

**THE BOROUGH OF WEST EASTON**

**ORDINANCE NO. 2021 - 34**

**AN ORDINANCE OF THE BOROUGH OF WEST EASTON,  
COUNTY OF NORTHAMPTON, COMMONWEALTH OF  
PENNSYLVANIA, AMENDING THE ZONING ORDINANCE  
AT §27-1116(E) RELATING TO NOISE.**

**WHEREAS**, Section 1202(5) of the Borough Code empowers the Borough to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

**WHEREAS**, Section 3301.1 of the Borough Code empowers Borough Council to regulate the conduct of people and entities within the Borough, and to impose penalties for violation of the regulated conduct; and

**WHEREAS**, the regulation of noise within a Borough is recognized as being consistent with Sections 1202(5) and 3301.1 of the Borough Code; and

**WHEREAS**, the Borough currently regulates noise at §27-1116(E) of the Zoning Ordinance; and

**WHEREAS**, the Borough desires to amend the Zoning Ordinance to regulate noise in a manner that is clear and understandable, comprehensive but not overly broad, and which can be enforced pursuant to a definite standard;

**NOW THEREFORE, THE BOROUGH COUNCIL OF THE  
BOROUGH OF WEST EASTON DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Title.** This Ordinance shall be known as the “Borough of West Easton Noise Control Ordinance.”

**Section 2. Findings and Declaration.** The Borough Council of the Borough of West Easton has determined that:

(a) The occurrence of loud noises in the Borough constitutes a detriment to the public health, comfort, safety and welfare of Borough residents.

(b) The people have a right to and should be ensured an environment free from excessive or unnecessary sound that may jeopardize their health, safety or welfare, or degrade quality of life within the Borough.

(c) The regulations and prohibitions set forth herein are necessary to secure and promote the public health, comfort, safety and welfare of the Borough and its inhabitants.

**Section 3. Definitions.** As used in this Ordinance, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context within which the term is used:

**Borough:** The Borough of West Easton and/or any duly authorized agent(s) or representative(s) of the Borough of West Easton.

**Commercial Construction:** The operation of heavy construction equipment in construction or demolition projects.

**Construction:** Any site preparation, assembly, erection, repair, alteration, remodeling, or similar action, including demolition and removal of buildings or structures.

**Continuous Sound:** Any sound which is static, or which is fluctuating or intermittent with a recurrence greater than one time in any 15-second interval.

**Decibel:** A unit for measuring the sound pressure level, abbreviated dB and measured by sound equipment on a weighted scale, represented by the abbreviation dBA.

**Demolition:** Any dismantling, destruction, or removal of buildings, structures or roadways.

**Emergency:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

**Land Use:** The actual use of real property regardless of the zoning or other classification attributed to such property.

**Motor Vehicle:** A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

**Noise Disturbance:** Any sound which annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures the health or safety of a reasonable person of normal sensitivities, as specified at Section 4 herein.

**Person:** Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. "Person" includes the owner or operator of the source of a noise disturbance, the owner, tenant or manager of real property from which the noise disturbance emanates and any other individual responsible for producing the noise disturbance or allowing such disturbance to occur.

**Plainly Audible Sound:** Any sound that can be detected by a person using their unaided hearing.

**Public Right-of-Way:** Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by the Borough.

**Public Space:** Any real property or structures thereon which are owned or controlled by the Borough.

**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 right-of-way.

**Real Property Boundary:** A. the imaginary line, including its vertical extension, that separates one parcel of real property from another; or B. the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building; or C. the vertical and horizontal boundaries of a dwelling unit or commercial unit of a mixed residential-business use building.

**Sound Level:** Airborne vibrations caused by sound and expressed in weighted decibels (Dba) when measured by a sound level meter.

**Sound Level Meter:** An instrument which includes a microphone, signal processing, and a display, designed to measure sound levels in a standardized way, measured in decibels.

**Steady Noise.** A noise whose level remains essentially constant, fluctuating less than 5 Db during the period of observation.

**Section 4. Prohibited Conduct.** It shall be unlawful for any person to make, continue or cause to be made or continued one (1) time in any fifteen (15) second interval, noise disturbance which either annoys, disturbs, injures or endangers the comfort, repose, help, peace or safety of others within the limits of the Borough.

Additionally, the following activities are declared to be unlawful:

- (1) Construction activities including commercial construction, hauling, excavation, demolition, equipment operation, or any other construction activity in such a manner as to be plainly audible across a property line, between 7:30 p.m. and 7:00 a.m., Monday through Friday, and between 8:00 p.m. and 9:00 a.m. on Saturday and Sunday and legal holidays.
- (2) Trash or recycling pickup and hauling between the hours of 6:00 p.m. and 6:00 a.m., Monday through Friday, and between 5:00 p.m. and 9:00 a.m. on Saturday and Sunday.
- (3) Deliveries, unloading, and opening of commercial goods between the hours of 6:00 p.m. and 6:00 a.m., Monday through Friday, and between 6:00 p.m. and 9:00 a.m. on Saturday and Sunday.
- (4) No person shall repair, rebuild or test or otherwise work on any motorcycle, motor vehicle, motorboat or aircraft outdoors in such a manner as to be plainly audible across a property line between 8:00 p.m. and 9:00 a.m. every day of the week.
- (5) No person shall use any motor vehicle, equipment or machinery which has had a sound-dissipative device or any part thereof removed or rendered inoperative.
- (6) Except for emergencies, no person shall intentionally sound or permit the sounding outdoors of any vehicle, fire, burglar or civil defense alarm or any similar stationary emergency signaling device intended for public notification.
- (7) No person shall use or operate or permit the use or operation of any device intended to produce or reproduce sound, such as a radio, television set, musical instrument, stereo, loudspeaker, sound amplifier, or other machine, which is plainly audible upon the public streets at a distance of 50 feet from the source of such sound.

(8) Festivals, carnivals, parties and other gatherings, whether on public or private property, shall be prohibited from generating music, singing, or prolonged noise of any kind whatsoever between the hours of 9:00 p.m. and 10:00 a.m. Sunday through Saturday.

(9) No person shall create a continuous sound at a sound level which exceeds the noise standards set forth below. The limits apply to the emanation of a noise disturbance from the originating property based on its use, measured at or within the property boundary of the receiving land. All measurements shall be made with a sound level meter which is in conformance with American Standards Association specifications.

Residential	50 dBA
Residential Service/Commercial/Office	50 dBA
Light Industrial	65 dBA
Public and Open Space	65 dBA
Heavy Industrial	70 dBA

The noise standards above shall be 5 dBA lower (1) between 10:00 p.m. and 7:00 a.m., and (2) for the emission of any steady noise, as defined herein.

**Section 5. Exceptions.** The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

- a. Blasting, only if performed in accordance with a permit issued by the Pennsylvania Department of Environmental Protection. Such blasting may occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times by the DEP permit.
- b. Alarms or other devices used for the purpose of alerting people to the existence of an actual emergency or devices such as a horn or siren installed in a motor vehicle and used to warn persons of an imminent danger.
- c. Emergency work to provide electricity, water or other public utilities or restore essential public services, including construction activities directly related to the abatement of an emergency
- d. Authorized emergency vehicles responding to an emergency.

- e. A snowplow, snow blower or other similar device in operation used to remove snow or ice.
- f. Work or activities performed or sponsored by schools and governmental agencies or their contractors in the performance of public service.
- g. Noises made by bells, chimes, carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock strike mechanisms that are currently in use for any purpose.
- h. Agriculture.
- i. Permitted construction projects.
- j. Public celebrations, specifically authorized by the Borough.
- k. Surface carriers engaged in commerce by railroad.

**Section 6. Administration and Enforcement.** The Borough of West Easton Police Department and Code Enforcement Officers shall have the power to administer this Ordinance, investigate complaints, and prosecute violations in accordance with Section 8 herein.

**Section 7. Determination of Violations.** When violation of this ordinance is reported or suspected, unless otherwise specified herein, the Borough shall determine a violation by use of equipment to measure the decibel level of the noise from the real property boundary of the receiving property. Prior to taking any noise measurement, the equipment shall be calibrated.

**Section 8. Penalty.** Any person convicted of violating any provision of this section shall be fined no less than One Hundred Dollars (\$100.00), nor more than Six Hundred Dollars (\$600.00), or imprisoned for a term not exceeding thirty (30) days, or both, the amount to be fixed by the Court. Each day that a provision of this section is violated shall be deemed a separate offense.

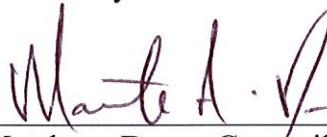
**Section 9. Repealer.** To the extent that §27-1116(E) of the Zoning Ordinance and all other ordinances or parts of ordinances are in conflict herewith, they are hereby repealed.

**Section 10. Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The West Easton Borough Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases by declared unconstitutional.

**Section 11. Effective Date.** After passage and adoption, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect, and be in full force and effect, five (5) days after passage.

**ORDAINED AND ENACTED** this 13<sup>th</sup> day of December, 2021.

Borough Council  
Borough of West Easton  
County of Northampton  
Pennsylvania



Matthew Dees, Council President

ATTEST: Joan L. Heebner  
Joan L. Heebner, Borough Secretary

Approved this 13<sup>th</sup> day of December, 2021.



Daniel DePaul, Mayor