

Ordinance #44 - Industrial Noise Ordinance

AN ORDINANCE OF HARFORD TOWNSHIP DEFINING AND REGULATING NOISE POLLUTION FROM INDUSTRIAL SOURCES IN AN EFFORT TO PRESERVE THE HEALTH, SAFETY AND WELL BEING OF THE RESIDENTS OF HARFORD TOWNSHIP

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Harford Township,
Susquehanna County, Pennsylvania.

SECTION 1. TITLE. This Ordinance shall be known as the Harford Township Industrial 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 insure that public health, safety and welfare shall not be abridged by the making and creating of unacceptable levels of noise pollution caused by the commercial and industrial use of the lands of Harford Township.

SECTION 4. LEGISLATIVE FINDINGS. The Board of Supervisors have recognized the recent growth of various economic activity tied to industrial and commercial use of the lands and that the people of the Township seek a peaceful quiet atmosphere in which to enjoy the use of their lands. Further, the Township has recognized a need to regulate the levels of noise pollution being released in the Township to avoid disruption of the residents peaceful use of the land and resources of the Township.

ARTICLE II - PERMISSIBLE NOISE LEVELS

SECTION 1. The following test measurements and requirements will be applied for the purpose of determining any noise which may be recognized or heard continually over a length of time that would exceed more than one business day and considered to be excessive or unusually loud and declared to be unlawful and prohibited by this article.

- A. Distance of Measurement
Noise emitted within the jurisdiction of the Township shall be measured at a distance of at least twenty-five (25') from the noise source located within the public right of way, and if the noise source is located on private property or property other than the public right of way, at least twenty-five (25') from the property line of the property on which the noise source is located.
- B. Setback Requirements for new Commercial or Industrial use of the Lands.
1. Any new structures, machines or stationary equipment that may be considered to cause or emit excessive noise pollution will be required to be 200 feet from any adjoining property and the roadway; and 300 feet from any other occupied buildings not located on that parcel of land.

C. Measurement

1. Noise shall be measured on a sound level meter of standard design and quality having specifications recognized and established by the American National Standards Institute.
2. Measurements with sound level meters shall be made when wind velocity at the time and place of the measurement is not more than five (5) miles per hour, or twenty-five (25) miles per hour with a windscreen.
3. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of the sound level measurement.

SECTION 2. PERMISSIBLE DEFINED LEVELS. A noise or recognized noise pollution measured or in excess of the guidelines and measured in accordance with the above requirements is declared to be excessive, unusually loud and is unlawful. The Harford Township Industrial Noise Ordinance maximum allowable noise level will be 50dB (A) during any period of time twenty-four (24) hours per day, seven (7) days per week.

ARTICLE III - PROHIBITION OF EXCESSIVE NOISE & PENALTIES FOR VIOLATIONS

SECTION 1. EXCEPTIONS

1. 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. 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, gas exploration, and other similar short term, specific construction, demolition, or repair projects) for the duration of such short term, specified 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.
 - E. Existing weapons firing ranges during day time hours of 7 AM and 7 PM.
 - F. All farm related operations and activities as currently operated.

G. Any existing legitimate or licensed business, commercial, or industrial operation **as currently operated**, provided any appliance, 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, during the hours of 7 AM and 7 PM.

2. SPECIAL WAIVER. A temporary special waiver from strict compliance with the noise standards specified herein may be granted to persons or a business during emergency circumstances, gas exploration, or pumping operations, and as determined by the Board of Supervisors, to permit reasonable time to effect repairs.

The Township may also grant a Special Waiver of the strict application of this Noise Ordinance for a special, limited time period event that occurs once or twice a year and benefits the community.

Such Special Waiver shall be obtained by application to the Township and a written explanation of the nature of the emergency or other reason that a Waiver is necessary and the expected length of time needed to come to compliance.

The Waiver shall require the approval of a majority of the Board. In the event a Waiver is denied, the applicant may appeal such denial to the Court of Common Pleas of Susquehanna County.

SECTION 2. ENFORCEMENT OFFICERS. This Ordinance may be enforced by any two (2) Township Supervisors.

SECTION 3. ENFORCEMENT PROCEDURES. The following procedures and penalties are prescribed for enforcement of this Ordinance.

- A. Offenses. If it is determined and verified that a constant noise level is excessive, or any part of this Ordinance has been violated, the person or responsible business that caused or permitted the violation may be prosecuted before the District Magistrate. Any violation of this Ordination may be abated by administrative or judicial proceedings, fines and penalties herein provided.
- B. Complaint filing. Any complaint by the affected person, who resides in Harford Township will be required to be in writing, dated and signed. The individual will file the complaint giving specifics as to the day, time of occurrence of the incident that may have prompted the concern. Complaint will be filed at the Harford Township office. The Township Supervisors will be allowed a reasonable time to respond to the complaint.
- C. 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 4. 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 (Crime 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 5 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 one-thousand (\$1000.00) 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 6. 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 7. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect five (5) days from the date of adoption.