

ORDINANCE NO. _____

**AN ORDINANCE OF BRIDGETON TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA, DEFINING AND LIMITING NOISE
DISTURBANCE AND PROVIDING FOR ENFORCEMENT, FINES
AND PENALTIES FOR NONCOMPLIANCE.**

WHEREAS, noise disturbance can be detrimental to the public health, safety and welfare;

WHEREAS, the Board of Supervisors of Bridgeton Township desire to protect the citizens from excessively loud noises and repetitive noise;

WHEREAS, the Board of Supervisors of Bridgeton Township recognize that some noise is a necessary part of the enjoyment of Bridgeton citizens on residential, commercial and industrial property;

WHEREAS, a mechanism is necessary for the of enforcement in the form of penalties for violations of this Ordinance separate and apart from the Township's Zoning Ordinance;

NOW THEREFORE, the following Bridgeton Township Noise/Nuisance Ordinance is hereby enacted by the Board of Supervisors of Bridgeton Township, Bucks County, Pennsylvania:

SECTION 1: Purpose

A Noise Nuisance, as defined in this Ordinance, can be detrimental to the physical, mental and well-being of the citizens of this Township, as well as to their general welfare and safety and, therefore, constitute a public health and welfare hazard. At the same time, the Board of Supervisors recognize that there is a need for a balance of public interests; that is, to protect citizens from unreasonable levels and duration of noise, while allowing all citizens, to the greatest extent possible, to enjoy their property. Moreover, a substantial body of science and technology exists by which excessive sound may be substantially abated.

This Ordinance includes two measures of evaluation. The first is based on a criteria of maximum allowable level of sound pressure measured in decibels. Sound decibel levels not complying with the criteria set forth in the Ordinance become a *de facto* measure of violation. The second criteria in this Ordinance regulates Noise Nuisance that is detrimental to the quiet enjoyment of life and property, produce psychological discomfort or annoyance to a reasonable person of normal sensitivities.

The Board of Supervisors further recognizes its responsibility and empowerment to ensure the public safety and to define conduct that constitutes disturbing the peace pursuant to Section 1202(6) and (28) of the Pennsylvania Code 1965 P.L. 1956, No. 581 as amended.

Pursuant to 35 Pennsylvania Statute § 4501, this Ordinance does not prohibit the otherwise lawful discharge of firearms for lawful hunting, nor on Pennsylvania State Game Commission State Lands Public Shooting Range, nor the shooting of firearms at the Bridgeton Township Sportsmen's Association at its present location, as it is an incorporated shooting range formed before the Bridgeton Zoning Ordinance to which this is an Amendment. Bridgeton Township also recognizes that the Bridgeton Township Sportsmen's Association has undertaken steps to limit and reduce excessive levels of noise.

SECTION 2. Title

This Ordinance shall be known as the Bridgeton Township Noise Ordinance.

SECTION 3. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this chapter not defined below shall be in conformance with the applicable publications and the American National Standards Institute [ANSI S1.1 - 1960 (R1971) and its revisions] or its successor body.

AMBIENT NOISE – the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

APPROVED SPECIAL EVENTS – events within the Township approved either by Township Permit or by approval of the Bridgeton Township Board of Supervisors at a Public Meeting.

CONSTRUCTION OPERATION – the erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filing, grading, regulation of property in connection therewith.

DECIBEL (dB) – A unit for measuring the sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

EMERGENCY – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

EMERGENCY WORK – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

HOURS PER DAY – The time frame “x” hours per day relates to a single event on a single property or adjacent properties owned by the same individual, organization, company, corporation or the like, and would begin from the initial notice (observation or awareness) of the nuisance sound and end “x” hours thereafter regardless of if the sound was fully continuous during that period. Thus (for example but not exclusive of other sounds) a dog that barked repeatedly every 5 minutes and rested in-between would still be considered ½ hour of nuisance.

IMPULSE SOUND – Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

LOUD SOUNDS – Sounds as being greater than that of a quiet conversation at the property line or registered on the property of the person disturbed.

MUFFLER OR SOUND-DISSIPATIVE DEVICE – A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

NEIGHBORHOOD RESIDUAL SOUND LEVEL – That measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous and transient sound and the sound from the source of interest.

NOISE NUISANCE– Any Noise which: (1) an unreasonable level or duration of noise, is significant enough to disturb or tends to disturb an adjoining property owner or occupant’s reasonable level of tolerance for such sounds; (2) interferes with the quiet enjoyment of residents and others of their land and public lands; (3) endangers or injures the safety or health of humans or animals; or (4) endangers or injures personal or real property. These include, but are not limited to: Impulse Sound, Loud Sounds, Repetitive Sounds and Vibration.

NOTICE OF VIOLATION – is a written document issued to a Person in violation of a Township Ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

PERSON – Any individual, association, partnership or corporation, and includes officers, employees, department, agency or instrumentality of a state of any political subdivision of a state. Whenever used in any clause, prescribing and imposing penalty, “person” includes individual members, partners, officers and managers, or

any of them, of partnerships and associations and as to corporations, the officers and managers thereof, or any of them.

PROPERTY LINE (BOUNDARY) – A legal boundary of a parcel of land. For the purpose of this ordinance, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing officer.

PUBLIC RIGHT OF WAY – Any street, avenue, boulevard, highway, sidewalk, alley or similar place.

PUBLIC SPACE – Any real property or structures thereon which are owned or controlled by a governmental entity, church or civic organization.

PURE TONE – Any sound which can be heard as a single pitch or a set of single pitches.

QUIET ENJOYMENT –the ability for the property owner to peaceably enjoy their property in a quiet or meditative nature including but not limited to , quiet reading, acoustic musical instrument playing, prayer and meditation, gardening, hiking, archery, fishing, bird watching, and so forth.

REPETITIVE SOUNDS – repetitive conduct that creates sounds or vibrations that occur with frequency during a ½ hour time period and include, but is not limited to, target shooting, animal sounds of dog barking, or other similar noises.

SPECIFIED MOTORIZED VEHICLES - Motorized Dirt Bikes, Mini Bikes, All Terrain Vehicles, Go Carts, Snowmobiles, Jet Skis, Watercraft, Drones, Model Airplanes, and any other vehicle modified, adopted, designed or used in a similar fashion.

VIBRATION – a shaking or measurable movement to a person/s or objects which may be inaudible or in conjunction with audible frequency, yet nonetheless is recognizable, and includes but is not limited to deep register amplified music, vibrations above the audible range of human hearing but disturbing to animals or equipment, above or underground explosives, drilling, digging, compacting of soils or rock or other materials, mechanical equipment shaking and so forth.

WEIGHTED SOUND LEVEL – the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated “dba”

SECTION 4. Prohibited Acts

A. Noise Nuisance Prohibited. No Person shall make or continue or cause to be made any Noise Nuisance.

B. Specific Prohibitions. In addition to a Noise Nuisance under subsection A above, the following acts and the causing thereto are declared a violation of this Ordinance.

(1) A noise producing a Decibel Level exceeding the limits established in the table below, when measured at the locations specified therein:

Sound Level Limits by Receiving Land Use/District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS / DAYS	MAXIMUM SOUND LEVEL
At any Lot Line in a Residential District (other than between two lots occupied by a principal commercial or industrial use); and at any Lot Line between a (i) Industrial District and (ii) a Residential District or Public Property	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day & Memorial Day	1) 60 dBA
	2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day & Memorial Day	2) 50 dBA
At any Lot Line between two lots entirely within an Industrial District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day & Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day & Memorial Day	1) 64 dBA 2) 50 dBA
At any Lot Line Not Listed Above	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day & Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day & Memorial Day	1) 60 dBA 2) 50 dBA

Note- dBA means "A" weighted decibel.

(a) For any source of sound that emits a pure tone and/or one of continuous unvarying intensity, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA.

(b) Radios, television sets, analog or digital music playing devices, musical instruments and similar devices: operating, playing or permitting the operation or playing of any radio, television, phonograph, analog or digital music playing device, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound:

(1) At any time in such a manner as to cause a Noise Nuisance across a Property Boundary, or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a Property Boundary.

(2) In such a manner as to create a Noise Nuisance across a Property Boundary or at 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.

(3) In such a manner as to create a Noise Nuisance to any person other than the operator of the device, when operated by any passenger or common carrier.

(4) In such a manner as to create a noise nuisance specifically from *woofers, subwoofers, and infa-woofers* or similar devices intended to extend the amplified frequency range to below 40hz and to 20hz or lower and noticeable across a Property Boundary as in (1) and (2) above. Additionally such nuisance is specifically prohibited from occurring for more than 10 minutes per day

(c) Continual or continuous yelling and shouting or similar human produced sounds.

(d) Animals: owning, possessing, harboring or controlling any animal which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or make such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of day or night, regardless of whether the animal 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.

(e) Engine sounds of vehicles not intended to carry persons, including, powered model vehicles, drones, rockets, game devices, other powered vehicles or objects.

(f) Street Sales.

(g) Explosives, Fireworks, and Similar Devices. The use or firing of explosives, fireworks, or similar devices which create Impulsive Sound so as to cause a Noise Nuisance across Property Boundary or on a public right of way, without first obtaining a permit to conduct the use from the Township.

(h) The Discharge of Firearms: The outdoor discharge of firearms is prohibited in the VC, VR, and Industrial Districts of Bridgeton Township unless engaged in approved and lawful hunting or in actual self-defense.

(2) The following Noise shall be restricted to ½ hour per day on any block/lot and only during the period of 8AM to Sunset.

(a) Amplified music or drumming played outdoors.

(b) Discharging a firearm on any block/lot (other than within the Village Center, Village Residential and Industrial zones of Bridgeton Township which is expressly prohibited).

(c) Other amplified sounds, announcements, sports reporting, sales or solicitations, political notices or related activities.

(3) Motor Vehicle Prohibitions.

(a) Motorized Dirt Bikes, Mini Bikes, All Terrain Vehicles, Go Carts, Snowmobiles, Jet Skis, Water craft and any other vehicle modified, adopted, designed or used in a similar fashion, and herein referred to as “Specified Motorized Vehicles” shall be operated with a federally approved spark arrestor such that the noise may not exceed 99 decibels at a distance of twenty inches from the rear of the muffler at idle, and the mufflers may not be removed or altered to increase motor noise, or have a cut out by-pass or similar device.

(b) Operation of a Specified Motorized Vehicle where the noise exceeds 65dBA at the property line where used.

(c) Specified Motorized Vehicles shall be limited to the simultaneous use on a single parcel or adjacent parcels by a single owner, to no more than three (3).

C. Prima Facie Violation. The Noise from any of the aforesaid prohibited acts using a decibel method of evaluation or other evaluation method in this ordinance, that witness of disturbance by either: (i) The Bridgeton Township Enforcement Official, or (ii) two persons consisting of either Bridgeton Township Supervisors or law enforcement officers authorized to act in the Township, shall be *prima facie* evidence of a Noise Nuisance.

SECTION 5. Exceptions

A. The maximum permissible sound level limits set forth in the Sound Level Limits by Receiving Land Use/District table shall not apply to any of the following noise sources produced by usual equipment and generally accepted

noise levels for each.

(1) Noise Nuisances for which no complaint is made. To be considered a Noise Nuisance, a complaint must be communicated to the Township.

(2) Firearms from the Bridgeton Sportsman's Association in its present location at the time of the enactment of this Ordinance.

(3) Noise created in the performance of emergency situations or in training by official township-sanctioned groups preparing for such emergency situation.

(4) Sound needed to alert people about an emergency.

(5) The regular testing of the Bridgeton Fire Company alarm system, but no more than twice per week.

(6) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:30 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.

(7) Noises associated with established business or homeowners performing permitted repairs, construction, demolition, yard or tree care and such for and in connection with the property on which the noise emanates.

(8) Household power tools and lawnmowers between the hours of 7:30 a.m. and 8 p.m. During EST time and 7:30 AM and 9p.m. Daylight Savings Time.

(9) Noises associated with firewood preparation for personal heating of home and property – not for resale.

(10) Agricultural activities, including permitted raising of livestock (where permitted), but not exempting a commercial kennel.

(12) Noise made from 12PM (noon) to 10PM during Township approved special events or with a State, County or Township issued permit, such as the Fireman's carnival.

(13) Noise made from 12 noon to 12 midnight on the 4th of July in celebration of Independence.

(14) Routine ringing of bells and chimes by a place of worship or municipal clock.

(15) Vehicles legally operating on a public street, if such noise is regulated by the State Motor Vehicle Code.

(16) Legal hunting activities if such activity, safety and noise is in compliance with Federal and Pennsylvania state laws and regulations.

(17) Noise with special event permits or permission from Bridgeton Township at a public meeting. Special events that are sanctioned by the Township and that comply with the requirements of the events permit will follow the regulations of the events permit, if such permits are being issued by the Township. No permit or verbal approval for special events can be issued to a person, persons or organization with outstanding penalties.

SECTION 6. Enforcement.

A. Authority for Enforcement. Bridgeton Township may appoint an Enforcement Officer, responsible for the enforcement of the provisions of this Ordinance. In the event an Enforcement Officer is not appointed, the position is vacant, or the Officer is unable to execute his or her duties, the Township's Zoning Officer, a Township Supervisor, or person appointed by the Board of Supervisors on a temporary basis shall be responsible for the enforcement of this Ordinance.

B. The provisions of this Ordinance may be enforced by the Bridgeton Township Enforcement Officer or Township Code Enforcement Official, or the persons listed in "A" above with the assistance of the Pennsylvania State Police, or any outside police or enforcement agency or individuals recognized by the Township to enforce this Ordinance.

C. Procedure for Complaint and Enforcement.

(1) A Resident Complaint must be made.

(2) The Township will attempt to resolve the Resident Complaint between parties or with the alleged offender prior to the commencement of enforcement proceedings.

(3) If no informal resolution is obtained in a manner consistent with these provisions within 2 weeks of the date of the Resident Complaint, the Township shall monitor the alleged Noise Nuisance to determine whether the Noise violates this Ordinance.

(4) If a violation is determined to exist, the Township shall be entitled to pursue the enforcement remedies provided in this Ordinance.

D. Resident Complaints. A person, or persons may identify a possible violation by communicating a complaint to Bridgeton Township stating:

(1) The name(s) and address(es) of the complainant;

- (2) the nature of the complaint; and Names and or addresses of location if known of nuisance origin;
- (3) the relevant times and dates of the alleged Noise Nuisance;
- (4) whether there is an expectation of continued noise violation;
- (5) what, if anything , they did to notify the property owner of the property where the sound was originating, if known; and
- (6) steps taken or that can be taken towards resolution of the complaint, such as a meeting between parties to resolve the issue.

D. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$200.00 nor more than \$500.00, plus costs. Each day that a violation of this Ordinance continues shall constitute a separate offense.

F. This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of the Township or any person to such equitable or other remedies as may be otherwise be available with or without the process of law.

SECTION 7. Effective Date.

This ordinance will take effect immediately upon the approval of the Bridgeton Township Board of Supervisors.

SECTION 8. Repealer

All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed.

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 part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Bridgeton Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included therein.

ENACTED by the Board of Supervisors of Bridgeton Township, Bucks County, Pennsylvania, this _ day of _____, 2015 in session duly assembled.

BRIDGETON TOWNSHIP
BOARD OF SUPERVISORS

By: _____

By: _____

ATTEST:

By: _____

Township Secretary