of the Township and the people lawfully upon public highways; and

WHEREAS it is necessary in order to insure the welfare and safety of the public highways and streets be cleared of snow as promptly as possible;

NOW, THEREFORE, the Board of Supervisors does hereby enact and ordain:

SECTION I: Following the effective date of this Ordinance, it shall be unlawful for owners, occupants or tenants of property to dump, throw, shovel, pile or push any snow or ice removed from driveways or walkways into any public highway or street.

No snow, ice, slush, or a combination thereof, shall be pushed or deposited into any drainage area, stream, river, culvert or catch basin.

No snow, ice, slush, or a combination thereof, shall be deposited, pushed or maintained within a commercial, manufacturing, light industrial or multiple family zoning district parking facility or at or near an intersection in any zoning district, in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public highway.

No person shall damage any Township property, including but not limited to, traffic signs, culverts, etc. while removing snow, ice, slush, or a combination thereof. Any damage to Township property shall be repaired or replaced in accordance with the requirements of the Township at the expense of the property owner and/or snow removal agency.

SECTION II: Fire hydrants shall not be covered. The owner is hereby required to remove or cause to be removed all snow, ice, slush, or any combination thereof or any accumulation and/or impediment which would limit access to, from, and/or around all of the fire hydrants which are located on said property, so as to provide immediate access by fire rescue personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of all snow, ice, slush, or any combination thereof within twenty-four (24) hours following the storm, in any event, any accumulant shall be removed not less than once in every twenty-four (24) hour period.

In all other cases involving the accumulation of natural and/or man-made items around fire hydrants the owner is responsible for the immediate removal of said items. In either case fire hydrants shall be cleared sufficiently so emergency personnel have total access to hydrants. This is necessary to allow for fire hose connections to be made to access water in the event of a fire. The owner of a property shall be responsible for conforming to the requirements of this Section

where such property is occupied by said owner or is unoccupied or vacant.

In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Section of this Ordinance, or within the time period required therein, the Township of Washington, Berks County, Pennsylvania, may in its discretion, proceed immediately to clear the snow, ice, slush, or any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants and to collect the expenses, with any additional amount allowed by law, from fine or penalty imposed under SECTION III of this Ordinance. In no case is the Township of Washington liable if it does not exercise the Township option for removal of snow, ice, slush, any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants as defined within Section II.

SECTION III: Any person violating any of the provisions of this Ordinance shall, upon summary conviction before a District Magistrate, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00) and the cost of prosecution, such fines to be collected as like fines are now collected by law, and in default shall undergo imprisonment not exceeding 30 days.

SECTION IV: The provisions of this Ordinance are severable. If any sentence, clause, or section 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, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Washington Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION V: This ordinance shall become effective five (5) days after enactment.

SECTION VI: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ENACTED AND ORDAINED into law this _____ day of _____, 2008.

ATTEST:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
Chairman