

**WHITPAIN TOWNSHIP**

ORDINANCE #376


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AN ORDINANCE AMENDING CHAPTER 83 [DISTURBING THE PEACE] OF THE TOWNSHIP'S CODE TO ADD A NEW PART 2 [COMMERCIAL GENERATOR NOISE ORDINANCE] TO LIMIT THE NOISE CREATED BY ELECTRICAL POWER GENERATORS ON COMMERCIAL PROPERTIES TO 5 DECIBELS AT THE PROPERTY BOUNDARY OF NEIGHBORING RESIDENTIAL PROPERTIES AND 10 DECIBELS AT THE PROPERTY BOUNDARY OF NEIGHBORING COMMERCIAL PROPERTIES AND FURTHER PROVIDING DEFINITIONS, MEASUREMENT PROCEDURES, EXEMPTIONS, INSPECTIONS, AND PENALTIES FOR VIOLATION.

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CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #376

  
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Roman M. Pronczak, P.E., Township Manager  
Aug. 21, 2019

ENACTED: Aug 20, 2019

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**IT IS HEREBY ENACTED AND ORDAINED** by the Whitpain Township Board of Supervisors as follows:

**SECTION 1. AMENDMENT TO THE TOWNSHIP'S CODE, CHAPTER 83 [DISTURBING THE PEACE].**

Chapter 83 [Disturbing the Peace] of the Township's Code is hereby amended to add a new Part II [Commercial Generator Noise Ordinance] which shall read as follows:

**Part 2. COMMERCIAL GENERATOR NOISE ORDINANCE.**

**§ 83-5. Definitions.**

1. Sound Pressure. The air pressure resulting from a sound wave.
2. Decibel (dB). The unit of measure of sound pressure levels. The sound decibel is the ratio of the measured sound pressure relative to a reference pressure of 20 micropascals and is calculated as 20 times the base-10 logarithm of the ratio of the measured pressure to the reference pressure.
3. Transient Sound. Sound of a temporary or momentary nature that is not representative of the background sound level at a location. Examples include but are not limited to the horn of a vehicle, a siren, a door slam, a barking dog, the passing of an atypically loud land vehicle or an aircraft.

4. Background Sound. The sound pressure level at a location without transient sounds and without the sound contribution of the specific source in question.
5. Ambient Sound. The sound pressure level at a location without transient sounds but with the sound contribution of a specific source in question.
6. C-Weighted Sound Pressure Level (SPL). The sound pressure level adjusted using the C-weighted network in order to approximate human hearing at louder listening levels, expressed in units of dBC.
7. Equivalent Continuous Sound Pressure Level (LEQ). A constant sound level which contains the same amount of energy as the time-varying sound over the given time period, typically considered as the average sound level over the length of the measurement period.
8. Commercial Property. Land class for commercial use.
9. Residential Property. Land class for residential use.
10. Property Line. The legal boundary line between two parcels of land.
11. Sound Level Meter. A device used to measure sound pressure levels.
12. Wind Screen. A cover placed over a microphone in order to mitigate the effects of wind.

#### **§ 83-6. Prohibited Conduct**

1. Sound from Electrical Power Generators. No commercial property shall create ambient sound due to an electrical power generator that exceeds:
  - A. 5 decibels (dBC) above the background sound level as measured at the property boundary of a neighboring residential property.
  - B. 10 decibels (dBC) above the background sound level as measured at the property boundary of a neighboring

commercial property.

**§ 83-7. Measurement Procedures.**

1. Equipment

A. Sound Level Meters

- i. Equivalent continuous sound pressure levels shall be acquired using a sound level meter meeting the requirements of the current version of ANSI S1.4 for either a Type 1 (Precision) or a Type 2 (General Purpose) sound level meter.
- ii. The sound level meter should be calibrated prior to measurement of sound levels.

B. Other Devices

- i. A wind screen shall be used, as recommended by the sound level meter manufacturer.
- ii. An anemometer shall be used during the measurement of sound levels to measure the wind speed.

2. Outdoor Conditions. Outdoor measurements shall not be taken:

- A. If the sound level meter is not fitted with a wind screen.
- B. If the maximum wind speed during the measurement exceeds 12 mph.
- C. During a precipitation event.
- D. When the outdoor air temperature is below 14°F (-10°C) or above 122°F (50°C).

3. Measurement Locations. Equivalent continuous sound pressure levels shall be measured on the receiving residential property at or within 10 feet of the property boundary closest to the noise source in question.

- A. Measurements shall be performed at least 4 feet away from any acoustically-reflective surface and at least 4 feet above the ground.
- B. The background and ambient sound levels shall be measured at the same location and immediately after one another.

#### 4. Procedures

- A. With the sound level meter set to slow response and using the C-weighting network, continuous equivalent sound pressure levels shall be acquired for a minimum duration of 15 seconds.
- B. During sound level measurements, the sound level meter microphone is to be pointed toward the noise source of interest and mounted on a tripod or held at arm's length.

#### 5. Reporting requirements

- A. The report for each test shall include:
  - i. The date on which the measurements are made;
  - ii. The time of measurements;
  - iii. The weather conditions including air temperature, maximum wind speed, and precipitation;
  - iv. The identification of all measurement equipment by manufacturer, model number, and serial number;
  - v. The date each piece of equipment was last recertified or recalibrated by the manufacturer or other certifying authority;
  - vi. The times of calibration of the measuring devices while on site;
  - vii. The background sound level in dBC at each

measurement location;

- viii. The ambient sound level in dBC at each measurement location;
- ix. A sketch or aerial image of the site, not necessarily to scale, orienting the noise source of interest, the points of measurement, topographic features, and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions;

**§ 83-8. Exemptions.**

- 1. Noise created by electrical power generators during regularly-scheduled testing shall be exempt between the hours of 9:00 AM and 5:00 PM for a period of no more than one hour until testing is complete.

**§ 83-9. Inspections**

- 1. The owner of any commercial property shall allow the Township's authorized agent to enter the property and facilities for the purpose of inspection, observation, measurement, and testing to determine compliance with the provisions of this Ordinance.
- 2. The Township's authorized agent shall have the right to enter upon land for the purpose of performing necessary inspection, observation, measurement, and testing to determine compliance with the provisions of this Ordinance.

**§ 83-10. Violations and Penalties.**

- 1. The penalty for a violation is a fine of \$5,000 dollars.
- 2. The commercial property owner shall have a period of up to six (6) months to remediate the noise before additional sound levels are measured and additional penalties are assessed.

**SECTION 2. REPEAL AND RATIFICATION.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

**SECTION 3. SEVERABILITY.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective 5 days after enactment.

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[SIGNATURES ON NEXT PAGE]

**ORDAINED AND ENACTED** this 10th day of August 2019, by the  
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

  
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FREDERICK R. CONNER JR., *Chair*

[Seal]

Attested by:

  
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MICHELE MINNICK, *Asst. Secretary*