

**EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 217

“NOISE ORDINANCE”

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 27 (ZONING), PART 13 (GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS), SECTION 1330 (PHYSICAL PERFORMANCE REQUIREMENTS), TO DELETE SUBSECTION G (NOISE) IN ITS ENTIRETY; AND TO AMEND CHAPTER 6 (CONDUCT), TO ADD A NEW PART 3 ENTITLED “NOISE” AND CONTAINING THE FOLLOWING SECTIONS: SHORT TITLE; DEFINITIONS; NOISE; AND REMEDIES.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 1330 (Physical Performance Requirements), Subsection G (Noise), is hereby amended to delete such subsection in its entirety.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 6 (Conduct), is hereby amended to add a new Part 3 entitled “Noise”, as follows:

PART 3
NOISE

§6-301. Short Title.

This Part shall be known and may be cited as the “East Coventry Township Noise Ordinance.”

§6-302. Definitions.

For the purposes of this Part, the following terms, phrases, words and forms thereof, shall have the meanings or interpretations given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, words used in the singular include the plural, words used in the male gender include the female, and words used in the female gender include the male. The word “shall” is to be construed to indicate mandatory, not merely directory, action or inaction.

CONSTRUCTION – Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

dB(A) – The abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from an octave band of 1/3 octave band data.

DECIBEL (dB) – A unit of measure, on a logarithmic scale, of the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this Part, 20 micropascals shall be the standard referenced pressure.

DEMOLITION – Any dismantling, destruction or removal of buildings, structures, or roadways.

EMERGENCY – Any occurrence of a set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

IMPULSIVE SOUND – Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

NOISE – The intensity, frequency, duration and character of sound, including sound and vibration of sub-audible frequencies.

NOISE POLLUTION – The presence of noise audible outdoors of sufficient 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, safety and comfort or unreasonably interferes with the peaceful enjoyment of property or

with any lawful business or activity. Noise/sound pressure levels exceeding those permitted in residential districts constitute noise pollution.

PERSON – Any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or corporation responsible for the use of the property.

PUBLIC SPACE – Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

SOUND LEVEL – In decibels, the weighted sound-pressure level measured by the use of a sound-level meter satisfying the requirements of ANSI SI.4, Specifications for Sound-Level Meters. “Sound-Level” and “Noise-Level” are synonymous.

SOUND LEVEL METER – An instrument meeting ANSI SI.4, Specifications for Sound-Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting network or networks that is used for the measurement of sound-pressure levels in a specified manner.

SOUND PRESSURE – Minute fluctuations in atmospheric pressure that accompany the passage of a sound wave.

SOUND-PRESSURE LEVEL – In decibels, 20 times the logarithm to the base 10 of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is to be that of a root-mean-square pressure.

TOWNSHIP – East Coventry Township, Chester County, Commonwealth of Pennsylvania.

VEHICLE or VEHICLES – Any device or combination of devices used for or capable of being used for transporting persons or property. “Vehicle” or “Vehicles” include but are not limited to the following: automobiles, trucks, buses, motorcycles, motorized bicycles, mopeds, mini-bikes, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders and semitrailers.

§6-303. Noise.

The following general noise regulations shall apply in the Township:

1. Purpose.

The purpose of this Part 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, annoying, excessive or offensive noise 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 Part to provide regulations defining the maximum sound levels that all vehicles, appliances and equipment shall be allowed to produce at specified distances from such 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 and residents outside the Township who are impacted by noise emanating from within the Township.

2. Noise Control Enforcement.

- A. The provisions of this Part shall be enforced by the East Coventry Township Police or other persons duly-authorized to enforce this Part by the East Coventry Township Board of Supervisors.
- B. The East Coventry Township Police and other persons authorized to enforce this Part shall possess training in noise enforcement activities.

3. Maximum Permissible Sound Levels.

- A. The sound level of any operation (other than operations involved in the Township approved construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured using a sound level meter and an octave bank analyzer that conform to specifications published by the American Standards Association. American National Standard Specification for Sound Level Meters, S 1.4-1983, American National Standards Institute, Inc., New York, New York, as may be amended from time to time, and the American Standard Specification for an Octave, Half Octave, and Third Octave Bank Filter Sets, S 1.11-2004, American Standards Association Inc., New York, New York, as may be amended from time to time.
- B. Sound-pressure levels shall be measured no closer than the property line of the property upon which the noise emission occurs.
- C. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Frequency Band (Cycles per Second) (Hertz)	Maximum Permitted Sound-Pressure Level (Decibels)
0 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

If the noise is not smooth and continuous or is radiating during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one-hour Period	+5
Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive sound, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)	-5

4. Exceptions. The following shall constitute exceptions to the noise standards set forth in this Part:
- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drill.
 - B. Emergency work to provide electricity, water or other public or private utilities when public health or safety is at risk.
 - C. Operations by Township, County, or Commonwealth employees.
 - D. Public celebrations authorized by the Township.

- E. The operation of machinery and equipment for purposes of excavation, demolition, construction, renovation, agriculture, yard maintenance and similar activities carried on between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 9:00 a.m. and 7:00 p.m. (prevailing time) on Saturday, Sunday and legal holidays.
- F. The operation of machinery and equipment for purposes of excavation and construction on Federal or State roadways or properties.

§6-304. Remedies.

- 1. Violation of any provision of this Part shall be cause for a citation to be issued by the Township Noise Enforcement Officer or another duly-authorized law enforcement officer.
- 2. Abatement orders.
 - A. In lieu of issuing a citation as provided in Subsection 1, Noise enforcement personnel may issue an order requiring abatement of any sound source alleged to be in violation of this Part within a reasonable time period and according to guidelines which the officer may prescribe.
 - B. An abatement order shall not be issued if any person willfully or knowingly violates any provision of this Part, or if the code or law enforcement officer has reason to believe that there will not be compliance with the abatement order.
- 3. Penalties.
 - A. Any person who violates any provision of this Part shall be subject to a fine for each offense of not more than \$1,000.
 - B. If the violation is of a continuous nature, each day (or night, as applicable) during which it occurs shall constitute an additional, separate and distinct offense.
- 4. No provision of this Part shall be construed to impair any common law or statutory cause of action, or legal or equitable remedy therefrom, of any person for injury or damage arising from any violation of this Part or from other law.

SECTION III. – Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent

jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. – Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

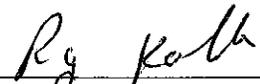
SECTION VI. – Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 9th day of October, 2017.

EAST COVENTRY TOWNSHIP

Attest: 
Bernard A. Rodgers, Secretary

By: 
Ray A. Kolb, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on October 9, 2017 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance amending The Code Of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to amend Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 1330 (Physical Performance Requirements), to delete Subsection G (Noise) in its entirety; and to amend Chapter 6 (Conduct), to add a new Part 3 entitled "Noise" and containing the following sections: Short Title; Definitions; Noise; and Remedies.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**