

SLIPPERY ROCK BOROUGH

ORDINANCE NO. 673

AN ORDINANCE OF SLIPPERY ROCK BOROUGH, BUTLER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 573, ADOPTED JULY 6, 1999, CODIFIED AS CHAPTER 193, ARTICLE 1 (LOUD, DISTURBING AND UNNECESSARY NOISE), OF THE SLIPPERY ROCK BOROUGH CODE OF ORDINANCES, AND ALL PREVIOUS AMENDMENTS THERETO.

WHEREAS, Chapter 193 of the Slippery Rock Borough Code of Ordinances sets forth regulations and penalty provisions relative to imposition of regulations and penalties to potential noise violations, and;

WHEREAS, Slippery Rock Borough Council has determined it to be necessary to amend Chapter 193, Article 1, in order to set forth reasonable restrictions in an objectively-measurable manner.

BE IT HEREBY ORDAINED AND ENACTED that Chapter 193, Article 1 of the Slippery Rock Borough Code of Ordinances, Noise, be and is hereby amended as follows:

Section 193, Article I, is deleted in its entirety and replaced with the following:

ARTICLE I: LOUD, DISTURBING AND UNNECESSARY NOISE

§ 193-1 Definitions.

The following word meanings shall apply in this chapter:

ANSI - The American National Standards Institute.

PROHIBITED NOISE- See Section 193-2, below.

SOUND LEVEL METER (SLM) - An instrument for measuring sound pressure which instrument shall meet or exceed the requirements of the American National Standards Institute (ANSI) for a sound level meter.

WINDGUARD - A porous or open-celled plastic foam cover used to attenuate wind noise entering a microphone.

§ 193-2 Unnecessary and excessive noise prohibited.

Prohibited Noise, within the meaning of this Chapter, is specifically defined to include the following:

- A. The use of a horn or other warning device, otherwise than as a reasonable warning, or the making of any unnecessary or unreasonable, loud or harsh sound by means of a horn or other warning device.
- B. The playing of any radio, phonograph, or any musical instrument for a period in excess of ten (10) continuous minutes in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or any dwelling, hotel or other type of residence or of any persons in the vicinity thereof.
- C. Yelling, shouting, hooting, whistling or singing on the public streets so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any persons in the vicinity thereof, for a continuous period in excess of ten (10) minutes, and between the hours of 10:00 p.m. and 7:00 a.m. This provision shall include noise

generated from gatherings held at private residences, and outdoors, between 10:00 p.m. and 7:00 a.m.

- D. Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or long continued noise, for a period in excess of ten (10) continuous minutes, of such character or intensity as to disturb the comfort or repose of any person.
- E. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays.
- F. Loudspeakers and/or amplifiers upon public streets: use or operation of, or permitting the use or operation of, any radio, CD player, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device designed or intended to produce or reproduce sound which is audible upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any thing or activity or to any building or structure, for a continuous period in excess of ten (10) minutes.
- G. The operation of any device or activity that causes noise in excess of 90 decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighting scale at a distance of 25 feet from any property line of the property on which the noise source is located.
 - i. When measuring sound level pursuant to this subsection, Acoustical Survey (SLM) Measurement method shall be used, as follows:
 - a. An ANSI approved sound level meter (SLM), operated by a qualified technician, shall be used in all instances. The SLM shall be of a type in current general use. An approved windguard shall be placed over the SLM's microphone during the recording of all measurements. SLM reading shall be recorded at a distance of 25 feet from any property line of the property on which the noise source is located.
 - b. Instrument readings. The following instrument readings should be obtained:
 - i. Impulsive, Continuous and Intermittent continuous sound:
 1. A minimum of 20 separate readings shall be recorded at any individual geographic SLM location.
 2. A minimum of three minutes (180 seconds) shall elapse between each separate SLM reading.
 3. The average of each set of 20 readings shall be calculated and reported for a specific geographical SLM location.
 - ii. Impact sound.
 1. A minimum of 20 peak SLM readings, including the time in seconds separating each peak impact event, as well as the total time period of the entire impacts event measurement, shall be recorded at each specific geographical SLM location. A minimum measurement period of one hour per SLM location shall be required.

2. The average of each set of 20 readings shall be calculated and reported as the impact reading for a specified time period relative to a specific geographical SLM location.

§ 193-3 Exceptions

None of the terms or prohibitions hereof shall apply to or be enforced against:

- A. Any vehicle or personnel of the Borough while engaged in necessary public business.
- B. Noise associated with routine property maintenance during the hours of 7:00 a.m. and 10:00 p.m.
- C. Excavations or repairs of bridges, streets or highways by or on behalf of the Borough during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the daytime. In such case, and to the extent possible, a permit for work of this nature must be obtained from the Borough Manager, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues.
- D. Parades with band music on holidays or during events conducted by the Borough, civic organizations, or by the public schools or divisions of the public schools.
- E. Noise generated by activities conducted in public parks.
- F. School or team sports events which may or may not be accompanied by cheering and/or music.
- G. The reasonable use of amplifiers or loud speakers in the course of public addresses which are noncommercial in character.
- H. Fireworks exhibits held under permit by the Borough.
- I. Special events with prior approval granted by the Borough.

§ 193-4 Temporary permit; fee.

The Borough Council, at its discretion, may issue a temporary operating permit to the operator of industrial equipment which is in violation of this chapter. The fee for said permit shall be set forth in the most recently adopted fee resolution. The amount of said fee may be changed from time to time by resolution of the Borough Council. In no event shall a temporary operating permit be issued to the operator of industrial equipment which is in violation of this chapter for a period of time in excess of seven days.

§ 193-5 Private complaint procedure.

When not initiated by the Borough Code Enforcement Officer, a formal, written complaint, signed and dated by the complainant(s), shall be required to initiate action under this Ordinance. When a Complaint is made of a violation of Section 193-2 (G), a sound level survey as described herein shall be conducted, and a report of the survey findings shall be presented to Borough Council. In all Complaints, the Borough Council shall review the Complaint and determination of the Code Enforcement Officer, and shall outline of further action, or no further action, to be taken by the Board.

§ 193-6 Cost of SLM measurements to be assessed.

When acoustical survey (SLM) measurements are necessary for enforcement or complaint investigation under this Ordinance, the costs for the same shall be assessed as follows:

- A. All costs for any acoustical survey (SLM) measurements which prove a sound source is in violation of this chapter shall be assessed against the operator or owner. Said costs shall be in addition to any fines which may be imposed by the Borough.
- B. All costs for any acoustical survey (SLM) measurements which prove a sound source is not in violation of this chapter shall be assessed against the individual person(s) or other entity complainant.

§ 193-7 Violations and penalties.

- A. If any person, operator, company, corporation or other entity is in violation of any of the conditions, restrictions or requirements or any of the provisions of this chapter and/or neglects or refuses to comply with the provisions of this chapter, he shall be guilty of a violation and for each such violation, upon conviction thereof before a District Justice, he shall be sentenced to pay a fine of not more than \$1,000 along with costs of prosecution, and imprisonment to the extent allowed by law for the punishment of summary offenses, provided that each day's violation shall constitute a separate violation.
- B. In addition, the Borough shall have the right to enforce this chapter or to remedy conditions occasioned by violations of this chapter by actions instituted in equity or at law.

ORDAINED AND ENACTED by the Council of the Borough of Slippery Rock, Butler County, Pennsylvania, at its meeting held on the ____ day of September, 2023.