

CITY OF JEANNETTE
NOISE ORDINANCE
ORDINANCE NO. 01

AN ORDINANCE ESTABLISHING NOISE RESTRICTIONS AND LIMITATIONS AND DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES FOR VIOLATIONS AND ABATEMENT; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12420, affords the City of Jeannette with the power “to establish and enforce suitable police regulations for the protection of individuals and property;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12422, affords the City of Jeannette with the power “to prevent and restrain riots, noises, disturbances, or disorderly assemblies in any street, house, or place in the city;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12432, affords the City of Jeannette with the power “prohibit disorderly conduct within the limits of the city and provide for the imposition of penalties in accordance with” the Third Class City Code; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power “to prohibit and abate nuisances;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs;” and

WHEREAS, it is the desire of the City of Jeannette to protect residents and persons within the City of Jeannette and the peaceful enjoyment of property located within the boundaries of the City of Jeannette.

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Policy and Intent.

(a) Excessive noise is a serious threat to the welfare, contentment, safety, health and the peace and quiet of the residents of the City. It is the intent of this Ordinance to establish requirements to prevent excessive noise that may jeopardize the health and welfare of its residents or degrade their quality of life. This Ordinance is not intended and shall not be interpreted to be a regulation of the content of speech or communication; this Ordinance is intended to be entirely content-neutral; this Ordinance regulates only the time, place and manner of noise as defined below.

(b) These standards apply, without limitation, to noise from any machinery or equipment that is part of or operated within any property or development, including continuous and intermittent noise, noise emitted by speaker boxes, pick-up and delivery trucks, and any other commercial or industrial activities that are under the control of the occupant of a building, property, or site.

(c) This Ordinance is expressly passed as a separate exercise of the police powers of the City of Jeannette and as a supplement, with separate and independent grounds for enforcement, to any zoning ordinance of the City of Jeannette.

Section 2. Definitions.

The following terms, words, and phrases, whenever used in this ordinance, shall be construed and defined as follows:

- (a) “Amplified Noise” shall mean noise created by loudspeaker(s), audio amplification device(s), or other similar devices.
- (b) “Apartment” shall mean a building containing multiple residential units.
- (c) “Background Sound Level” shall mean the measured sound level in an area, exclusive of extraneous sounds and the sound contributing of the specific source in question.
- (d) “Construction” shall mean any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.
- (e) “Decibel” shall mean the unit of measure of the noise level. Symbol is dB.
- (f) “dB(A)” shall mean the symbol designation of a noise level, reported in decibels, using the A-Weighting network of a sound level meter, as defined in ANSI S1.4—Specification For Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this ordinance, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter.

- (g) “Individual Background Noise Sources” shall mean clearly identifiable noise sources including, but not limited to, barking dogs, airplane flyovers, passing cars/trucks, raised voices, televisions and radios. These sources shall not be present during noise measurements.
- (h) “Motor Vehicle” shall mean any vehicle that is propelled, generally by an engine or motor, used primarily for transporting persons or property on land.
- (i) “Noise” or “Noise Level” (used interchangeably for purposes of this Ordinance). The terms noise and noise level may mean the sound that is capable of being measured as sound pressure level in decibels. Noise and noise level may also mean the sound that is clearly audible from a distance of seventy-five (75) feet or sound that annoys or disturbs a reasonable person of normal sensitivities. This section offers alternative methods to measure noise.

Noise levels relative to Tables A, B, and C below will be recorded as the visual average for any continuous measurement period of thirty (30) seconds, and the maximum noise level measured at any time. The offending noise will be deemed to violate the provisions of Tables A, B, and C below of this section if the visual average exceeds the maximum allowable noise levels and/or the maximum noise level measured at any time exceeds the maximum allowable noise levels by five (5) dB(A).

- (j) “Person” shall mean and include any individual natural persons, firms, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, corporations, companies or organizations of any kind; or any officers, agents, employees, factors or any kind of personal representative of any kind of the above, in any capacity, acting either for her/himself, or for any other person, under either personal appointment or pursuant to law. Whenever used in any provision prescribing or imposing a penalty, the term "person" as applied to partnerships or associations includes the partners or members thereof, and if applied to corporations, the officers thereof.
- (k) “Plainly Audible” shall mean any noise that clearly can be heard, however, words or phrases need not be discernible.
- (l) “Premises” shall mean any building, structure, land, including yards, lots, courts, inner yards owned or controlled by a person.
- (m) “Property Line” shall mean the real or imaginary line and its vertical extension which separates real property owned or controlled by a person from contiguous real property owned or controlled by another person and separates real property from the public premises.
- (n) “Receiving Premises” shall mean all lands, and buildings or structures thereon, equipment or appurtenances connected or used therewith and any personal property

affixed or otherwise used in connection with use of such premises affected by noise emanating from another premises.

- (o) "Residential Property" shall mean any unit in any property in which people reside on a permanent or semi-permanent basis.
- (p) "Special Event" shall mean a pre-planned event or series of events sponsored by a public or private person or entity which is:
 - 1. Located wholly or partially on property owned or maintained by the City; or
 - 2. Located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree equal to and/or over and above that which the City routinely provides.

Permits for special events currently are obtained through the City and Police and Fire Departments. Excluded from the definition of special event in this noise control Ordinance and therefore subject to it are events where a fee is charged for admission to the premises or for the entertainment.

- (q) "Sound Pressure Level" shall mean, in decibels, ten (10) times the logarithm (to the base ten (10)) of the ratio of the square of a sound pressure to the square of the reference sound pressure of twenty (20) microPascals.

Section 3. Restrictions of Noise Between Premises; Maximum Permitted Sound Levels.

(a) General Restrictions. The maximum permitted sound pressure levels in decibels across lot lines and zoning district boundaries for amplified and non-amplified noise shall be in accordance with following tables. It shall be unlawful to exceed, or permit to be exceeded, the permitted sound pressure levels in decibels across lot lines and zoning district boundaries for amplified and non-amplified noise in the following tables. These tables shall be used to determine the maximum noise level, measured in A-weighted decibels that shall be permitted at the property line of the closest use in each of the following categories. For a specific property, noise, or instance, Background Sound Level shall refer to the measured sound level in the area, exclusive of extraneous sounds and the sound contribution of the specific source in question.

(b) Unamplified Noise Restrictions. No person shall transmit or cause to be transmitted any unamplified noise, which leaves the premises from which it originates, and enters any other property or premises:

- (1) In excess of the noise levels specified below in Table A; or
- (2) Noise that is clearly audible from a distance of seventy-five (75) feet.

TABLE A		
Receiving Land Use (not the Zoning District)	Unamplified Noise Maximum Permitted Sound Level Limit (dBA)	
	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Industrial & Manufacturing Uses	75dB(A) or 5dB(A) above background sound level, whichever is greater.	65dB(A) or 5dB(A) above background sound level, whichever is greater.
Residential Uses	65dB(A) or 3dB(A) above background sound level, whichever is greater.	55dB(A) or 3dB(A) above background sound level, whichever is greater.
All Other Uses	65dB(A) or 3dB(A) above background sound level, whichever is greater.	60dB(A) or 3dB(A) above background sound level, whichever is greater.

(c) Amplified Noise Restrictions. No person shall transmit or cause to be transmitted any amplified noise, which leaves the premises from which it originates, and enters any other property or premises:

- (1) In excess of the noise levels specified below in Table B; or
- (2) Noise that is clearly audible from a distance of seventy-five (75) feet.

TABLE B		
Receiving Land Use (not the Zoning District)	Amplified Noise Maximum Permitted Sound Level Limit (dBA)	
	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Industrial & Manufacturing Uses	75dB(A) or 5dB(A) above background sound level, whichever is greater.	65dB(A) or 5dB(A) above background sound level, whichever is greater.

TABLE B		
Receiving Land Use (not the Zoning District)	Amplified Noise Maximum Permitted Sound Level Limit (dBA)	
	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Residential Uses	75dB(A) or 3dB(A) above background sound level, whichever is greater.	55dB(A) or 3dB(A) above background sound level, whichever is greater.
All Other Uses	65dB(A) or 3dB(A) above background sound level, whichever is greater.	60dB(A) or 3dB(A) above background sound level, whichever is greater.

(d) Multi-Unit Residential Premises Noise Restrictions. Notwithstanding the foregoing in this section, no person shall transmit or cause to be transmitted any unamplified or amplified noise, which leaves the premises from which it originates, and enters any residential unit on the same premises:

- (1) In excess of the noise levels specified below in Table C; or
- (2) Noise that is clearly audible from a distance of seventy-five (75) feet; or
- (3) Noise that annoys or disturbs a reasonable person of normal sensitivities.

TABLE C		
Receiving Land Use (not the Zoning District)	Amplified and Unamplified Noise Maximum Permitted Sound Level Limit (dBA)	
	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Residential Unit on Same Premises	10dB(A)	5dB(A)

(e) Amplified Noise from Vehicles or Devices. In addition to the foregoing in this section, no person shall:

1. No person shall transmit noise from a vehicle being operated on a public street, or alley, or in commercial or residential parking facilities, by playing any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of music or other entertainment, or other machine or device designed or intended to produce or reproduce sound, which is plainly audible to an officer at a distance of seventy-five (75) feet from the source of the noise.
2. This provision also includes portable, hand-carried audio amplification or reproduction devices including, but not limited to, hand-carried radios, cassettes, or compact disc players, 3M players, cellular telephones, iPods, or digital devices.
3. Vehicles with permits for activities consistent with the transmission of amplified noise shall be exempt from this section.

(f) Noise Measurement and Instrumentation.

1. Location of noise measurements. Noise levels shall be measured at the property line of a receiving premises if at a distance of twenty-five (25) feet or greater from the noise source. If the receiving premises property line is not at least twenty-five (25) feet from the noise source, the measurement will be taken within the property of the receiving premises at the lesser of twenty-five (25) feet from the noise source or the farthest possible distance from the noise source.
2. Background noise. The noise measurements to determine compliance with the noise levels in Table A and Table B, shall be taken in such a manner as to eliminate individual background noises. The measurement shall be of the offending noise source in the absence of such individual background noises. It is proper to take the measurements with general background noise present.
3. Instrumentation. When using Tables A, B, or C, noise levels shall be measured using a sound level meter that meets or exceeds the requirements for Type 1 or Type 2 instruments as defined in ANSI S1.4—Specification for Sound Level Meters.

(g) Exemptions. A person shall be exempt from this section provided that:

1. The noise is being generated to request assistance or warn of a hazardous situation; or

2. The noise emanates from an authorized emergency vehicle or a vehicle operated by a gas, electric, communication or water utility; or
3. The noise emanates from a bell, chime or similar device used by a school or religious institution; or
4. The noise emanates from lawn care and other household maintenance equipment and tools used between 7:00 a.m. and 9:00 p.m.; or
5. The noise is being generated by construction activities properly permitted in the City; or
6. The noise is in connection with a parade, or "special event" that is being conducted under a parade or special event permit issued by the City and is otherwise in compliance with the applicable sections of the Code provided that the maximum allowable noise level in the applicable subsection is not exceeded between the hours of 10:00 p.m. and 7:00 a.m.; or
7. The noise is being generated by the crowd at a sporting event or other event being conducted pursuant to a permit issued by the City; or
8. The noise is being generated from the engine of a motor vehicle that is subject to regulation exclusively by the Pennsylvania Department of Transportation in PA Code Title 67 Transportation and Title 75 Vehicles.

Section 4. Penalties.

(a) Any person violating any provision of this section, unless otherwise specified in this Ordinance, shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand (\$1,000.00) dollars and costs for each offense, and in default of payment thereof may be imprisoned for not more than thirty (30) days.

(b) Each violation of the provisions of this ordinance shall constitute a separate offense.

(c) In addition to any penalty provided or imposed, violation of any provision in this Ordinance is and shall constitute a public nuisance, disturbing the peace and injurious to the public interest, and may be fully or partially abated forthwith.

(d) Enforcement of this Ordinance shall be by the code enforcement officers and police officers of the City of Jeannette and such other person(s) as may be appointed by City Council.

Section 5. Severability.

If any provisions, sentence, clause, section, or part of this ordinance or application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

It is hereby declared as the intent of the City Council of the City of Jeannette that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, or part not been included herein.

Section 6. Repealer.

Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance. This ordinance shall not repeal or supersede any noise restrictions or regulations in the any zoning ordinance of the City of Jeannette, and this ordinance is expressly passed as a separate exercise of the police powers of the City of Jeannette and as a supplement, with separate and independent grounds for enforcement, to any such zoning ordinance.

Section 7. Effective Date.

This ordinance shall become effective ten (10) days after enactment.

ORDAINED AND ENACTED by the City Council of the City of Jeannette, Westmoreland County, Pennsylvania, this 12th day of January, 2023.



ATTEST:

CITY OF JEANNETTE

Curtis J. Antoniak,
Mayor and President of Council

By:
Benjamin D. Walker, City Clerk