

ORDINANCE NUMBER _____ OF 2024

AN ORDINANCE PROVIDING FOR GREATER CONTROL AND MORE EFFECTIVE REGULATIONS REGARDING NOISE/SOUND/DECIBEL LEVELS IN SALEM TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

WHEREAS, Salem Township, Luzerne County, is a political subdivision of the Commonwealth of Pennsylvania which is entitled to the rights, privileges, and immunities conferred under the Second Class Township Code (53 P.S. §65101 et seq.), as amended; and

WHEREAS, the Township Board of Supervisors recognizes that NOISE/SOUND/

DECIBEL levels can be a serious threat to the comfort, convenience, health, safety, welfare and overall quality of life of the citizens of the Township; and,

WHEREAS, the Township Board of Supervisors desire to adopt an Ordinance to establish requirements and criteria to prevent noise disturbance(s) that may jeopardize the health and welfare of its citizens or degrade their quality of life.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Salem Township, Luzerne County, Pennsylvania:

DEFINITIONS

All terminology used in this ordinance shall be in conformance with the applicable publications of the most current edition of the American National Standards Institute (ANSI) or its successor body. The following words and terms, as used herein, shall have the following meanings:

Affected Person

Any person who has registered a noise complaint with an authorized enforcement agency that he or she is a receptor of noise on a protected property category, and said affected person has an interest in the protected property category as an owner, tenant, or employee.

Agricultural Activities

Those activities performed on farmlands in order to cultivate the soil, produce crops, or raise livestock. In addition, activities associated with the growing, producing, processing, or selling of farm-related products, as long as those activities are conducted on farmlands, would be considered agricultural activities.

A-weighted Sound Pressure Level (dBA)

The logarithmic sum of the decibel levels of the full frequency range between 20 Hz and 20,000 Hz weighted to correlate to the loudness of sounds as perceived by the human ear using the A-weighted network.

Background Sound Level

The measured sound level in the area, exclusive of spontaneous, extraneous sounds, and the sound contribution of the specific source in question.

Commercial Facility

Any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit including, but not limited to:

1. Banking and other financial institutions
2. Dining establishments
3. Establishments for providing retail services
4. Establishments for providing wholesale services
5. Establishments for recreation and entertainment
6. Office buildings
7. Warehouses

Conservation Area

Any area of land that is protected from development to conserve its natural environment.

Decibel

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 or 0.0002 microbar.

Equivalent Continuous Sound Pressure Level (L_{eq})

The constant sound level which contains the same amount of sound energy over a given time period as the fluctuating sound. It is considered to be the average sound level within each measurement period. The L_{eq} shall be measured on the A-weighted scale, and the time interval shall be 5 minutes.

Industrial Facility

Any facility, whether public or private, and its related premises, property, or equipment involving the following:

1. The fabrication, manufacture, or production of durable or nondurable goods
2. Industrial-like activities including, but not limited to:
 - a. Waste incineration
 - b. Waste recycling
 - c. Water and sewage treatment
 - d. Electricity generation
 - e. Data centers
 - f. Cryptocurrency mining

Measurement Instrument

A Type I or Type II sound level meter as specified by the most current ANSI S1.4 standard using the A-weighting network as specified in the most current edition of the ANSI standard or its successor.

Measurement Locations

Sound measurements shall be made on the receiving property within 10 feet from the property line nearest the noise source, at least 5 feet from any structure that reflects sound, and at least 3 feet above the ground. Where the source of the noise occurs within a multi-unit building, or where buildings have a common party wall, the measurement shall be taken in a habitable space in the complainant's dwelling unit closest to the noise source.

Property Line

The boundary between adjoining lots, dwelling units, and condominium units owned, rented or leased by different persons, and also, for any two or more buildings on the same lot, the line drawn midway between any two said buildings.

Residential Property

A property used for human habitation.

Sound Pressure Level

The sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

MAXIMUM PERMISSIBLE SOUND LEVELS

During daytime and nighttime hours, the maximum permissible sound pressure levels measured in 5-minute L_{eq} intervals shall not exceed those set forth in the following table:

<i>Maximum A-weighted, 5-minute L_{eq} Sound Pressure Levels at Receiving Property</i>					
Time	Agricultural (A-1)	Business (B-2, B-3)	Conservation (C-1)	Industrial (I-1, I-2, I-3)	Residential (R-1, R-2, R-3)
From 7 a.m. to 10 p.m.	65 dBA	65 dBA	60 dBA	70 dBA	55 dBA
From 10 p.m. to 7 a.m., Sundays, and holidays	60 dBA	60 dBA	55 dBA	70 dBA	50 dBA

If the background sound level measured at the receiving property boundary at the time of a noise complaint is within 5 dBA of the limits in this table, or above such limits, then the levels in this table shall not apply, and the following standards shall apply:

1. The sound pressure level of the source sound shall not be more than 5 dBA over the background sound level up to a maximum of 75 dBA.
2. The background sound level shall be measured at the same location as the measurement for the sound contribution of the specific source in question and at a time immediately preceding or following that measurement.

EXEMPTIONS

The following activities are exempt from the provisions of this chapter, subject to compliance with any restrictions listed below:

1. Sounds created by agricultural activities.
2. Bells, chimes or carillons, which may include electronic devices that imitate the sounds of bells, chimes or carillons, while being used in conjunction with religious services.
3. Traffic sounds from the lawful operation of motor or utility vehicles, sounds created by governmental units, and sounds created or necessitated by emergency and civil defense activities.
4. Sound created by refuse collection services, street sweepers, deliveries, and other similar activities associated with a permitted land use shall be exempt during the times as provided below:
 - a. Residential districts: only during the hours of 7:00 a.m. to 6:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays
 - b. Nonresidential districts: only during the hours of 6:00 a.m. to 8:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays.
5. Sound associated with permitted outdoor dining activities located in nonresidential districts during the hours of 8:00 a.m. to 10:00 p.m., Sunday to Thursday, and 8:00 a.m. to 11:00 p.m., Friday and Saturday.
6. Sounds created by construction work and the repair and maintenance of any building, structure, or property, including landscaping, shall be exempt during the times as provided below:
 - a. During the hours of 7:00 a.m. to 6:00 p.m., Monday to Friday, and during the hours of 8:00 a.m. to 6:00 p.m., Saturday and Sunday, and federal holidays
 - b. Upon application, the Township of Salem may extend the aforesaid activity exemptions set forth if reasonably necessary to conduct the construction work in question for specifically limited durations.
7. Concerts, block parties, graduations, wedding receptions, ceremonies, sporting or recreational activities, carnivals, festivals, or other performances or similar activities (public or private) shall be exempt, provided that the event ends at 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
8. Sounds made by warning devices operating continuously for 3 minutes or less, except that in the event of an actual emergency, the time limitation shall not apply.

- 9. Sound created by emergency generators during a power outage. Sound created by emergency generator testing shall be exempt, but only during the hours between 10:00 a.m. and 6:00 p.m.; provided however, that if generator testing from 10:00 a.m. to 6:00 p.m. is prohibited by another governmental entity, then testing occurring after 6:00 p.m. is permitted.
- 10. Sounds created by the unamplified human voice.
- 11. Sound associated with snow removal activity.
- 12. Sound associated with shooting ranges.

EFFECTIVE DATE

This Ordinance shall be effective five (5) days following its legal enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Salem Township, Luzerne County, Pennsylvania, in lawful session duly assembled, this ____ day of _____, 2024.

ATTEST:

**BOARD OF SUPERVISORS
SALEM TOWNSHIP**

, Secretary

Chairperson

Supervisor

Supervisor