

TOWNSHIP OF SCOTT

ORDINANCE NO. 1089-23

AN ORDINANCE OF THE TOWNSHIP OF SCOTT, ALLEGHENY COUNTY, PENNSYLVANIA ESTABLISHING NOISE LEVEL LIMITATIONS WITHIN THE TOWNSHIP; SETTING FORTH EXEMPTIONS; AND ESTABLISHING ENFORCEMENT PROCEDURES, VIOLATIONS, AND PENALTIES

WHEREAS, the Board of Commissioners of the Township of Scott ("Board of Commissioners") finds that it will promote the health, safety, and public welfare of the citizens of the Township of Scott ("Township") if enforceable standards are provided to prevent loud, excessive or unreasonable noise in the Township; and

WHEREAS, the Board of Commissioners seeks to regulate and limit unlawful noises to ensure that the residents of the Township may peacefully enjoy the properties that they occupy; and

WHEREAS, the Board of Commissioners desires to set forth limitations on the noise levels permitted within the Township and to provide for certain exceptions to those limitations; and

WHEREAS, the Board of Commissioners has determined that the following time, place and manner regulation of noise disturbances and noise levels will promote and protect the health, safety and general welfare of the Township and its citizens.

NOW THEREFORE, THE TOWNSHIP OF SCOTT HEREBY ORDAINS, by and through its Board of Commissioners, as follows:

Section 1.

- A. **Title.** This Ordinance shall be known and cited as the "Noise Control Ordinance" of Scott Township, Allegheny County, Pennsylvania.
- B. **Purpose.** The purpose of this Ordinance is to establish an effective means of regulating and controlling loud and offensive sound and noise within the Township to promote the health, safety and general welfare for residents and visitors.
- C. **Noise Regulations.** No operation or activity shall cause or create noise in excess of the sound levels prescribed below. For the purposes of this Ordinance, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighting network corresponding to the A-scale on a standard sound level meter.
 1. **Residential Districts:** At no point on or beyond the boundary of any lot within a residential district shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of fifty-nine (59) dBA; from 9pm to 7am

and for more than one (1) hour per twenty-four (24) hour period during the hours of 7am to 9pm.

2. C-1, C-2 and C-2-A Districts: At no point on or beyond the boundary of any lot within a commercial district shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA; from 9pm to 7am and for more than one (1) hour per twenty-four (24) hour period during the hours of 7am to 9pm.
3. C-3 and I Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA; from 9:00 pm to 7:00 am for more than one (1) hour per twenty-four (24) hour period during the hours of 7:00 am to 9:00 pm.
4. Where two zoning districts in which different noise levels are prescribed, share a common boundary, the most restrictive of the noise level standards shall govern.

D. Exemptions. The following uses or activities shall be exempted from the noise regulations:

1. Noises emanating from construction and/or maintenance activities between 7:00 am and 9:00 pm; and
2. Noises caused by safety signals, warning devices and other emergency-related activities or uses.

E. Compliance with applicable law and regulation.

1. In addition to these regulations, all uses or activities within the Township shall conform to any applicable county, state, or federal noise regulations. Wherever the regulations contained in this Ordinance are in variance with any other lawfully adopted rules or regulations, the most restrictive requirements shall govern.

F. Procedures for determining compliance. Where it is determined that the ambient noise level exceeds the maximum allowable noise level for that use, the maximum permitted noise level shall be increased to 5 dBA above the average ambient noise level measured. The ambient noise level shall be determined by measuring the composite of the existing environmental noise from all sources at a given location for a period of at least fifteen (15) minutes and shall exclude the contribution of a source or sources under investigation. The following procedures shall be used for determining compliance:

1. The location of the microphone of the measurement system shall be on the subject property boundary at a point approximately ten (10) feet from any obstruction (building walls, trees, bushes, automobiles, etc.). In the event such location criteria cannot be achieved, a location other than the property boundary may be selected provided it permits conformance with the provisions stated herein.
2. No person, other than the operator, shall be within ten (10) feet of the microphone used with the sound measurement system during the measurement period.
3. The sound measurement system shall be calibrated in accordance with the manufacturer's instructions and shall be certified as having been calibrated within the previous 365 days of the measurement date.
4. All measurements shall be conducted with the sound level meter set on the A-weighted scale "fast" response reading level.
5. The minimum measurement period shall be fifteen (15) minutes and all measurements shall be for the same length of time using the same intervals.

6. A series of ambient noise level measurements shall be taken when the alleged noise source is not in operation.
7. A series of noise level measurements shall be taken when the alleged noise source is operating.
8. The difference between the average ambient noise level shall be compared to the average noise level when the source is operating.
 - i. If the average noise level of the alleged noise source is found to exceed the average ambient noise level by 5dBA units or more, the alleged noise source shall be found in violation of these regulations.

G. Enforcement; violations and penalties.

1. Criminal Enforcement. Any person who is found to have violated an order of the Township or who willfully or negligently failed to comply with the provisions of this Ordinance and the orders, rules, and regulations, issued hereunder shall be prosecuted by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township shall pursue criminal fines not to exceed \$1,000 for the violation of this Ordinance and imprisonment to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Ordinance that is violated shall also constitute a separate offense. The Township may also take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this Ordinance and recover the fees, expenses and costs associated with enforcement. This Ordinance shall in no way restrict any remedies, including but not limited to injunctive remedies, otherwise available and provided by law.
2. Civil Enforcement. In the event the procedures set forth in subsection G(1) are inapplicable, the Township shall proceed pursuant to this subsection, (G)(2). Any person who violates or permits a violation of this Ordinance shall pay a fine of \$600. If this fine is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a district justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. The Township shall be exempt from the payment of costs in any civil case brought to enforce this Ordinance. In addition to or in lieu of enforcement under this section, the Township may enforce this Ordinance in equity in the Court of Common Pleas of Allegheny County.
3. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each section of this Ordinance which is found to have been violated.

Section 2. SEVERABILITY

If any provision or provisions of this Ordinance shall be deemed by a court of law having jurisdiction over such matters to be unenforceable, invalid, or unconstitutional for any reason, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof that is not specifically declared to be.

Section 3. CONFLICT OF LAWS OR ORDINANCE PROVISIONS

Whenever the regulations of this Ordinance conflict with each other, or with the requirements of another statute, the more restrictive standard shall govern.

Section 4. REPEALER

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

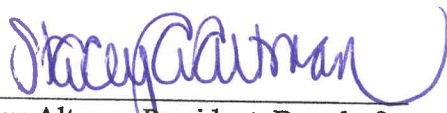
BE IT ORDAINED AND ENACTED, this 24th day of October, 2023, by the Commission of the Township of Scott at its regular scheduled meeting.

ATTEST:



Township Manager/Secretary

TOWNSHIP OF SCOTT



Stacey Altman, President, Board of Commissioners

APPROVED TO AS TO FORM:



Township Solicitor



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