

**BOROUGH OF BEN AVON HEIGHTS
ORDINANCE NO. _____**

**AN ORDINANCE OF THE BOROUGH OF BEN AVON HEIGHTS,
ALLEGHENY COUNTY, COMMONWEALTH OF
PENNSYLVANIA, DEFINING AND RESTRICTING THE
MAXIMUM SOUND LEVELS THAT ARE EMITTED FROM
PROPERTIES**

WHEREAS the Borough of Ben Avon Heights believes it is in the Borough's best interest to adopt rules and regulations pertaining to the maximum sound levels that can be emitted from properties in the Borough for the health, welfare and safety of the inhabitants of the Borough and the public at large; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Ben Avon Heights, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

PROHIBITION OF EXCESSIVE SOUND

SECTION 1: Applicability.

The following rules and regulations herein contained shall apply to all properties in the Borough.

SECTION 2. Maximum Sound Levels.

- a. **General Sound Limitations.** Noise which is objectionable, injurious and/or unreasonably interferes with the comfortable enjoyment of life or property because of volume, frequency or beat is prohibited and is declared to be a public nuisance which, in addition to the violations and penalties specified in Section 3 of this Ordinance, may be abated by Borough employees and/or contractors including by not limited to the Police Department, Fire Department and Code Enforcement personnel authorized to perform services on behalf of Ben Avon Heights Borough. Any person or property emitting or allowing to be emitted such noise, regardless of decibel level, whether emitted by sound amplification equipment, alarm system, musical instruments, pets or other animals, motorized vehicles, construction equipment or any other source, shall be in violation of this Ordinance. Noise in excess of the maximum permissible noise levels, defined below, is considered a per se violation of this Ordinance. Police and fire sirens and related apparatus used solely for public purposes shall be exempt from this Ordinance.

The maximum permissible noise levels are:

1. Daytime (7am to 10 pm)- 80 dB(A)
2. Nighttime (10 pm to 7 am) – 70 dB(A)

- b. **Construction Equipment Noise.** It shall be unlawful for any person to use construction equipment, such as trucks, tractors, bulldozers, and power equipment, for building or construction operations from 7:00 P.M. to 7:00 A.M. Monday through Friday and 5:00 P.M. through 8:00 A.M. Saturday and Sunday of the following day, except for emergency

work on public improvements , work of public service utilities, and municipal services unless such equipment has been manufactured or modified for sound control to meet a noise limit of 86 dB(A).

- c. **Sound Measurements.** Sound measurements made to determine compliance with the conditions and standards set forth above shall be on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of 25 feet from any property line of the property on which the noise source is located.

SECTION 3. Violations and penalties.

Violation of the rules and regulations shall be punishable, upon conviction, by payment of costs of prosecution and a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Nothing within this ordinance shall prevent the Borough from pursuing civil remedies for monetary damages or any other relief against any person who violates this ordinance.

SECTION 4. Enforcement.

The Police Department authorized to perform law enforcement within Ben Avon Heights Borough is herewith specifically charged with the duty and responsibility and obligation of enforcing the rules and regulations herein, and as may be established from time to time by resolution of Borough Council.

SECTION 5. Any and all prior Ordinances or Resolutions of the Borough of Ben Avon Heights (or parts thereof) which are in conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict of inconsistency.

SECTION 6. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED into law this _____ day of _____, 2023.

ATTEST:

BOROUGH OF BEN AVON HEIGHTS

Jessica DiNuzzo, Secretary

Jason Brown, President

EXAMINED and APPROVED this ___ day of _____, 2023.

Scott Dismukes, Mayor

