

ORDINANCE NO. 388

AN ORDINANCE DEFINING AND REGULATING NOISE IN RICHLAND BOROUGH, LEBANON COUNTY, PENNSYLVANIA

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, as follows:

Section 1. Short Title.

This Ordinance shall be known and may be cited as the "Borough of Richland Noise Ordinance."

Section 2. Authority.

This Ordinance is enacted pursuant to the Pennsylvania Borough 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 and creating of noise pollution or of public nuisances from disturbing, excessive or offensive noises in the Borough. The residents of the Borough 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 a noise disturbance that vehicles, appliances and equipment shall not be allowed to produce within specified distances from their neighbors, 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 Borough.

Section 4. Legislative Findings.

Borough Council finds 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 Borough and a public nuisance. Specifically, such noise emanating from home occupations, businesses, industries, between certain hours, sound amplification equipment, radios, electronic sound recording equipment, vehicles, persons maintaining non-farm 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 public welfare by reflecting negatively on the quality of life in residential areas of the Borough;
- C. Disturbs the peace and good order of the Borough; and/or

D. Creates noise pollution.

Section 5. Definitions and Word Usage.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings:

Borough - The Borough of Richland, Lebanon County, Pennsylvania.

Borough Council -The governing body of the Borough.

Codes Enforcement Officer - The appointed Codes Enforcement Officer of the Borough,

Emergency- Any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

Emergency Work- Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Noise-Creating Device -- Any electrical, mechanical or chemical device or instrument, or combination thereof, which creates noise during its operation by a Person or during or after its activation or discharge by a Person, including, but not limited to, fireworks.

Person - Any individual, association, partnership, corporation, or limited liability company and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes the individual members, partners, officers and managers or any of them of partnerships, limited liability companies and associations and, as for corporations, the officers and managers thereof or any of them.

Police Department - The Pennsylvania State Police or any other municipal or regional police department which may be contracted to provide police protective services within the Borough.

Police Officer - A sworn officer in the Commonwealth of Pennsylvania authorized to conduct policing services within the Borough.

Section 6. Noise Limit.

A. **Noise disturbance prohibited.** No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such Person's right to control.

B. **Noise disturbance.** A noise disturbance is noise of such loudness, character, duration or repetition 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 or annoying to a Person of ordinary sensibilities.

C. **Specific prohibitions.** The following acts and the causing thereof are declared to be noise disturbances and therefore in violation of this Ordinance. (All times listed are prevailing time.)

1. **Radios, television sets, musical instruments and similar devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, high-fidelity equipment or similar device which produces, reproduces or amplifies sound:

a. At any time in such a manner between the hours of 9:00 p.m. and 7:00 a.m. the following day so as to be plainly audible across a property line (boundary).

b. In such a manner as to create a noise disturbance across a property line (boundary), or at fifty (50) feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right-of-way or public space; or

c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by a passenger or a common carrier.

2. **Yelling and shouting, etc.** Engaging in loud or raucous yelling, shouting, hooting, whistling or singing between the hours of 9:00 p.m. and 7:00 a.m. the following day.

3. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work between the hours of 9:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound there from creates a noise disturbance across a residential property line (boundary), except for emergency work.

4. **Domestic power tools.** Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. so as to cause a noise disturbance across a residential property line (boundary) except as permitted in Section 7.

5. **Loading and unloading.** Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property line (boundary).

6. **Animal and bird noises.** Owning, possessing, harboring or controlling any animal or bird which howls, barks, meows, squawks or makes other sounds

continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any Person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no Person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.

7. **Powered model vehicles.** Operating or permitting the operation of powered model vehicles, so as to create a noise disturbance across a residential property line (boundary) between the hours of 9:00 p.m. and 7:00 a.m. the following day.

8. **Street sales.** Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound except between the hours of 7:00 a.m. and 9:00 p.m. the following day.

9. **Vehicle, motorboat or aircraft repairs and testing.** Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary) between the hours of 9:00 p.m. and 7:00 a.m. the following day.

10. **ATVs, dirt and trail bikes snowmobiles.** Operating or permitting the operation of dirt and trail bikes, snow mobiles and ATVs so as to create a noise disturbance across a residential property line (boundary) between the hours of 9:00 p.m. and 7:00 a.m. the following day.

11. **Noise-creating devices.** Operating, activating, and/or discharging or allowing the operating, activating, or discharging of any noise-creating device such that the sound creates a noise disturbance across a property line (boundary) continuously and/or incessantly for a period of five (5) minutes or more or intermittently for one-half (1/2) hour or more at any time of the day or night. Notwithstanding the foregoing, consumer fireworks may be discharged for a period of up to thirty (30) minutes between 7:00 p.m. and 10:00 p.m. on July 4, the Saturday and Sunday preceding July 4, and the Saturday and Sunday following July 4 of each calendar year, and consumer fireworks may be discharged for a period of up to fifteen (15) minutes following midnight (12:00 a.m.) of January 1 of each calendar year, provided the discharge of consumer fireworks shall comply with all applicable state laws. Use of consumer fireworks exceeding the restrictions set forth herein shall constitute a noise disturbance and violation of this Ordinance unless a waiver is obtained in accordance with Section 8 of this Ordinance. For the purposes of this Section, "consumer fireworks" shall be those fireworks within the definition of "consumer fireworks" in Act 43 of 2017, 72 P.S. §9401.

12. **Decibel Levels.** As a supplement to and so as not to limit the preceding noise level prohibitions and restrictions herein, no principal or accessory use of property within the Borough, or operations or activities on such property shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

SOUND LEVEL LIMITS BY RECEIVING LAND USE / ZONING DISTRICT

Land Use or Zoning District Receiving the Noise	Hours / Days	Maximum Sound Level
At a property line (boundary) of a residential use in a Residential Zoning District	1) 7:00 a.m. to 9:00 p.m. the following day other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1) 65d BA
	2) 9:00 p.m. to 7:00 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day.	2) 55d BA
At any other property line (boundary)	All times and days	50d BA

Note: dBA means "A" weights decibel.

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, backup 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, and power tools in use between the hours of 7:00 a.m. and 9:00 p.m. provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition. The use of chain saws and power tools are exempt from the time limitations if used in the case of an emergency (such as a weather event).

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. 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, heating units and similar comfort devices, provided such are operated within the manufacture'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; 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 non-profit organizations.

I. Existing weapons firing ranges between 7:00 a.m. and 9:00 p.m. Any weapons firing ranges used for training or certifying law enforcement agencies shall be exempt from this Part.

J. All motor vehicles being operated on the public roads in the Borough, 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 existing legitimate or licensed business, commercial or industrial operation, 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, and provided the noise generated from such business, commercial or industrial operation is below the maximum sound decibel levels as set forth in this Ordinance.

N. Snow removal equipment provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition.

O. Discharging of weapons when hunting in accordance with regulations of the Pennsylvania Game Commission.

Section 8. Special Waiver.

A temporary waiver from strict compliance with the noise standards specified herein may be granted to Persons, as determined by the Borough Council, or its delegate, for a reasonable time period specified in the waiver. The Borough Council may also give a temporary waiver for an event lasting not more than one (1) hour for which the Pennsylvania Legislature has required or authorized the Borough Council to issue permits.

Section 9. Policy.

It is the policy of the Borough Council 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.

This Ordinance may be enforced by any Police Officer or Code Enforcement Officer.

Section 11. Enforcement Procedures.

The following procedures and penalties are prescribed for enforcement of this Ordinance.

A. **Citations.** If it is determined by a Police Officer or Code Enforcement Officer that noise disturbance as described by this Ordinance has occurred, the Police Officer or Code Enforcement Officer may issue a citation.

B. **Injunctions.** The Borough may file legal or equitable actions in Court to abate or enjoin violations of this Ordinance.

C. **Public Nuisance.** Any noise disturbance from any source as defined herein is hereby declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties herein provided.

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

Section 12. Relationship to 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 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 (\$1,000.00) Dollars, 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. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

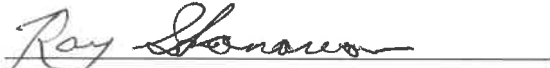
Section 15. This Ordinance shall take effect and be in force five (5) days after its enactment by the Borough Council of the Borough of Richland as provided by law.

DULY ORDAINED AND ENACTED this 9th day of February, 2021, by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, in lawful session duly assembled.

**BOROUGH OF RICHLAND
LEBANON COUNTY, PENNSYLVANIA**


Kelly Bricker, President

Approved as an Ordinance this 9th day of February, 2021.


Ray Shanaman, Mayor

MUNICIPAL CERTIFICATION

I, Rebecca Schwake, Recording Secretary, of the Borough of Richland, Lebanon County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 388 was advertised in the Lebanon Daily News, a daily newspaper of general circulation in the Borough of Richland, on JANUARY 29, 2021, and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on FEBRUARY 9, 2021.

Rebecca Schwake
Secretary