

**TOWNSHIP OF LEWIS
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-10

**AN ORDINANCE OF THE TOWNSHIP OF LEWIS,
NORTHUMBERLAND COUNTY, PENNSYLVANIA ESTABLISHING
NOISE PROTECTION LEVELS WITHIN THE TOWNSHIP; DECLARING
THAT NOISE LEVELS IN VIOLATION OF THIS ORDINANCE
CONSTITUTE DISTURBANCES OF THE PEACE; PROHIBITING
CERTAIN NUISANCES; ESTABLISHING PENALTIES FOR
VIOLATIONS; AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the Supervisors of the Township of Lewis, County of Northumberland, Commonwealth of Pennsylvania, have determined that excessive noise within the Township adversely affects the health, safety and welfare of the residents of the Township; and

WHEREAS, the Supervisors have determined that excessive noise within the Township constitutes a nuisance and that adoption of an ordinance prohibiting excessive noise will help secure the safety of persons and property within the Township and is in the best interests of the residents of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lewis Township, Northumberland County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the Lewis Township Noise Protection Ordinance.

Section 2. Authority and Purpose.

A. This Ordinance is enacted pursuant to the Second Class Township Code, 53 P.S. §§65101-68701, as amended, including without limitation Sections 1527, 1529 and 1601 of the Second Class Township Code, 53 P.S. §§66527, 66529 and 66601, as amended.

B. The purpose of this Ordinance is to protect the public health, safety and welfare within the Township; to define certain noise levels as disturbances of the peace within the Township; to prohibit certain nuisances within the Township; and to establish procedures for enforcement of violations hereof. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Section 3. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.
- B. "Supervisors" shall mean the Supervisors of Lewis Township, Northumberland County, Pennsylvania or their designee.
- C. "Township" shall mean the Township of Lewis, Northumberland County, Pennsylvania.

Section 4. Noise Protection Levels.

A. **Maximum Permitted Sound Pressure Levels.** Except as otherwise set forth herein, no Person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the decibel levels in the designated octave bands stated below, when measured at any property line of the property upon which the emission occurs:

TABLE 1 – MAXIMUM PERMITTED SOUND-PRESSURE LEVELS

Frequency Band (Cycles per Second)	Maximum Permitted Sound-Pressure Level (Decibels)
0-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Above 4800	32

Sound-pressure levels shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.

B. **Noise Correction Levels.** If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels set forth above:

TABLE 2 – NOISE CORRECTION LEVELS

Type of Operation or Character of Noise Corrections in Decibels

Noise between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. - 3

Noise occurring less than five percent (5%) of any one-hour period + 5

Noise of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above. - 5

C. **Exemptions to Noise Standards.** The maximum permissible sound level limits set forth above shall not apply to any of the following noise sources:

1. Emergency vehicles and sound needed to alert people about an emergency, including building, equipment, or facility security and fire alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m., prevailing time, except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawn mowers between the hours of 8:00 o'clock a.m. and 9:00 o'clock p.m., prevailing time.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m., prevailing time, except for clearly emergency repairs which are not restricted by time.
5. Agricultural activities, including permitted animal husbandry, but not exempting kennels, within the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m.
6. Operation of motor vehicles on state-owned roadways.
7. Public celebrations specifically authorized by the Township or a county, state, or federal government agency or body.
8. Railroads and aircraft.
9. Unamplified human voices.
10. Routine ringing of bells and chimes by a place of worship or municipal clock.

D. Noise levels within the limits of the Township that are prohibited in this Ordinance shall constitute disturbances of the peace.

E. Gas cannons, scare guns, automatic exploders, and other similar noise making devises used for bird or pest control shall be used at all times in a manner consistent with proper and accepted customs and standards and shall not be used between the hours of 9:00 o'clock p.m. and 7:00 o'clock a.m. Any violation of this paragraph constitutes a disturbance of the peace.

Section 5. Violations.

A. Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

B. Each day or each portion thereof that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

C. In addition to or in lieu of enforcement of this Ordinance as a summary offense, the Township may enforce this Ordinance through an action in equity brought in the Court of Common Pleas of Northumberland County.

Section 6. Abatement of Nuisances.

In addition to any other remedies provided in this Ordinance, any violation of this Ordinance shall constitute a nuisance and may be abated by the Township either by seeking mitigation of the nuisance or by appropriate equitable or legal relief from a court of competent jurisdiction.

Section 7. Repeal.

All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 8. 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 of the Township, that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 9. Effective Date.

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 3 day of August, 2016, by the Supervisors of the Township of Lewis, County of Northumberland, in Lawful Session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF
LEWIS TOWNSHIP

By: Lucinda R Bomberger
Lucinda Bomberger, Secretary

By: Willard Murray
Willard Murray, Chairman

By: Duane M. Blakeney
Duane M. Blakeney, Vice Chairman

By: J. Douglas Bomberger
J. Douglas Bomberger, Supervisor

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of Lewis Township, Northumberland County, Pennsylvania, at a regular meeting the Board on August 3, 2016.

By: Lucinda R Bomberger
Lucinda Bomberger, Secretary