

**SHIPPENSBURG TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2011-02**

**AN ORDINANCE TO AMEND EXISTING SHIPPENSBURG TOWNSHIP  
NOISE ORDINANCE, NO. 98-4**

It is hereby enacted and ordained by the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania that the Shippensburg Township Noise Ordinance, Ordinance No.98-4, be amended to read as follows:

**SECTION 1: Purpose.**

The Board of Supervisors of Shippensburg Township, finding that excessive levels of sound are detrimental to the physical, mental and social well being of the people, as well as to their comfort, living conditions, general welfare and safety, and being, therefore, a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within Shippensburg Township.

**SECTION 2: Title.**

This ordinance shall be known as the “Shippensburg Township Noise Control Ordinance.”

**SECTION 3: Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this chapter and not defined below shall be in conformance with the applicable publications of the American National Standards Institute [ANSI S1.1 – 1960 (R1971) and its revisions] or its successor body.

**AMBIENT NOISE** – The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

**A-WEIGHTED SOUND LEVEL** – The sound-pressure level in decibels, as measured on a sound-level meter using the A-weighted network. The level so read is designated “dB(A).”

**CONSTRUCTION OPERATION** – The erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

**DECIBEL (dB)** – A unit for measuring the sound-pressure level, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**EMERGENCY** – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

**EMERGENCY WORK** – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**IMPULSIVE SOUND** – Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

**MUFFLER OR SOUND-DISSIPATIVE DEVICE** – A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

**NOISE** – Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**NOISE DISTURBANCE** – Any sound which is in excess of the sound levels by zoning district establishes in Section 5 of this Ordinance.

**PERSON** – Any individual, association, partnership or corporation, and includes officers, employees, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing penalty, “person” includes individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporations, the officers and managers thereof, or any of them.

**POWERED MODEL VEHICLE** – Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

**PROPERTY LINE (BOUNDARY)** – Any imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons; a demarcation or a line of separation of properties; and also, for any two or more buildings sharing common grounds, the line drawn midway between any two said buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purposes of this ordinance, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing officer.

**PUBLIC RIGHT-OF-WAY** – Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

**PUBLIC SPACE** – Any real property or structures thereon which are owned or controlled by a governmental entity, church or civic organization.

**PURE TONE** – Any sound which can be heard as a single pitch or a set of single pitches. For the purpose of this ordinance, a pure tone exists if the 1/3 octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of the two contiguous octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

REAL PROPERTY – All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

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

SOUND LEVEL – The weighted sound-pressure level obtained by the use of a sound-level meter and frequency-weighting network, such as A, B or C, as specified in American National Standards Institute specification for sound-level meters (ANSI S1.4-1974, or the latest revision thereof). If the frequency-weighting employed is not indicated, the A-weighting shall apply.

SOUND-LEVEL METER – An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound-pressure levels which meets or exceeds the requirement for a Type I or Type II sound-level meter as specified in ANSI Specification S1.4-1974. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

ZONING DISTRICTS – The land use districts established in the Shippensburg Township Zoning Ordinance of 2008, and all subsequent amendments.

#### **SECTION 4: Prohibited acts.**

- A. Noise disturbance prohibited. No person shall make or continue, or cause to be made or continued, any noise disturbance.
- B. Specific prohibitions. In addition to noise disturbances prohibited under Subsection A above, the following acts, and the causing thereof, are declared to be noise disturbances and therefore a violation of this ordinance.
  - 1. Radios, television sets, digital music playing devices, musical instruments and similar devices: operating, playing or permitting the operation or playing of any radio, television, phonograph, digital music playing device, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high-fidelity equipment or similar device which produces, reproduces or amplifies sound.
    - a) At any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 11:00 p.m. and 6:00 a.m. so as to be plainly audible across a property line (boundary).
    - b) In such a manner as to create a noise disturbance across a property line (boundary) or at 50 feet from such device, whichever is less,

when the device is operated in or on a motor vehicle or hand-carried on a public right-of-way or public space.

- c) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger or common carrier.
2. Yelling and shouting, etc.: engaging in loud yelling, shouting, hooting, whistling or singing.
    - a) At any time in such a manner as to cause a noise disturbance across a property line (boundary).
    - b) Between the hours of 11:00 p.m. and 6:00 a.m. so as to be plainly audible across a property line (boundary).
    - c) On the public streets between the hours of 11:00 p.m. and 6:00 a.m.
  3. Construction:
    - a) Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:
      - 1) Between the hours of 11:00 p.m. and 6:00 a.m. the following day on weekdays and Saturdays, or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance across a residential real property line (boundary), except for emergency work. In the event that extraordinary circumstances require construction on a Sunday or legal holiday, such construction may be permitted only upon prior notification of and approval by the Township, which shall have sole discretion to approve or deny the request. The Township shall issue a permit as evidence of approval.
      - 2) At any other time such that the sound level at or across a real property line (boundary) exceeds 85 dB(A) for a period of one hour.
    - b) This section shall not apply to the use of domestic power tools subject to Subsection 4 below.
  4. Domestic Power Tools: operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors in residential areas between the hours of 11:00 p.m. and 6:00 a.m. so as to cause a noise disturbance across a residential property line (boundary).
  5. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or

similar objects between the hours of 11:00 p.m. and 6:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property line (boundary). This section shall not apply to municipal or utility services in or about the public right-of-way or to licensed refuse haulers.

6. Animals and birds:

- a) Owning, possessing, harboring or controlling any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person at any time of day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.
- b) This subsection only applies when two or more persons who reside in separate residences (including apartments and condominiums) located across a property line (boundary) from the property on which the source of the noise is generated file complaints about the animal or bird. However, prior to filing the complaint, the complainants must first request the person owning, possessing, harboring or controlling the animal or bird to take action to prevent the animal or bird from creating a noise disturbance. If, after making the request to the person owning, possessing, harboring or controlling the animal or bird, the noise disturbance continues, a complaint may be filed.

7. Powered model vehicles: operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property line (boundary) between the hours of 11:00 p.m. and 6:00 a.m.

8. Street sales: offering for sale or selling by shouting or outcry, or by any other amplified or unamplified sound, within any residential or commercial area of Shippensburg Township, except between the hours of 6:00 a.m. and 11:00 p.m.

9. Tampering. The following acts or the causing thereof are prohibited:

- a) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair or replacement, of any muffler or sound-dissipative device or element of design or noise label of any product.
- b) The use of a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

10. Vehicles, motorboat or aircraft repairs and testing: repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary).

C. Motor vehicle prohibitions

1. Motor vehicles and motorcycles on public rights-of-way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such a vehicle, exceeds the level set forth in Title 67, Chapter 450, of the Pennsylvania Department of Transportation Regulations (Established Sound Levels).
2. Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).
3. Unnecessary horn blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such a vehicle.
4. Sound trucks. No person shall operate sound-amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth in subsection C(1) of this Section.

- D. Prima facie violation. The noise from any of the aforesaid prohibited acts that disturbs two or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences (including apartments and condominiums) located across a property line (boundary) from the property on which the source of the noise is generated shall be prima facie evidence of a noise disturbance.

**SECTION 5: Sound levels by zoning district.**

- A. Maximum permissible sound levels by zoning district. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the zoning designation's category in Table 1 when measured at or across the property line (boundary) from the noise source. Any sound source that produces sound in excess of those levels shall constitute a noise disturbance.

**Table 1 – Sound Levels by Zoning District**

<b><u>Zoning District of the Property on Which the Source of the Noise is Located</u></b>	<b>Sound Level Limit</b>	
	<b><u>6:00 a.m. to 11:00 p.m.</u></b>	<b><u>11:00 p.m. to 6:00 a.m.</u></b>
Residential (R-1, R-2, MU)	57 dB(A)	52 dB(A)
Non-residential (A, C-1, C-2, I, U)	60 dB(A)	55 dB(A)

- B. When exceeded. The sound-level limits set forth in Table 1 shall be exceeded when any one or more of the following occur:
1. The sound at any one point in time exceeds any of the established zone limits in Table 1 by a measured sound level of 15 dB(A).
  2. The sound exceeds any of the established zone limits in Table 1 by a measured sound level of 10 dB(A) for a cumulative total of one minute or more out of any ten-minute period.
  3. The sound exceeds any of the established zone limits in Table 1 by a measured sound level of three dB(A) continuously for a period of five minutes, or a total of five minutes out of any ten-minute period.
- C. Ambient sound. In the event that the background ambient sound levels in an area of suspected noise disturbance exceed the levels set forth in Table 1, the sound level of the intrusive sound source shall be measured with the ambient background sound level being substituted as the Table 1 sound-level limit.
- D. Where measured. For the purposes of this section, sound shall be measured at or beyond the property line (boundary) of the property on which the noise source is located.
- E. Pure tone and impulsive sound. For any source of sound which emits a pure tone or impulsive sound, the limits set forth in Table 1 shall be reduced by five dB(A).
- F. Adjustment for nonconforming uses. Any noise which occurs on property which, according to the Shippensburg Township Zoning Ordinance of 2008 is being used in a legally nonconforming manner, and which noise relates to said use, shall be judged as if the property bore a zoning designation under which the use would be conforming.
- G. Measuring instruments. All sound measurements shall be made on a sound-level meter calibrated in the manner required by the manufacturer's specifications.
- H. Exemptions from sound-level limits. The provisions of this section shall not apply to:
1. Activities covered by Section 4B(3), Construction; Section 4B(4), Domestic power tools; or any emergency signaling device used because of an emergency.

2. Motor vehicles.

## **SECTION 6: Exemptions.**

The following sounds are exempted from the provisions of this Ordinance:

- A. Amplified announcements: Electronically amplified announcements at athletic events.
- B. Blasting: blasting under permit by the Township. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by the Township.
- C. Concerts, etc. Church carnivals, concerts, festivals or other performances or similar activities publicly or privately sponsored and presented in any public space outdoors shall be exempted from the provisions of this Ordinance, provided that:
  1. Such activities do not produce sound 15 dB(A) in excess of the sound levels set forth in Table 1 of this Ordinance.
  2. Such activities do not occur between the hours of 11:00 p.m. and 6:00 a.m.
- D. Emergency work: sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- E. Municipal and utility services: sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way.
- F. Safety concerns: sounds resulting from such activities as snow removal or other activity required to alleviate a threat to the safety and welfare of the residents.
- G. School and public activities: sounds, not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.
- H. Warning devices: sounds made by warning devices operating continuously for three minutes or less, except that, in the event of an actual emergency, the time limitation shall not apply.

## **SECTION 7: Enforcement.**

- A. Authority for enforcement: The provisions of this Ordinance shall be enforced by the Township Codes Enforcement Officials, with the assistance of the Pennsylvania State Police, or any outside police or enforcement agency or individuals with whom the Township has a contract.
- B. Penalties: Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more



than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

- C. This Ordinance and the foregoing penalties shall not be construed to limit or deny the right of the Township or any person to such equitable or other remedies as may otherwise be available with or without process of law.  
This Ordinance shall become effective thirty (30) days after its enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania, this 2<sup>nd</sup> day of April, 2011 in session duly assembled.

SHIPPENSBURG TOWNSHIP  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman

ATTEST

By: \_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Supervisor