

**SALFORD TOWNSHIP**  
Montgomery County, Pennsylvania

Ordinance # 177

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AN ORDINANCE REGULATING THE PRODUCTION OF NOISE FROM CONSTRUCTION, DEMOLITION, EXCAVATION, ROCK REMOVAL AND BLASTING, AMPLIFICATION AND OTHER POINT SOURCES, ESTABLISHING LIMIT ON THE HOURS, DURATION, AND RANGE OF NOISE PRODUCTION, RESTRICTING CERTAIN ACTIVITIES, PROVIDING AND ESTABLISHING STANDARDS FOR EXCEPTIONS; ESTABLISHING A PERMITTING PROCESS AND ASSOCIATED FEES; AND ESTABLISHING A PROCESS FOR ENFORCEMENT AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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ENACTED: 3/14/18

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**WHEREAS**, the Board of Supervisors of the Township Of Salford has deemed it to be in the health, safety, and welfare interests of its citizens, businesses, and guests to regulate the generation of noise from construction, demolition, excavation, rock removal, blasting, amplification, and other point sources within the Township; and

**WHEREAS**, excessive generation and duration of sound and vibration are a serious hazard to the public health and welfare and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or degrade the quality of life; now, therefore, it is the policy of the Township of Salford to promote and protect the health, safety and welfare of its citizens and the quality of life they enjoy by controlling, restricting and preventing excessive and injurious sound vibration within its jurisdiction.

**WHEREAS**, regular or frequent loud sounds produced by amplified sound systems, public address systems, musical instruments, choral singing, the operation of power tools, the use of earth-moving equipment, blasting and construction, including the operation of construction vehicles, and the like may become audible on neighboring properties and interfere with sleep, the enjoyment of private property and normal residential activities; and

**WHEREAS**: this disturbance to the general peace and tranquility of affected properties may rise to the level of a public nuisance; and

**WHEREAS**: The Township of Salford is desirous of regulating such point sources of noise so as to prevent such public nuisances;

**NOW, THEREFORE**, the Board of Supervisors of Salford Township does hereby **ENACT** and **ORDAIN** as follows:

## **SECTION 1. DEFINITIONS**

A. The following definitions shall apply to this Ordinance:

1. **Ambient Sound Level.** The average level of sound present at a specific location, as measured in dBA. Also referred to as "background sound level." Normal or background sound level is generally generated by natural sounds (insects, animals, wind, rain), traffic, and similar sound sources present in the area in question under normal circumstances, and may vary from place to place, and at different times of the season, and of the day. For purpose of this Ordinance, the ambient sound level shall be considered to be that which is present in the location, and at the time, that the sound being regulated or prohibited by this Ordinance is also occurring.
2. **Band Music.** Any performance or practice by a group of musical instruments, such as a band, an orchestra, or a group of players of instruments (such as quartet or other numerical designation for a group.)
3. **Concert.** A performance by an individual or group of musicians, whether vocal or instrumental, which is intended to be listened to by an audience. Such a performance often takes place upon a stage, but may be held in other venues, such as amphitheaters, stadia, athletic courts, and the like. This definition shall include a performance at which dancing to the music also takes place.
4. **Crowd Noise.** Sound produced by a group of people engaging in group activity, such as athletic contests, group games, cheering, singing, or other vocal sounds made by such group. Crowd noise shall include the term "Group Singing."

5. Decibel Level. A measure of the intensity of sound, the units of which are expressed in decibels. One Bel is the basic unit of measure, and a decibel is a unit equal to ten (10) bels; the expression of the units is as "dB." For purposes of this Ordinance, all sound levels shall be measured on the A-weighted scale, which is a scale of sound intensity adjusted for the hearing characteristics of the human ear, the units of which are commonly expressed as "dBA."
6. Outdoors (as relates to the place the sound is occurring.) Outside of a totally-enclosed building (with windows and doors closed.) Any sound produced within an open structure such as a pavilion, or any sound produced within a building that may be heard outside of the building itself, shall be considered to be occurring "outdoors."
7. Property Line. The boundary establishing the limits of ownership of a piece of real property.
8. Sound System. Any system for electrically or electronically amplifying sound, for the purpose of projecting that sound into the air so it can be heard at a decibel level greater than its original level. Such a system shall include, but not be limited to, the amplification of speech (commonly called a "public address system"), recorded speech or music, instrumental music, or radio or television sound broadcast.
9. Power tools. Electrically, pneumatically, or gasoline-powered saws, drills, nailers, generators, and similar equipment, commonly used in construction.
10. Earth-moving equipment. Backhoes, trenchers, bulldozers, track loaders, skidders, scraper pans, rollers, compactors, jackhammers, and other commonly-used equipment for the moving or shaping of the ground, and including materials and equipment used in the process of blasting.
11. Construction equipment. Cranes, pumps, forklifts, hoists, concrete trucks, dump trucks, and other equipment of similar nature used in construction of buildings or structures.
12. Normal residential activities. Any sound generated as a result of an owner or occupier of a residence exercising his normal and usual right to enjoy, maintain, repair, or improve said residence or the real property upon which it is situated, excepting that amplified sound shall not be included within this definition. This section shall not be construed to include the discharge of firearms in excess of the limit provided in Section 2 of this Ordinance.

## **SECTION 2. RESTRICTED ACTS**

The following acts are hereby restricted and regulated within the township.

- A. Sound System or amplified sounds: No sound shall be produced on a property by a Sound System or similar device which creates or amplifies sound in such a manner as to create a sound disturbance that is audible

beyond the property line of that property at a level greater than 15 decibels higher than the average ambient sound level present at that point when the Sound System is not operating.

- B. Musical Instruments or Vocal: No sound shall be produced on a property between the hours of 10:00 PM and 7:00 AM the following day by Band Music or Group Singing that is audible beyond the property line of that property at a level greater than 15 decibels higher than the average ambient sound level present at that point when the Band Music or Group Singing is not present.
- C. Concerts: No sounds shall be produced by a Concert occurring on a property that is audible beyond the property line of that property at a level greater than 30 decibels higher than the average ambient sound level present at that point when the Concert is not occurring. No Concert shall be held between the hours of 10:00 PM and 7:00 AM the next day.
- D. Crowd Noise: No activity which produces crowd noise audible beyond the property line shall be conducted or permitted on any property between the hours of 10:00 PM and 7:00 AM the following day.
- E. Power tools: There shall be no operating or permitting the operation of any power tool or construction equipment used outdoors in such a manner as to be audible beyond a property boundary between the hours of 7:00 PM and 7:00 AM the next day. Nor shall there be any hammering, whether powered or manual, which is audible beyond the property line, between the same hours.
- F. Earth-moving equipment, blasting and construction equipment: There shall be no blasting, operating or permitting the operation of any earth-moving or construction equipment between the hours of 7:00 PM and 7:00 AM the next day in the VR, VCR, and MF Zoning Districts. All other Districts shall be from 9:00 PM and 7:00 AM the next day.
- G. Vehicle noise: The use of all-terrain vehicles, motorcycles, "dirt bikes", miniature racecars or "go-carts", and similar vehicles as a residential recreational use shall not produce noise audible beyond the property line of the property on which the vehicle is being operated between the hours of 9:00 PM and 7:00 AM the following day. The use of concrete trucks, dump trucks and similar vehicles used in connection with construction shall not produce noise audible beyond the property line of the property on which the vehicle is being operated, including the public streets and roads of the Township, between the hours of 7:00 PM and 7:00 AM the following day.
- H. Discharge of firearms either continuously or intermittently for a period in excess of one-half hour per day, except when engaged in lawful hunting.

### **SECTION 3. EXCEPTIONS**

The maximum permissible sound levels established under Section Two will not apply to any of the following sound sources:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Work to provide electricity, water or other public utilities when public health, welfare or safety are involved.
- C. Normal residential activities, such as home maintenance or gardening between 7:00 a.m. and 10:00 p.m. Crowd Noise from residential parties and celebrations may extend until 11:00 p.m.
- D. Sound of aircraft flight operations.
- E. Public celebrations specifically authorized by the municipality.
- F. Refuse collection vehicles.
- G. The use of snow plows, blowers, trucks with snowplows, and other such equipment is exempted within 24 hours after the cessation of a snowfall.
- H. Municipal roadway maintenance or construction, and related activities involving Public Works or Public Improvements, including the operation of construction related vehicles, are allowed to operate between the hours of 7:00 AM and 8:00 PM.

#### **SECTION 4. ACTIVITIES REQUIRING PERMIT.**

The Township shall have the authority to grant permits to allow sound in excess of the maximum permissible sound levels, or at hours exceeding the hours established and set forth in Section Two of this Ordinance. Salford Township shall grant a permit if the Governing Body determines that the temporary generation of such sound, under the circumstances, will not jeopardize the health, welfare or safety of the citizens of the township, or if they determine, under the circumstances, that the enforcement of the maximum permissible sound levels set forth would impose an unreasonable hardship upon the applicant and that the duration of the activities or excess noise is reasonable and limited. The Governing Body of Salford Township will have the authority to impose reasonable conditions and restrictions upon any applicant for a permit to implement the policy of the Township.

- A. Activities which may include sound in excess of the maximum permissible sound levels set forth above shall require a Permit from the Governing Body of Salford Township. Such permit shall be applied for at least two (2) weeks in advance of the date on which the activity is to take place. The application shall state the date of the activity, the beginning and ending times, the location (including the specific area of a property on which the performers and the audience will be located), and the specific nature of the activity. The Applicant for the permit shall specifically acknowledge that he or she will conform to the time and sound level requirements of this Ordinance, and will agree that Salford Township shall have the right to terminate the activity

and revoke any permit issued if these requirements are violated, without any liability on the part of the Township.

- B. No Concert shall occur after 11:00 PM on any weekend, or after 9:00 PM on weekdays.
- C. It shall be permissible to apply for a series of permits at one time, which will cover a series of Concerts, construction project, or similar activities occurring at regularly-scheduled times or intervals or over a period of time not to exceed thirty (30) days cumulatively per calendar year. One permit shall be issued for each Concert to be held, construction project, or regulated activity .
- D. Applicant shall pay a fee for each permit, the fee to be set by Resolution by the Board of Supervisors. It shall be permissible to have different fees for different types of regulated activities as determined by the Township from time to time.

## **SECTION 5. ENFORCEMENT**

- A. Any person believing himself aggrieved by sound from any surrounding property may request that the Township measure the sound level of the sounds being complained of. Such measurement shall be done with any standard sound level meter having a dBA scale, which shall display a current certificate of calibration, or other satisfactory evidence of accuracy.
- B. The Township Zoning Officer shall be the primary person enforcing this Ordinance; however, the measurement shall be made by the Zoning Officer, or by any member of the Township Board of Supervisors, or by any person the Board shall designate.
- C. If it is found that the sound measured is in violation of this Ordinance, whether with respect to sound level, hours of occurrence, or other reason, the Zoning Officer or any member of the Board of Supervisors shall have the right to order the offending sound stopped, or reduced to be within the permitted level. If the person or persons producing the sound, or allowing the sound to be produced, shall fail to comply with such order, the Township shall cite the party producing the sound, or allowing it to be produced, for violating the Ordinance.
- D. If more than one instance of non-permitted sound is committed by a single party or person within two weeks, a citation for violation of this Ordinance shall be issued without the need for ordering the problem corrected.

## **SECTION 6. PENALTIES**

Any person who shall violate this Ordinance, or allow this Ordinance to be violated, shall be subject to a fine of THREE HUNDRED DOLLARS (\$300.00) plus costs of enforcement. Subsequent violations by the same person or persons shall be subject to a fine of up to ONE THOUSAND DOLLARS (\$1,000.00.)

**SECTION 7. SEVERABILITY**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 8. REPEALER**

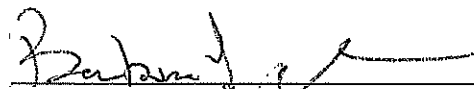
All Ordinances or portions of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 9. EFFECTIVE DATE**

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


**ORDAINED AND ENACTED** this 14<sup>th</sup> day of March, 2018, by the Salford Township Board of Supervisors.

**SALFORD TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
BARBARA LYNCH, Chair

[Township Seal]

Attest:

  
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KAREN LANDIS, Secretary

