

Cooke Township Ordinance 2001-2

Cooke Township Sound Ordinance

Section 1 General Provisions

A. Title

This Ordinance shall be known, and may be cited, as the “Cooke Township Sound Ordinance.”

B. Purpose

Excessive noise is a serious hazard to the public health and welfare, safety, and the quality of life. The people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health and welfare or safety or degrade their quality of life. Therefore, it is the purpose of this Ordinance to prevent excessive noise which may jeopardize the health and welfare or safety or degrade the quality of life of the citizens of or visitors to Cooke Township.

Section 2 Definitions

Selected Sound Definitions

All terminology used in this Ordinance shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following sound definitions are provided for ready reference within the text of this Ordinance and within the technical documents referenced herewith:

A-Weighted Sound Level or Noise Level. This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB (A) or dBA.

Sound Level Meter. This means an instrument which includes a microphone, amplifier, Root Mean Square (RMS) detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standards ANSI S1.4-1971 or its successor.

Sound Pressure Level. This means (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

Noise or Sound Nuisance. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. "Noise" means any sound which:

1. Exceeds the standards set forth in this Ordinance; **or**
2. Annoys or disturbs a reasonable person of normal sensibilities; **or**
3. Causes or tends to cause any adverse psychological or physiological effect on humans; **or**

4. Otherwise unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township.

Section 3 **General Limitations**

No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person or animal.

Section 4 **Specific Limitations and Prohibitions**

The following specific limitations and prohibitions shall apply:

A. Engine powered equipment

Engine powered equipment intended for use in residential areas at frequent intervals shall not exceed 75 dBA when measured as specified in Section 6 of this Ordinance. Typical pieces of such equipment are lawn mowers, small garden tools, riding tractors and snow removal equipment. This specifically excludes commercial equipment not intended for frequent use in residential areas.

B. Construction, farming, and industrial machinery

Construction, farming, and industrial machinery powered by internal combustion engines, such as crawler tractors, dozers, loaders, power shovels and cranes, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers and wagons, shall not exceed 88 dBA when measured as specified in Section 6 of this Ordinance. The provisions of this Ordinance shall not apply to construction machinery when engaged in bona fide, temporary construction work accompanied by a building permit, between the hours of 6:00 a.m. and 9:00 p.m. of any day. Such hour limitations shall not apply to emergencies where immediate action is required.

C. Animals

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood. For the purpose of this Ordinance, an animal making an annoying disturbance shall include an animal that barks, bays, cries, howls or makes any other noise continuously for a period of fifteen minutes at any time of day or night regardless of whether the animal is physically situated in or upon public or private property.

D. Burglar or Other Security Alarms

No owner of a building or of a motor vehicle shall have in operation an audible burglar or other security alarm thereon unless such alarm shall be capable of and shall automatically terminate its operation within fifteen minutes of its being activated in the case of a building, and ten minutes of its being activated in the case of a motor vehicle.

E. Commercial advertising

No person shall operate or cause to be operated any fixed or mobile sound amplification device for commercial advertising purposes.

F. Parties and other social events

It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a loud or offensive manner such that the noise interferes with the peace or health of members of the public or is audible through walls between units within the same building, from another property or from the street. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event. Similarly, parties and other social events held on public land shall not produce noise in a loud or offensive manner such that the noise interferes with the peace or health of members of the public.

G. Operation of radios, phonographs or other sound-making devices; bands, orchestras and musicians

It shall be unlawful for any person owning, occupying or having charge of any building or premises or any part thereof, in the Township, at any time to cause or suffer or allow any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the music of any band, orchestra, musician or group of musicians, where the noise or music exceeds 75 dBA at the property line. In addition, if the noise or music is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced, the fact that the noise or music is plainly audible at a distance of 100 feet from the vehicle or premises from which it originates constitutes *prima facie* evidence of a violation of this Ordinance.

Section 5 **Exemptions**

The following noise sources and conditions are exempted from the provisions of this Ordinance:

- A.** Fire, civil defense or other emergency signaling devices.
- B.** Authorized emergency vehicles and equipment, including police vehicles, fire vehicles and ambulances, and snowplowing vehicles, or any other motor vehicle or equipment when used for an authorized public activity by emergency personnel or by municipal, county, state, or federal authorities.
- C.** Noise created in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, or emergency alarms.
- D.** Domestic power tools, including chainsaws, when used for occasional and non-commercial purposes.
- E.** Parades and one-day festivals, including one-day concerts and music festivals.
- F.** Churches ringing bells, carillons or similar musical instruments or broadcasting or reproducing music by sound reproducing devices on Sundays or religious holidays.

G. The reasonable and ordinary noises attendant on athletic contests.

H. This Ordinance shall not be applicable to occasional shooting of firearms whether used for hunting, target practice or any other safe and lawful purpose. However, frequent and repeated shooting of firearms over a period of more than two hours per day shall be prohibited unless a variance has been granted by the Board of Supervisors.

I. The requirements of this ordinance shall not apply where superceded by County, State, or Federal law.

Section 6 **Method of Determining Sound Level**

A. When deemed necessary for enforcement purposes, noise levels under this Ordinance shall be measured by a member of the Board of Supervisors, a Codes Enforcement Officer, or other official designated by the Board of Supervisors

B. Measurements shall be made with a Type 1 sound level meter manufactured according to standards prescribed by the American National Standards Institute in specification S1.4 (Revised 1971), using an "A" weighted network of the sound level meter. The noise emitted from any source shall be measured at any point within any distance beyond one hundred (100) feet of the premises or property where the noise is produced or beyond one hundred (100) feet from the noise source when such exists on public property, unless otherwise specified in this Ordinance.

Section 7 **Enforcement**

A. If the Township determines that a violation of this Ordinance exists, the person(s) responsible for the violation shall be so notified and required to take remedial action within 30 days.

B. If appropriate corrective action has not been effected within the specified time period, the Township may take appropriate legal action.

C. The official(s) designated by the Supervisors of Cooke Township shall be and hereby are charged with the authority and responsibility of enforcing the provisions of this Ordinance.

Section 8 **Temporary Exemptions or Variances; Noise Impact Statements**

A. Granting of temporary exemptions or variances

The Board of Supervisors may grant individual temporary exemptions or variances from the limitations prescribed in this Ordinance whenever it is found, upon presentation of adequate proof, that compliance with any part of this Ordinance will result in an arbitrary and unreasonable taking of property, or will impose an undue burden upon any lawful business, occupation or activity, and the granting of the exemption or variance will not result in a condition injurious to health or safety.

B. Application for temporary exemption or variance

Any person seeking an exemption or variance shall file a written application to the Board of Supervisors. The application shall include the following information:

- (1). Name of responsible person.
- (2). Dates during which the exemption or variance is requested.
- (3). Location of particular noise source and times of operation.
- (4). Nature of the noise source and equipment involved.
- (5). Reasons why an exemption or variance is sought.
- (6). Steps taken to minimize the noise level from the source.
- (7). A noise impact statement, if required by the Board of Supervisors.

C. Noise impact statements

The Board of Supervisors may require a noise impact statement in association with any changes to or building of new subdivisions, or planning of a structure, or in any operation, process, installation or alteration which may be considered as a potential noise source, or in reviewing a request for a temporary exemption or variance under this Ordinance, when in the opinion of the Board of Supervisors there exists a potential for noise tending to unreasonably disturb the peace and quiet of Cooke Township.

Each noise impact statement shall be accompanied by a non-refundable cash fee to cover the cost to the Township of inspection, investigation, issuance and administration. The amount of the fee will be set by resolution of the Board of Supervisors.

Section 9 **Severability**

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

Section 10 **Penalties**

Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefor in a civil proceeding commenced by this Township, pay a civil penalty of not less than Two Hundred and no/100 (\$200) Dollars and not more than One Thousand and no/100 (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township. Each day that a violation shall continue past the period stated in section 7A of this Ordinance shall be deemed and shall be taken to be a separate offense and shall be subject to an additional civil penalty.

Section 11 **Inconsistent Ordinances Repealed**

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.