

**BOROUGH OF BRADDOCK HILLS
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2 of 2024

**AN ORDINANCE OF THE BOROUGH OF BRADDOCK
HILLS, ALLEGHENY COUNTY, PENNSYLVANIA
AMENDING CHAPTER 6: CONDUCT, OF THE BOROUGH
OF BRADDOCK HILLS CODE OF ORDINANCES BY THE
ADDITION OF PART 7, ENTITLED "NOISE", TO PROVIDE
FOR THE REGULATION OF NOISE IN THE BOROUGH OF
BRADDOCK HILLS AND TO PROVIDE FOR PENALTIES
FOR VIOLATION OF THE ORDINANCE.**

WHEREAS, Braddock Hills Borough Council is empowered by Pennsylvania law to adopt ordinances consistent with the Constitution and laws of the Commonwealth, essential to the proper management, care, and control of the Borough, and vital to the maintenance of peace, good government, health, safety, and general welfare of the Borough and its residents; and,

WHEREAS, Braddock Hills Borough Council is further empowered by the Pennsylvania Borough Code, 8 Pa. C.S.A. § 101 et. seq. law to adopt ordinances that define disorderly conduct or conduct that disturbs the peace within the boundaries of the Borough, and to provide for the imposition of penalties for such conduct in amounts as Borough Council shall establish; and,

WHEREAS, noise is traditionally defined as unwanted or disturbing sound; and,

WHEREAS, noise can adversely affect the lives of Borough residents, as studies have shown that excessive noise increases the risk of stress-related illnesses, hearing loss, mental health and cognition problems, high blood pressure and heart disease, and a host of other negative health outcomes caused by all the physical, cognitive, and emotional issues that arise from being too distracted to focus on complex tasks and from not getting enough sleep; and,

WHEREAS, Braddock Hills Borough Council recognizes that excessive levels of noise are detrimental to the physical, mental, and social wellbeing of Borough residents, as well as to their comfort, living conditions, and general welfare; and,

WHEREAS, the health, safety, and welfare of the Braddock Hills community is promoted by the adoption of ordinance regulating noise in the Borough of Braddock Hills.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Braddock Hills, Allegheny County, Pennsylvania, as follows:

Chapter 6 of the Code of Ordinances of the Borough of Braddock Hills, entitled "Conduct," is hereby amended by the addition of Part 7, entitled "Noise", to provide as follows:

§701. Purpose.

The purpose of this Ordinance is to ensure that public health, safety, and welfare shall not be abridged by the making or creating of noise pollution or of public nuisances from disturbing, excessive, or offensive noises in the Borough. The residents of the Borough recognize that excessive noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which the level of excessive noise is minimized for the community good.

This Ordinance shall provide for the regulation and prohibition of excessive noise in the Borough, with special consideration to noise produced by construction or vehicles. These regulations and prohibitions are intended to protect the physical, mental, and social wellbeing of the residents of the Borough of Braddock Hills.

§702. Qualification of Constitutional Speech.

This Ordinance is not intended, and shall not be interpreted to be, a regulation of the content of speech protected by the Constitutions of the United States of America or the Commonwealth of Pennsylvania. This Ordinance is intended to be entirely content-neutral. This Ordinance may regulate the time, place, and manner of constitutionally protected speech, as permitted, and provided for by constitutional law.

§703. Findings.

The Borough Council finds that the failure of individuals, businesses, industries, persons maintaining animals, social gatherings, and other activities to regulate the noise emanating from their premises constitutes a violation of the peace and enjoyment of the residents of the Borough and a public nuisance. Specifically, such noise emanating from home occupations, businesses, industries, sound amplification equipment, radios, electronic sound recording equipment, vehicles, persons maintaining animals, social gatherings, and other activities:

- (1) Creates a nuisance in that residents are deprived of the enjoyment of their homes, disturbed in their sleep, and otherwise prevented from the quiet enjoyment of their residential premises;
- (2) Affects the property values of residences in the Borough;

- (3) Affects the public welfare by reflecting negatively on the quality of life in residential areas of the Borough;
- (4) Disturbs the peace and good order of the Borough; and,
- (5) Creates noise pollution.

§704. Definitions.

- (1) **ANSI:** American National Standards Institute, or its successors.
- (2) **Background sound level:** The relative sound level in an area, exclusive of both extraneous noises and the sound contributing to the specific noise in question.
- (3) **Borough:** The Borough of Braddock Hills.
- (4) **Business Operation:** Engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.
- (5) **Construction:** Any site preparation, excavation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.
- (6) **Daytime:** 7:00 A.M. to 9:00 P.M., prevailing time.
- (7) **Decibel (dBA):** A unit of sound level which expresses the relative loudness of sounds as perceived by the human ear.
- (8) **Excessive noise:** Sound of such loudness or character which is, or may be predicted with reasonable certainty to be:
 - a. Injurious to health or which unreasonably interferes with the comfortable enjoyment of life and property, or with any lawful business or activity; measured noise levels in excess of limits established in this Ordinance or those specified in valid permits are declared to be excessive noise;
 - b. Annoying to a person of ordinary sensibilities.
- (9) **Nighttime:** 9:00 P.M. to 7:00 A.M., prevailing time.
- (10) **Noise:** Any sound emitted by a person, animal, appliance, equipment, instrument, or other device.
- (11) **Noise disturbance:** Any noise that may:
 - a. endanger or injure the safety or health of humans or animals;
 - b. annoy or disturb another person or premises;
 - c. annoy, disturb, or interfere with basic living tasks of others;
 - d. impair or degrade the rights of another person or property;
 - e. interfere with the quiet use and enjoyment of the property of another;
 - f. disrupt, limit, or interfere with the peace of the premises of another or with activities of another person; or,
 - g. endanger or injure personal or real property.

- (12) **Person:** Includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- (13) **Sound:** Vibrations that travel through the air or another medium and can be heard when they reach a person's ear.
- (14) **Sound level:** Measurement in decibels obtained from a frequency weighting network corresponding to the A-scale on a standard sound level meter.
- (15) **Sound level meter:** An instrument or combination of instruments which meets or exceeds the requirements for an ANSI Type S1A or Type S2A Sound Level Meter.
- (16) **Vehicle:** Any device, or combination of devices, used for or capable of being used for transporting persons or property, including but not limited to the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, racers, graders, trailers, and semitrailers.
- (17) **Vehicle Repair, the repair, rebuilding, and reconditioning of a vehicle including autobody repair.**

§705. General Noise Limit.

No person shall create or allow the creation of any noise or operate or cause to be operated any source of sound on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured at or beyond the boundaries of the lot, parcel, tract, or property, on which such activities take place, to exceed the noise levels specified below:

- (1) Seventy decibels between the hours of 7:00 A.M. and 9:00 P.M., prevailing time.
- (2) Sixty decibels between the hours of 9:00 P.M. and 7:00 A.M., prevailing time.

In addition to this general noise limit, all uses or activities within the Borough shall conform to all and any applicable county, state, or federal noise regulations.

§706. Special Noise Limits.

- (1) **Construction, Vehicle Repair, and Business Operation .**
 - a. No person shall operate or allow the operation of any equipment or machinery, in the interior or exterior of any structure, for the purpose of construction vehicle repair or any business operation, including but not limited to bulldozers, high lifts, backhoes, trucks, power shovels, pumps, saws, drills, and/or jackhammers, at nighttime in the Borough because such noise is automatically deemed sufficient to disturb the peace and tranquility of the residents of the Borough.

- b. This special limit shall be enforced throughout the entire Borough at nighttime Monday through Sunday, and during both daytime and nighttime on federally designated holidays.

(2) **Vehicles.**

- a. No person, while occupying any public right-of-way in the Borough, shall operate or allow the operation of any motor vehicles, motorcycles, motorbikes, scooters, snowmobiles, or go-karts that are not adequately and properly equipped with effective mufflers or other noise-suppressing systems in good working order.
- b. No person, while occupying any public right-of-way in the Borough, shall operate any noise-creating device in such a manner as to draw public attention to the source of this noise. This prohibition shall include rapid throttle advance and/or revving of an internal combustion engine resulting in an increase of noise from the engine.
- c. No person, while occupying any public right-of-way in the Borough, shall operate a motor vehicle or motorcycle with an exhaust system that has been altered or modified in any way to enable the exhaust system to amplify or increase the sound level exceeding established sound levels set forth in 67 Pa. Code § 157.11(a).

§707. Exemptions and Waivers.

Exemptions shall be narrowly construed. A person shall be exempt from this Ordinance provided that:

- (1) The noise is being generated to request assistance for or warn of an imminent hazardous situation; or,
- (2) The noise emanates from an authorized emergency vehicle, or a vehicle operated by a public utility when responding to an imminent emergency; or,
- (3) The noise emanates from a bell, chime, or similar device used by a school or religious institution but with full consideration of effects on the community and neighboring premises; or,
- (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit; or,
- (5) Any reasonable noise created by a government entity in performance of an official and necessary duty; or,
- (6) Any activity the regulation of which has been expressly preempted by Pennsylvania statute or regulation; or,
- (7) Any activity involving aircraft, airports, or railroad operations that are expressly preempted by federal law.

A temporary waiver from strict compliance with the noise limits specified in this Ordinance may be granted to persons during emergency circumstances, as determined by the Borough Council.

§708. Enforcement and Penalties.

The Borough Manager, Ordinance Enforcement Officer, Public Safety Officer, or their designee, has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations to enforce the provisions thereof, including, but not limited to, investigating violations, and issuing fines.

Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine not more than \$600 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.

A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated.

In addition to the penalties set forth in this Chapter, the Borough may seek legal, injunctive, or other equitable relief to enforce this Ordinance.

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights to future enforcement hereunder.

§709. Severability.


If any one or more of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, such provision or terms shall be deemed severable from the remaining provisions or terms of this Ordinance to the maximum extent possible and shall in no way affect the validity or enforceability of any other provisions hereof.

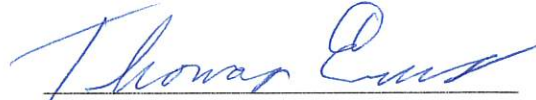
All ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance are repealed to the extent of such inconsistency.

The provisions of this Ordinance shall take effect immediately upon being recorded in the Borough Ordinance Book.

ORDAINED AND ENACTED this 12 day of November, 2024.

BOROUGH OF BRADDOCK HILLS


Cheryl Sorrentino, Manager/Secretary


Thomas Evans, President of Council

EXAMINED AND APPROVED BY ME this 12TH day of NOVEMBER, 2024.


John E. Brown Jr., Mayor