

**ORDINANCE NO. 2-2000**  
**HICKORY TOWNSHIP**  
**NOISE PERFORMANCE STANDARDS ORDINANCE**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HICKORY TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA, PROVIDING FOR NOISE PERFORMANCE STANDARDS AND REGULATIONS FOR VEHICLES AND EQUIPMENT; PROVIDING FOR EXEMPTIONS THEREFROM; AND PROVIDING FOR SOUND LEVEL MEASUREMENTS FOR THE PURPOSE OF PROVIDING OBJECTIVE STANDARDS OF MEASUREMENT OF NOISE LEVELS FOR OPERATION OF VEHICLES AND EQUIPMENT IN HICKORY TOWNSHIP; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Hickory Township, Lawrence County, Pennsylvania, pursuant to the provisions of 53 P.S. 66529, of the Second Class Township Code, as follows:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to promote the public health, safety and general welfare of the residents of Hickory Township; to preserve the tranquil qualities of the Township; to provide for regulations governing the emission of noise, which because of intensity or frequency may be objectionable to members of the general public; to establish standards for the emission of noise by motor vehicles and equipment within the Township, and to provide for sanctions for violation of said standards.



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## SECTION 2. GENERAL STANDARDS.

Noise which is determined to be objectionable because of intensity or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.

No person shall create or allow the creation of any such noise; or operate or cause to be operated any source of sound, on property owned, leased, occupied or otherwise controlled by such person, which causes 10 min. leg in accordance with the following:

## SECTION 3. DEFINITIONS.

### (1) Decibel (db).

A unit of sound level which is a division of logarithmic scale used to express the ratio of the sound pressure of the source to the pressure and of an arbitrarily chosen reference pressure,  $2 \times 10^{-5}$  Pa the ratio is expressed on the decibel scale by multiplying its "base 10 logarithm" by 20.

### (2) Weighted Ten Minute Equivalent Sound Level (10 min leg).

The equivalent sound level is the level in dBA of hypothetical constant sound which represents the same acoustic energy arriving at a given location over a period of ten minutes as the actual

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sound as the same is referenced in Noise Control for Engineers, Lord, et al., McGraw Hill, 1980 and Acoustics, Beranek, McGraw Hill, 1954.

(3) Motor Vehicle.

Any vehicle which is propelled or drawn on land by motor, such as but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, racing vehicles, and motorcycles.

(4) Noise.

An oscillation in pressure, particle displacement, particle velocity or other such physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

**SECTION 4. SPECIAL REGULATIONS.**

No person shall create or permit to be created any sound which can be heard at a residence in any Residential Zoning District, as follows:

- (1) Any amplified sound and/or any repetitive animal sound raising the background 10 min. Leg by 3 dBA or more.
- (2) Sound from appliances or equipment raising the background 10 min. by Lda by 3 dBA or more except where exempt.



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- (3) Sound from a party causing an increase of 3 dBA or more over the background 30 min. Leq.
  - (4) Sound from any commercial or industrial activity where located in a residential or other district causing an increase of 3 dBA or more over the background 10 min Leq.

**SECTION 5. VEHICLES.**

No person shall operate a motor vehicle, except police, fire equipment, ambulances, or other government emergency vehicles, at any time or under any condition in such a manner as to raise the background 30 min. Leq by 3 dBA or more based on a distance of fifty (50) feet from subject vehicle.

**SECTION 6. EQUIPMENT.**

No person shall operate any powered equipment or powered hand tool that produces a 3 dBA or more 10 min. Leq to the following background noise levels at a distance of fifty (50) feet.

**TYPE OF EQUIPMENT**

**BACKGROUND MEASUREMENT  
LEVEL**

- (1) Construction and industrial machinery such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, pavement breakers, truck loaders, conveyor belts, stone crushers, compressors and pneumatic power equipment, but not including pile drivers.

10 min. Leq.





- (2) Agricultural tractors and equipment. 10 min. Leq.
- (3) Powered commercial equipment of 2HP or less intended for infrequent use in residential areas, such as chainsaws, pavement breakers, log chippers, powered hand tools, etc. 10 min. Leq.
- (4) Powered equipment intended for repetitive use in residential areas such as lawnmowers, small lawn and garden tools, riding tractors, snow removal equipment, etc. 10 min. Leq.

#### SECTION 7. EXEMPTIONS.

Noise emitted from the following sources shall be exempt from the noise standards specified herein:

- (1) All safety signals and warning devices (e.g. intrusion alarms, back-up alarms or 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).
- (2) The provision, repair and maintenance of municipal services or public utilities.
- (3) Bells, chimes, and carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons that are currently in use for any purpose.
- (4) Appliances, lawn and garden equipment, snow removal equipment and household power tools in use between the hours of 7:00 a.m. and 9:00 p.m. provided such are operated within the manufacturer's specifications and with all standard noise reducing equipment in use, unmodified, and in proper operating condition.



- (5) Heavy construction equipment when by used for relatively short period of time on a specific short term project (such as construction of a building; construction, repairing or cleaning a road; drilling a well; and other similar short term, specific construction, demolition or repair projects) in use between the hours of 7:00 a.m. and 9:00 p.m., for the duration of such short term, specific 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.
- (6) Air conditioners, fans, heating units and similar comfort devices provided such are operated within the manufacturer specifications.
- (7) Airplanes, helicopters, and normal activities of properly licensed airports.
- (8) Musical, recreational and athletic events conducted by or permitted by Laurel School District or Hickory Township Board of Supervisors.
- (9) Activities conducted by the Lawrence County Fair Board during their annual County Fair Program Week, and other agricultural related activities.
- (10) Other activities granted by construction permits.

#### SECTION 8. MISCELLANEOUS.

Sound level measurements shall be made by equipment which meets the precision standards of IEC 179/1973 or revisions thereof for Precision Sound Level Meters. Octave Filters must satisfy the requirements of ANSI 1.11-1966 and IEC Recommendations 255 or revisions thereof. Equipment must be calibrated immediately before and immediately after a measurement is taken. Calibration equipment must meet the standards of IEC 942 or revisions thereof.



**SECTION 9. SEVERABILITY.**

If any provision of this Ordinance, or the application of any provision to particular circumstances, is held invalid, the remainder of this Ordinance, or the application of such provision to other circumstances shall not be affected.

**SECTION 10. REPEAL.**

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

**SECTION 11. PENALTY.**

Whoever shall violate this Section shall be fined not more than Five Hundred (\$500.00) Dollars for each offense and costs.

**SECTION 12. NOTICE TO ABATE.**

(A) After report of excessive noise levels emitting from a property in Hickory Township, the Supervisors of Hickory Township, Lawrence County, Pennsylvania, shall conduct tests to measure the sound levels emitting from said property, and, if found by the Board of Supervisors of Hickory Township, or their designated agent, to be in excess of the regulations established pursuant to this Ordinance, the Supervisors of Hickory Township shall give written notice to the owner or agent of the owner, or anyone in possession of the property, by personal service or certified mail, of the violation of the standards established



by this Ordinance. The owner or agent of the owner shall, or anyone in possession of the premises, within five (5) days from the date he/she receives written notice, abate the nuisance by ceasing to conduct operations in such a fashion that the noise levels are abated, or by making repairs to the subject premises so that the offending noise levels are not heard by neighboring property owners. Failure of any such person to abate the nuisance within such period time shall result in a violation of this Section.

**SECTION 13. CONTINUATION AFTER NOTICE TO ABATE.**

After notice to abate has been given to owner or agent of the owner or anyone in possession, and in his/her neglect, failure or refusal to comply with the Notice, the Township officers or their agent or agents may, repair, maintain or remove said nuisance. A municipal claims shall be brought by the Township for costs incurred in abating the nuisance from the owner along with fines and costs prescribed by this Section.

Any claim commenced under this Section, charging the owner of the property with a violation on a particular date, and maintenance of the same nuisance by the owner one week or more after the date, shall constitute a new and separate violation of the provisions of this Section, and the owner shall be subject

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to fines and costs for each week he/she permits the nuisance to remain unabated.

(A) Penalty.

Whoever shall violate this Section shall be fined not more than Five Hundred (\$500.00) for each offense and costs.

**SECTION 14.** This Ordinance shall become effective five (5) days after it is enacted.

ORDAINED AND ENACTED into an Ordinance by the Board of Supervisors of Hickory Township, Lawrence County, Pennsylvania, on this 2nd day of OCTOBER, 2000.

ATTEST:

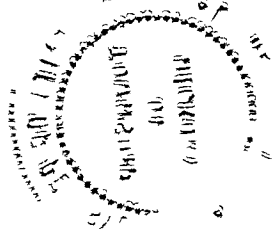
HICKORY TOWNSHIP BOARD OF SUPERVISORS

*Kathleen J. Gargasz*  
KATHLEEN J. GARGASZ  
Township Secretary

BY: *Richard J. Lukas*  
RICHARD LUKAS, Chairman

BY: *Stewart Michaels*  
STEWART MICHAELS, Supervisor

BY: *Scott Mitcheltree*  
SCOTT MITCHELTREE, Supervisor



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