

## **Milford Township Nuisance Standards**

### **C. NUISANCE STANDARDS**

#### **Section 508 Noise**

- a. Terminology--All technical terminology not defined below shall be defined in accordance with applicable publications of the American National Standard Institute (Acoustical Terminology, ANSI, [S1.1-1960] (R1976) with its latest approved revisions.

1) Ambient Sound: The all-encompassing noise associated with a given environment being a composite of sound from many sources near and far, excluding the sound source.

2) Continuous Sound: Any sound which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one-hour interval.

3) Impulsive Sound: Sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any one-hour interval.

4) Land Use: The actual real use of land and buildings regardless of the zoning or other classification attributed to such land and buildings.

5) Normal Residential Activities: Any sound which is 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 the residence is located.

6) Sound Source: The noise source which is being evaluated to determine its conformance with permissible sound levels.

- b. Standards--For the purpose of measuring sound in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the standards as published by the American National Standard Institute (ANSI, Standard Specification for Sound Level Meters, S1.4-1983 and ANSI S1.13-1971, "Standard Methods for the Measurement of Sound Pressure Levels") with its latest revisions or may be done manually as follows:

1) Observe the ambient sound on a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.

2) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.

3) Calculate the arithmetical average of the observed central tendency indications. This value is the ambient sound level.

4) Observe a sound level meter for five seconds with the sound source operating and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.

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5) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.

6) Calculate the arithmetical average of the observed central tendency indications. This is the sound level of the ambient sound plus the sound source (Total Sound Level).

7) If the difference between the ambient sound and the sound source is 10dBA or greater, the measured sound level is an accurate measurement of the sound source. This value should be compared to the permitted sound levels in Table 1.

8) Due to the logarithmic nature of sound, if the difference between the ambient sound level and the Total Sound Level is less than 10dBA a correction factor shall to be applied. The correction factors are noted in the table below:

<u>Total Sound Level minus ambient sound level</u>	<u>Correction factor to be subtracted from Total Sound Level</u>
10	0
9	1
8	1
7	1
6	1
5	2
4	2
3	3
2	4
1	7

9) The Total Sound Level less the correction factor is compared to the permitted sound levels in Table

- c. Sound Levels by Receiving Land Use--No person shall operate or cause to be operated within the Municipality any source of continuous sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use when measured at or beyond the property boundary of the receiving land use, during the times specified in Table 508.

Table 508 – Continuous Sound Levels by Receiving Land Use

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Sound Level Limit (dBA)</u>
Residential,	7a.m.–10p.m.	55
Public Space,	10p.m.–7a.m.	50
Open Space,	Plus Sundays &	
Agricultural,	Legal Holidays	
Institutional		

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Office,	7a.m.-10p.m.	65
Commercial,	10p.m.-7a.m.	60
Business	Plus Sundays & Legal Holidays	
Industrial	All Times	70

For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the maximum sound level limits set forth in Table I above, provided that in no case shall they exceed 80 dBA, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the American National Standard Institute specifications S1.4-1983.

### d. Specific Prohibitions

The following acts and the causes thereof are declared to be in violation of this Ordinance.

1) Operating, playing, or permitting the operation or playing of any radio, television, phonograph, sound amplifier, musical instrument, or other such device between the hours of 10 p.m. and 10 a.m. in such a manner as to create a noise disturbance across a real property line.

2) Owning, possessing, or harboring any animal which frequently or for any continued duration howls, barks, or makes any other sound so as to create a noise disturbance across any real property boundary.

3) Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 7 p.m. and 7 a.m. or at any time on Sundays if such operation creates a noise disturbance across a real property boundary line. This section does not apply to domestic power tools or to vehicles which are duly licensed, registered, and inspected for operation on public highways.

4) Repairing, rebuilding, modifying, testing or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause a noise disturbance across a real property boundary.

5) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device (used outdoors) between the hours of 9 p.m. and 7 a.m. so as to cause a noise disturbance across a real property boundary.

### e. Exceptions--The maximum permissible sound levels by receiving land use established in Section 508.c shall not apply to any of the following noise sources:

1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

2) Work to provide electricity, water, or other public utilities when public health or safety are involved.

3) Licensed game hunting activities on property where such activities are authorized.

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4) Agriculture.

5) Motor vehicle operations on public streets (covered in Pennsylvania Department of Transportation Regulations, Title 67, Chapter 450 governing established sound levels, effective August 27, 1977).

6) Public celebrations, specifically authorized by the Municipality.

### **Section 509 Smoke, Ash, Dust, Fumes, Vapors and Gases**

- a. There shall be no emission of smoke, ash, dust, dirt, fumes, vapors or gases which violate the Pennsylvania Air Pollution Control Laws or other regulations of the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency.
- b. The emission of smoke, ash, dust, dirt, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.

### **Section 510 Heat**

No use shall produce heat perceptible beyond its lot lines.

### **Section 511 Odor**

- a. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines.
- b. Subsection a. above shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off of the property shall be stockpiled unless processed to eliminate all offensive odors.

### **Section 512 Glare**

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines.

### **Section 513 Vibrations**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines, with the exception of vibration produced as a result of temporary construction activity.

### **Section 514 Storage and Waste Disposal**

- a. No storage of flammable or combustible liquids in excess of thirty (30) gallons shall be permitted unless written approval has been obtained from the Director of the Pennsylvania State Police, Fire Marshall Division. This requirement shall not apply to domestic fuel oil heating systems.
- b. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a

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stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse. Disposal of sewage, septage or sludge must meet the requirements of the Pennsylvania Department of Environmental Protection.

- c. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

### **Section 515 Radioactivity and Electrical Disturbance**

- a. Any use which emits dangerous or harmful radioactivity shall be prohibited. If any use is proposed which incorporates the use of radioactive material, equipment, or supplies, such use shall be in strict conformity with Title 25 of the Pennsylvania Department of Environmental Protection Rules and Regulations.
- b. No use shall produce an electrical disturbance which adversely affects the operation of any equipment beyond its property line. This requirement shall not apply to electronic and electrical equipment which meet the applicable standards of the Federal Communications Commission (FCC), the Underwriters Laboratories (UL), and the Electronics Industries Association (EIA).