

Chapter 100

NOISE

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[HISTORY: Adopted by the Borough Council of the Borough of Manchester 10-13-1997 by Ord. No. 1997-13. Amendments noted where applicable.]

GENERAL REFERENCES

Building demolition — See Ch. 71.

Zoning — See Ch. 149.

Uniform construction codes — See Ch. 73.

§ 100-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEVICE — Any man-made mechanism which emits sound during operation or actuation, including sound-amplifying equipment.

NOISE DISTURBANCE — That level of sound which either:

- A. 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;
- B. Affects the property values of residences in the residential district of the Borough;
- C. Disturbs the peace and good order of the Borough;
- D. Annoys or disturbs a reasonable person of normal auditory sensitivities;
- E. Is clearly audible outside the residential real property or vehicle from which it originates;
or
- F. Is loud, disturbing, unusual, unreasonable, unnecessary or long in duration as well as audible outside the structure or the real property boundary from which it originates.

PERSON — An individual, corporation, firm, association, organization, partnership, trust, company or such other entity.

REAL PROPERTY BOUNDARY — A line along the ground surface and its vertical extension which separates the real property owned or controlled by one person from that owned or controlled by another person, including intrabuilding real property divisions.

SOUND — Audible sound is the disturbance of an elastic vibration in air or another medium that stimulate the auditory nerves and produce the sensation of hearing.

SOUND-AMPLIFYING EQUIPMENT — Any machine or device for the amplification of the human voice, music or any other sound; the term "sound-amplifying equipment" as used herein shall not be construed as including any standard automobile radio when used and heard only by occupants of the vehicle in which it is installed or warning devices on authorized emergency vehicles or horns or other warning devices pole mounted or on other vehicles used only for traffic safety purposes.

VEHICLE — Any device or combination of devices used for or capable of being used for transporting persons or property by mechanical self-propelled means. "Vehicles" include but are not limited to the following: automobiles, trucks, tractor trailers, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, industrial machinery and such other similar equipment.

§ 100-2. General provisions.

It is hereby declared to be a nuisance and it shall be unlawful for any person, firm or corporation to make or cause or suffer or permit to be made or caused, upon any premises owned, occupied or controlled by him or her or it or upon any public street, alley or thoroughfare in the Borough of Manchester, any noise disturbance or sounds by means of the human voice or by any other means or methods which are physically annoying to the comfort of any person or which are so harsh or so prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of the inhabitants of said Borough or any member thereof.

§ 100-3. Noise limits.

No person shall create or allow the creation of any noise or operate or cause to be operated any source of noise from any device and/or vehicle on property owned, leased, occupied or otherwise controlled by such person which causes the level of sound to be heard outside of the real property boundary from which it originates and which said level of sound constitutes a noise disturbance to any neighbor situated beyond said real property boundary or on any public thoroughfare.

§ 100-4. Exemptions.

Noise emitted from the following sources shall be exempt from the noise limits specified herein:

- A. All safety signals and warning devices (e.g., intrusion alarms and backup alarms on trucks); authorized vehicles when responding to emergencies (e.g., police, fire and ambulance sirens); or any other device used to alert persons to an emergency or used during the conduct of emergency work.
- B. The provision, repair and maintenance of municipal services or public utilities.

- C. Bells, chimes and carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons that are currently in use for any purpose.
- D. Appliances, lawn and garden equipment, snow-removal equipment and household power tools in use between the hours of 7:00 a.m. (prevailing time) and 10:00 p.m. (prevailing time), providing that such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
- E. Farming equipment when used during farming operations, provided that such farming equipment is operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
- F. Air conditioners, fans, heating units and similar comfort devices, provided that such are operated within the manufacturer's specifications and reasonable measures are taken to reduce noise levels as approved by the Permit Officer.
- G. Airplanes, helicopters and normal activities of properly licensed airports.
- H. Musical, recreational and athletic events conducted by or permitted by schools or local government.
- I. Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver; activities conducted in accordance with a special activity permit approved by the Borough Council.

§ 100-5. Special waivers.

A temporary waiver from strict compliance with the noise standards specified herein may be granted persons during emergency circumstances or construction conditions, as determined by the Borough Permit Officer, to permit reasonable time to effect repairs and/or adjustments to equipment, appliances, instruments and other sound-emitting devices which, when in use, exceed the noise level limits, provided that the use of such devices shall be essential to preserve and protect health and safety or to comply with other lawful rules, regulations and ordinances.

§ 100-6. Violations and penalties.

Any person, firm or corporation who or which shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and, in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this chapter continues shall constitute a separate offense.

§ 100-7. Effective date.

The provisions of this Ordinance No. 97-13 shall become effective on the 13th day of October 1997.