

**ORDINANCE NO. 19**  
**TOWNSHIP OF MARION, CENTRE COUNTY, PENNSYLVANIA**

AN ORDINANCE SETTING STANDARDS FOR NOISE CONTROL IN THE  
TOWNSHIP OF MARION, CENTRE COUNTY, PENNSYLVANIA

**SECTION 1. Definitions.**

The following terms shall have the corresponding definition when used in this Ordinance:

A. "Continuous Sound" - Sound with a duration of in excess of five minutes.

B. "Decibel (dB)" - A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter.)

C. "Impulsive Sound" - Sound of short duration, less than five seconds, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

D. "Intermittent Sound" - Sound of intermediate duration, anywhere between five seconds to five minutes in length.

E. "Person" - Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, instrumentality of a State or any political subdivision of a State.

F. "Property Boundary" - An imaginary line along **the** ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

G. "RMS Sound Pressure" - The square root of the time averaged square of the sound pressure.

H. "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 the medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

I. Sound Level - The weighted sound pressure level obtained by the use of a sound level meter and the "A" frequency weighting network as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 - 1971, or the latest approved revision thereof).

J. "Sound Level Meter" - An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

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

L. "Sound Pressure Level" - 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals.

**SECTION 2.           Maximum Permissible Sound Levels  
                          by Receiving Land Use.**

A. No person shall operate or cause to be operated between the hours of 9:00 PM to 7:00 AM on private property any source of continuous sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 when measured at or within the property boundary of the receiving land use.

TABLE 1.   SOUND LEVELS BY RECEIVING LAND USE  
          FOR SOURCES OF CONTINUOUS SOUNDS.

Receiving land-use category (Pursuant to Zoning Ordinance <u>    of Marion Township</u> )	Sound level limit, dB
R-1, R-2	60
C-1, C-2	60
I-1, OS	60

B, No person shall operate or cause to be operated between the hours of 7:00 AM to 7:00 PM on private property any source of continuous sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land-use category in Table 2 when measured at or within the property boundary of the receiving land use.

TABLE 2. SOUND LEVELS BY RECEIVING LAND USE  
FOR SOURCES OF CONTINUOUS SOUNDS.

Receiving land-use category (Pursuant to Zoning Ordinance <u>    of Marion Township)</u>	Sound level limit, dB
R-1, R-2	65
C-1, C-2	65
I-1, OS	68

C. No person shall operate or cause to be operated between the hours of 9:00 PM to 7:00 AM on private property any source of intermittent sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land-use category in Table 3 when measured at or within the property boundary of the receiving land use.

TABLE 3. SOUND LEVELS BY RECEIVING LAND USE  
FOR SOURCES OF INTERMITTENT SOUNDS.

Receiving land-use category (Pursuant to Zoning Ordinance <u>    of Marion Township)</u>	Sound level limit, dB
R-1, R-2	65
C-1, C-2	65
I-1, OS	68

D. No person shall operate or cause to be operated at any time on private property any source of impulsive sound in such manner as to create sound levels on receiving property, regardless of the zoning classification of such receiving property, which exceed the limits set forth for the corresponding number of repetitions for such impulsive source of sound in Table 4 when measured at or within the property boundary of the receiving property.

TABLE 4. IMPULSIVE SOUND LEVEL STANDARDS.

<u>Sound level limit (dB)</u>	<u>Number of repetitions per 24 hour period</u>
95	1
85	10
65	100

E. The provisions of this Section shall not apply to "normal agricultural operations" as defined in 3 P.S. Section 952.

SECTION 3. Measurement and Test Procedures.

Noise levels shall be measured in terms of dB(A) by conventional sound level meters on slow response. Test procedures to determine whether maximum noises emitted exceed the noise levels stated in Section 2 of this Ordinance shall be in substantial conformity with standards and recommended practices established by the S.A.E., Incorporated, the Pennsylvania Department of Environmental Resources, the United States Environmental Protections Agency and other adopted standards of the municipality.

SECTION 4. Penalties.

A. Any person found guilty of violating, disobeying or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Part, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Fifteen (\$15.00) Dollars nor more than Three Hundred (\$300.00) Dollars for the first offense and not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each subsequent offense, in any one hundred eighty (180) day period and on failure to pay such fine shall be sentenced to jail for a term not to exceed thirty (30) days.

B. A separate and distinct offense shall be committed each day that a violation of the terms of this Part continue to exist.

C. The Township, by means of a complaint in equity, may compel the owner to abate such noise and seek such other relief as such court is empowered to afford.

SECTION 5. Enforcement.

The Township Zoning Officer and any police officer shall:

A. Be qualified by training and experience to perform the necessary measurements and procedures required to determine violations of the provisions of this part,

B. File complaints with the District Justice to prosecute violations of this part,

C. Investigate complaints of violations of this part and make inspections and observations of noise condition,

D. Be authorized to issue to warnings to persons considered in violation of these regulations; and

E. To pursue all penalties provided for in this Ordinance.

SECTION 6. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity as a whole or of any other part hereof.

APPROVED AND ADOPTED by the Board of Supervisors of Marion Township this 9th day of September, 1991.

ATTEST:

BOARD OF SUPERVISORS  
OF MARION TOWNSHIP

  
Secretary

  
Chairman