

BOROUGH OF KULPMONT,  
NORTHUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE BOROUGH OF KULPMONT, NORTHUMBERLAND  
COUNTY, PENNSYLVANIA, TO ESTABLISH THE LIMITATION OF NOISE WITHIN  
THE BOROUGH OF KULPMONT

The Borough Council, of the Borough of Kulpmont, Northumberland County, Pennsylvania, (the “Borough”), hereby enacts and ordains as follows:

WHEREAS, Title 8 Section 3301, Borough Code, entitled “General Rule”, authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough and the maintenance of the health and welfare of the Borough and it’s citizens; and

WHEREAS, of the Borough Code, authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough; and

WHEREAS, in order to promote the preservation of peace and good order and to protect the public health, safety, welfare and property of all persons, the Borough of Kulpmont intends to adopt this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of Kulpmont, Northumberland County, Pennsylvania, in accordance with the general powers permitted by the Borough Code, as follows:

## **Section 101. Title**

This ordinance shall be known as the “Kulpmont Borough Noise Ordinance”.

## **Section 102. Findings and Policy**

- A. The making and creation of excessive, unnecessary or unusually loud noises, within the limits of the Borough of Kulpmont, is a condition which has existed for some time and the extent and magnitude of such noises are increasing.
- B. The making and creation of such loud noises is a detriment to the public health, comfort, convenience, safety and welfare of the Borough and may cause damage to property or business.
- C. The necessity, in the public interest, for the provisions herein contained and enacted is declared as a matter of public policy for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the Borough.

## **Section 103. Definitions and Standards**

- A. All terminology used in this chapter not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.
- B. As used in this chapter, the following terms shall have the meanings indicated:

A-WEIGHTED SOUND PRESSURE LEVEL - The sound pressure level as measured on a sound level meter, using the A-weighting decibel network. The level so read shall be designated “dB(A).”

BOROUGH - The Borough of Kulpmont.

CONSTRUCTION OPERATION - Any erection, repair, renovations, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

DECIBEL - A logarithmic unit of measure used in describing the amplitude of sound. Decibe is denoted as “dB.”

DEPARTMENT - Any department, agency or authority of the Borough of Kulpmont.

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

EMERGENCY VEHICLE - A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

EMERGENCY WORK - Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.

IMPULSIVE NOISE - Noise characterized by brief excursions of sound pressure which significantly exceed the ambient sound pressure. The duration of a single impulse is usually less than one second.

MOTOR VEHICLE - As defined in Pennsylvania Vehicle Code (75 Pa. C.S.A. Section 101 et seq.)

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

NOISE - Any sound which is unwanted or which causes an adverse psychological or physiological effect on human beings.

NOISE CONTROL OFFICER - For the purpose of issuing exceptions or investigating land use basis for noise disturbances, the Code Enforcement Officer shall be the Noise Control Officer. In all other cases of complaint, investigation, enforcement or citation of violations of this chapter shall be the responsibility of the Kulpmont Police Department.

NOISE DISTURBANCE - A sound which:

1. Disrupts or injures the comfort, repose, health, hearing, peace or safety of persons or animals;
2. Annoys, disturbs or perturbs a reasonable person with normal sensitivities;
3. Endangers or injures personal or real property; or
4. Is in excess of the sound levels established by this chapter.

PERSONS - Any individual, associations, partnership or corporation, user, owner or operator and includes any officer, employee, department, agency or instrument

of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, “person” includes the individual members, partners, officers and managers or any of them of partnerships and associations and as for corporations, the officers and managers thereof or any of them and in their absence, the shareholders.

POWER MODEL VEHICLES - Any powered vehicles, either airborne, waterborne or land borne, which are designed not to carry persons or property, such as but not limited to model airplanes, boats, cars and rockets and which can be propelled by mechanical means.

PROPERTY BOUNDARY - An imaginary line, exterior to any enclosed structure, at the ground surface, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person and its vertical extension.

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.

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 rights 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 or the superposition of such propagated oscillation which evokes an auditory sensation. 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 the American National Standards Institute specifications for sound level meters (ANSI S1.4-1971 or the latest revision thereof). If the frequency weighting employed is not included, the A-weighting shall apply.

SOUND LEVEL METER - An instrument, which includes but is not limited to a microphone, amplifier, rms detector, integrator or time average or output meter, that measures sound pressure fluctuations. The output meter reads sound pressure level when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication S1.4-1971 or its successor publication. The manufacturer's published indication of compliance with such specifications shall comply.

SOUND PRESSURE - The instantaneous difference between the actual pressure and average or barometric pressure at a given point in space, as produced by sound energy.

SOUND PRESSURE LEVEL - The level of sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

VIBRATION - An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

#### **Section 104. Administration and Enforcement**

The power and authority to enforce the provision of this chapter shall be vested in Code Enforcement Officer or the Borough Police.

#### **Section 105. Consultation with Bureau of Police prior to project approval**

Each department whose duty it is to review and approve new projects or changes to existing projects that result or may result in the emission of noise shall consult with the Kulpmont Borough Police, prior to such approval for its recommendations.

#### **Section 106. Requirements prior to entering into agreements**

Any written agreement, purchase order or instrument whereby the Borough is committed to an expenditure of funds in return for work, services, equipment, materials or any combination of the foregoing shall not be entered into unless such agreement, purchase order or instrument contains provisions requiring that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed or conducted without causing violations of this chapter.

#### **Section 107. Prohibited Acts**

No person shall make, continue or cause to be made or continued any noise disturbance. Noncommercial public speaking and public assembly activities shall be exempt the following acts are specifically declared to be a noise disturbance and in violation of this chapter:

1. Radios, television sets and similar devices. Operating or permitting the use or operation of any radio set, musical instrument, television, phonograph, sound amplifier, automobile radio, automobile stereo, high fidelity equipment, portable stereo or other device, including but not limited to

devices utilizing digital technology, for the production or reproductions of sound.

- a. At any time of the day in such a manner from any source so as to create a noise disturbance across a real property boundary.
  - b. In such a manner as to create a noise disturbance across any real property boundary when operated in or on a motor vehicle 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 on a common carrier; or
  - d. At such a sound intensity that the sound is audible from 40 feet in any public area, street or sidewalk of the city; when the sound source is in any public area, street or sidewalk of the Borough.
2. Stationary nonemergency signaling devices. Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place, for more than one minute in any hourly period.
  3. Emergency signaling devices.
    - a. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing; or



b. Testing:

[1] Testing of a stationary emergency signaling device shall occur at the same time of the day each time such test is performed but not before 7:00 a.m. or after 10:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

[2] Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 6:00 p.m. The time limit specified in Subsection 1 shall not apply to such complete system testing.

c. Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within six minutes.

4. Loudspeakers/public address systems. The use of or operation of any loudspeaker, public address system device or similar device such that sound therefrom creates a noise disturbance across a real property boundary.

5. Vehicle, 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 boundary.

6. Powered model vehicles. Operating or permitting the operating of powered modeled vehicles in such a manner as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10:00 p.m. and 7:00 a.m., the following day.
  
7. Domestic power tools.
  - a. Operating or permitting the operation of any mechanically powered mower, saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors, in residential areas, so as to cause a noise disturbance across a residential property boundary, between the hours of 10:00 p.m. and 7:00 a.m., the following day.
  
  - b. Snow removal devices, such as snowblowers, are exempt from this section, under one or more of the following conditions:
    - [1] A municipal snow emergency declared by the city; an emergency declaration by the Governor of the Commonwealth of Pennsylvania, state emergency agency or their designees;
  
    - [2] When an accumulation of one inch or more of snow, is forecast, by the National Weather Service; or
  
    - [3] In the case of personal emergency or need to reach a place of employment.

8. Street sales. Offering for sale, by shouting or outcry or by any other amplified or unamplified sound, within any residential or commercial area of the city, except between the hours of 7:00 a.m. and 9:00 p.m.
9. Motor vehicle prohibitions.
  - a. Exhaust system. Every motor vehicle shall be equipped with a muffler or other effective noise suppressing system, in good working order and in constant operation and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device, so as to cause a noise disturbance.
  - b. Maximum permissible motor vehicle sound pressure levels on public rights of way. No person shall operate or cause to be operated in 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 emitted by the motor vehicle or motorcycle or any equipment attached to such a vehicle exceeds the level set forth in Pennsylvania Department of Transportation Regulations Title 67, Chapter 157, Subchapter b, 67 Pa. Code Section 157.11 and all amendments thereto.
  - c. Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 250 feet of any residence in such a manner as to cause a noise disturbance across a residential property boundary for a period longer than 15 minutes in any hour.

- d. Unnecessary hornblowing. 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 vehicle.
  - e. Sound trucks. No person shall operate sound amplifying equipment mounted on or attached to any motor vehicle:
    - [1] Such that sound therefrom creates a noise disturbance across a real property boundary; or
    - [2] Such that sound therefrom creates a noise disturbance on a public right of way or public space, between the hours of 10:00 p.m. and 7:00 a.m., the following day.
10. Concerts, block parties and other outdoor performances. Band concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, shall not produce sound in excess of 85 dB(A), unless in receipt of a noise control exception, as issued by the Code Control Officer or Kulpmont Police Department.
11. Loading and unloading operations. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building or construction materials, industrial waste or cast off parts, garbage cans or other similar objects, without attenuation of sound through mufflers, suppressors, exterior barriers or the like, of manufacturing or industrial equipment, between the hours of 10:00 p.m. and 7:00 a.m., of the day following, in such a manner as to cause a noise disturbance across a residential real property boundary. This subsection shall not apply to municipal or utility services in or about the public right of way.

12. Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices which create impulsive sound as to cause a noise disturbance across a real property boundary or on a public right of way, without first obtaining a permit, from the Borough of Kulpmont.
13. Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
  - a. Between the hours of 10:00 p.m. and 7:00 a.m., the following day, on weekdays and Saturdays, between the hours of 8:00 p.m. to 9:00 a.m., on Sundays and holidays, such that the sound therefrom creates a noise disturbance across a residential real property line, except for public safety emergency work or unless a variance has been obtained.
  - b. At any other time such that the sound level exceeds 85 dB(A) at or across a real property boundary unless a variance has been obtained.
14. Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, electronic or mechanical sound producing device now or to be developed, which produces, reproduces or amplifies sound within any place of public entertainment, at a sound level greater than 90 dB(A) as read by the slow response on a sound level meter at any point that is normally occupied by a customer unless a conspicuous and legible sign is located outside such a place, near each public entrance stating; **WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT!**

15. Animals and birds. Owning or possessing, harboring or controlling any animal or bird that barks, bays, cries, squawks, gobbles or crows, or makes any other noise, continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person any time of the day or night, regardless of whether the animal or bird is physically 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 is situated or for any other legitimate cause which teased or provoked the animal or bird.
  16. Vibration. Unless a variance is obtained, operating or permitting the operation of any device that causes vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if the source is on a public space or public right of way. For the purpose of this section, “vibration perception threshold” means the minimum ground or structure borne vibrational motion necessary to cause a person of normal sensitivities to be aware of the vibration by such direct means but not limited to, sensation by touch or visual observation of moving objects.
- B. Tampering. The following acts or the causing thereof is prohibited:
1. 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.

2. The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the Bureau of Police, provided that such device is clearly labeled in accordance with noise control regulations to warn of the potential illegality.
  3. 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.
- C. 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 times and duration 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 108. Sound level limits by receiving land use/district.**

No land use or its operations shall generate a sound level exceeding the limits established below, when measured at the specified locations:

**10 feet inside a lot within the Borough of Kulpmont**

**Hours/Days - 7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Fourth of July, and Memorial Day**

**Maximum - Sound Level -0 1.69 dB(A)**

## **Section 109. Exempt sounds**

The following sounds are exempt from the provisions of this chapter:

- A. Places of religious worship. The sounding or permitting the sounding of any stationary bell or chime used in conjunction with places of worship.
- B. Public buildings outdoor sound system. The sounding or permitting the sounding of any stationary bell, chime or public address system for any public purpose used by any structure located on public space.
- C. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity.

## **Section 110. Issuance of notice of violation and/or citation; exemption for time to comply**

- A. Violation of the foregoing provisions of this chapter shall be cause for a citation to be issued forthwith. In lieu of a citation, enforcement personnel may issue an order requiring abatement of any source of noise disturbance or vibration alleged to be in violation of this chapter, within a reasonable time period, which may not exceed thirty days.
- B. Except where a person is acting in good faith to comply with a notice of violation, violation of any section of this chapter shall be cause for a citation to be issued by the Kulpmont Borough Police Department.



### **Section 111. Violations and penalties**

- A. Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 for each violation or shall be imprisoned for a term not to exceed thirty days, or both. Every day that a violation of this chapter continues, shall constitute a separate offense.
  
- B. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Borough or any other person to such equitable or other remedies as may otherwise be available with or without process of law.

### **Section 112. Repeal of Ordinances**

Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this ordinance, are hereby repealed insofar as they are inconsistent with this ordinance's provisions.

### **Section 113. Savings Clause**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable, for any reason, by any Court, it shall not affect any other part or portion other than the part or portion declared void or inoperable.

### **Section 114. Effective Date**

This ordinance shall become effective five (5) days after the adoption hereof.

DULY ENACTED AND ORDAINED BY Borough Council, of the Borough of Kulpmont, Northumberland County, Pennsylvania, this 14th day of October 2020, in lawful session duly assembled.

ATTEST:

BOROUGH OF KULPMONT:

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Rhonda Wilk  
Secretary

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Nicholas Bozza  
Mayor

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Robert M. Slaby  
President



