



Legislation Details (With Text)

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| Title: | Ordinance amending the Pittsburgh Code, Title Six: Conduct, Article I Regulated Rights and Actions, Chapter 601 Public Order, Section 601.04 Noise Control, by deleting the language in the Chapter in its entirety, and replacing it with new language. | | |
| Sponsors: | Bruce A. Kraus | | |
| Indexes: | PGH. CODE ORDINANCES TITLE 09 - ZONING | | |
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| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------|--------------------------------------|--------|
| 8/11/2015 | 2 | Mayor | Signed by the Mayor | |
| 8/3/2015 | 2 | City Council | Passed Finally | Pass |
| 7/29/2015 | 2 | Standing Committee | AMENDED | Pass |
| 7/29/2015 | 2 | Standing Committee | Affirmatively Recommended as Amended | Pass |
| 7/21/2015 | 1 | City Council | Read and referred | |

Ordinance amending the Pittsburgh Code, Title Six: Conduct, Article I Regulated Rights and Actions, Chapter 601 Public Order, Section 601.04 Noise Control, by deleting the language in the Chapter in its entirety, and replacing it with new language.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. That the Pittsburgh Code, Title Six: Conduct, Article I Regulated Rights and Actions, Chapter 601 Public Order, Section 601.04 Noise Control, is hereby amended by deleting the language in the Chapter in its entirety, and replacing it with new language, as follows:

- **§ 601.04 - NOISE CONTROL.**

(a)

Purpose: Excessive noise is a serious threat to the welfare, contentment, safety, health and the peace and quiet of the residents of the City. It is the intent of this Ordinance to establish requirements to prevent excessive noise that may jeopardize the health and welfare of its residents or degrade their quality of life. This Ordinance is not intended and shall not be interpreted to be a regulation of the content of speech or communication; this Ordinance is intended to be entirely content-neutral; this Ordinance regulates only the

time, place and manner of noise as defined below.

(b)

Definitions:

Amplified Noise. Noise created by loudspeaker(s), audio amplification device(s), or other similar devices.

Apartment. A building containing multiple residential units.

Construction. Any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.

Decibel. Unit of measure of the noise level. Symbol is dB.

dB(A). The symbol designation of a noise level, reported in decibels, using the A-Weighting network of a sound level meter, as defined in ANSI S1.4-Specification For Sound Level Meters. For example, noise will be reported as seventy-two (72) dB(A). For purposes of this ordinance, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter.

~~**dB(C).** The symbol designation of a noise level, reported in decibels, measured using the C-Weighting network of a sound level meter, as defined in ANSI S1.4-Specification For Sound Level Meters. For example, noise will be reported as twelve (12) dB(C) over the background noise level. For purposes of this ordinance, the noise shall be measured using the slow exponential time weighting characteristic of the sound level meter.~~

~~**General background noise.** Noise created by many distant noise sources individually indistinguishable. This type noise can be present during noise measurements.~~

Background Sound Level. The measured sound level in an area, exclusive of extraneous sounds and the sound contributing of the specific source in question.

Individual background noise sources. Clearly identifiable noise sources including, but not limited to, barking dogs, airplane flyovers, passing cars/trucks, raised voices, televisions and radios. These sources shall not be present during noise measurements.

Motor vehicle. Means any vehicle that is propelled, generally by an engine or motor, used primarily for transporting persons or property on land.

Noise or noise level (used interchangeably for purposes of this Ordinance). The terms noise and noise level may mean the sound that is capable of being measured as sound pressure level in decibels. Noise and noise level may also mean the sound that is clearly audible from a distance of seventy-five feet or sound that annoys or disturbs a reasonable person of normal sensitivities. This ordinance offers alternative methods to measure noise.

Noise levels relative to Tables A and B below will be recorded as the visual average for any continuous measurement period of thirty (30) seconds, and the maximum noise level measured at any time. The offending

noise will be deemed to violate the provisions of Tables A and B below of this ordinance if the visual average exceeds the maximum allowable noise levels and/or the maximum noise level measured at any time exceeds the maximum allowable noise levels by five (5) dB(A) or five (5) dB(C).

Park facility. As defined in Pittsburgh Code Section 477.01 (b)(2).

Person. Includes individual natural persons, firms, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, corporations, companies or organizations of any kind; or any officers, agents, employees, factors or any kind of personal representative of any kind of the above, in any capacity, acting either for her/himself, or for any other person, under either personal appointment or pursuant to law. Whenever used in any provision prescribing or imposing a penalty, the term "person" as applied to partnerships or associations includes the partners or members thereof, and if applied to corporations, the officers thereof.

Plainly audible. Any noise that clearly can be heard, however, words or phrases need not be discernible.

Premises. Any building, structure, land, including yards, lots, courts, inner yards owned or controlled by a person.

Property line. The real or imaginary line and its vertical extension which separates real property owned or controlled by a person from contiguous real property owned or controlled by another person and separates real property from the public premises.

Receiving premises. All lands, and buildings or structures thereon, equipment or appurtenances connected or used therewith and any personal property affixed or otherwise used in connection with use of such premises affected by noise emanating from another premises.

Residential zoning districts. ~~Only those zoning districts described in Pittsburgh Code, Title Nine, Zoning, Chapter 903, Residential Zoning Districts, and Chapter 908.02, Grandview Avenue Public Realm District, Subdistricts A and B.~~

Residential property. The units in any property in which people reside on a permanent or semi-permanent basis.

Special event. A pre-planned event or series of events sponsored by a public or private person or entity which is:

- (a) Located wholly or partially on property owned or maintained by the City; or
- (b) Located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree equal to and/or over and above that which the City routinely provides.

Permits for special events currently are obtained through the Special Events Committee in the Office of the Mayor, and permit holders are required to reimburse the City forty (40) percent of the incremental personnel cost of services provided. Excluded from the definition of special event in this noise control ordinance and therefore subject to it are events where a fee is charged for admission to the premises or for the entertainment.

Sound pressure level. In decibels, ten (10) times the logarithm (to the base ten (10)) of the ratio of the square of a sound pressure to the square of the reference sound pressure of twenty (20) microPascals.

(c)

Restriction of noise between premises:

(1)

Unamplified noise. No person shall transmit or cause to be transmitted any unamplified noise, which leaves the premises from which it originates, and enters any residential property or premises in a residential zoning district:

- (a) In excess of the noise levels specified below in Table A; OR
- (b) Noise that is clearly audible from a distance of seventy-five feet.

Table A

Maximum allowable noise levels at residential property receiving premises

| | |
|-------------------------------|--|
| Daytime: 7:00 am - 10:00 pm | 65 dB(A) <u>or 3 above background sound level, whichever is greater</u> |
| Nighttime: 10:00 pm - 7:00 am | 60 <u>55 dB(A) or 3 above background sound level, whichever is greater</u> |

(2)

Amplified noise. No person shall transmit or cause to be transmitted any noise created by loudspeaker(s), audio amplification device(s), or other similar devices which leaves the premises from which it originates, and enters any residential property or premises in a residential zoning district:

- (a) In excess of the noise levels specified below in Table B; OR
- (b) Noise that is clearly audible from a distance of seventy-five feet.

Table B

Maximum allowable noise levels at residential property receiving premises from loudspeakers, audio amplification devices, and other similar devices

| | |
|-------------------------------|---|
| Daytime: 7:00 am - 10:00 pm | 75 dB(A€) <u>or 3 above background sound level, whichever is greater</u> |
| Nighttime: 10:00 pm - 7:00 am | 75 dB(A€) <u>or 3 above background sound level, whichever is greater</u> |

(2)

Noise measurements for use with Table A and Table B.

(a)

Location of noise measurements. Noise levels shall be measured at the property line of a receiving premises if at a distance of twenty-five (25) feet or greater from the noise source. If the receiving premises property line is not at least twenty-five (25) feet from the noise source, the measurement will be taken within the property of the receiving premises at the lesser of twenty-five (25) feet from the noise source or the farthest possible distance from the noise source.

(b)

Background noise. The noise measurements to determine compliance with the noise levels in Table A and Table B, shall be taken in such a manner as to eliminate individual background noises. The measurement shall be of the offending noise source in the absence of such individual background noises. It is proper to take the measurements with general background noise present.

(d)

Apartment to apartment and residence to residence noise.

(1) *Noise limit above the background noise level.* No person shall transmit or cause to be transmitted any noise that leaves the residential property or premises from which it originates and enters any residential property creating noise levels:

- (a) In excess of the background noise level in the complainant's residential unit at the levels specified ~~below in Table C~~ **in Tables A or B**; OR
- (b) Noise that is clearly audible from a distance of seventy-five feet; OR
- (c) Sound that annoys or disturbs a reasonable person of normal sensitivities.

Table C

Maximum allowable noise levels above the background noise level—Measured at complainant's Unit

| | |
|--------------------------------------|---------|
| Daytime: 7:00 am – 10:00 pm 10 dB(C) | |
| Nighttime: 10:00 pm – 7:00 am | 5 dB(C) |

(2) ~~Noise measurements for use with Table C. An officer responding to a complaint shall measure the noise at a centralized location in the complainant's unit corresponding to the noise source located on the offending premises.~~

(e)

Amplified noise from vehicles or devices.

(1)

No person shall transmit noise from a vehicle being operated on a public street, or alley, or in commercial or residential parking facilities, by playing any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of music or other entertainment, or other machine or device designed or intended to produce or reproduce sound, which is plainly audible to an officer at a distance of seventy-five (75) feet from the source of the noise.

(2)

This provision also includes portable, hand carried, audio amplification or reproduction devices including, but not limited to, hand carried radios, cassettes, or compact disc players, 3M players, cellular telephones, iPods, or digital devices.

(3)

Vehicles with permits for activities consistent with the transmission of amplified noise shall be exempt from this section.

(f)

Exemptions. A person shall be exempt from this section provided that:

(1)

The noise is being generated to request assistance or warn of a hazardous situation; or

(2)

The noise emanates from an authorized emergency vehicle or a vehicle operated by a gas, electric, communication or water utility; or

(3)

The noise emanates from a bell, chime or similar device used by a school or religious institution; or

(4)

The noise emanates from lawn care and other household maintenance equipment and tools used between 7:00 a.m. and 10:00 p.m.; or

(5)

The noise is being generated by construction activities properly permitted in the City of Pittsburgh; or

(6)

The noise is in connection with a parade, or "special event" (as described in Section 601.04(b) above) that is being conducted under a parade or special event permit issued by the City and is otherwise in compliance with the applicable sections of the Pittsburgh Code provided that the maximum allowable noise level in the applicable subsection is not exceeded between the hours of 11:00 p.m. and 7:00 a.m.;

(7)

The noise is being generated by the crowd at a sporting event or other event being conducted pursuant to a permit issued by the City; or

(8)

The noise is being generated from the engine of a motor vehicle that is subject to regulation exclusively by the Pennsylvania Department of Transportation in PA Code Title 67 Transportation and Title 75 Vehicles; or

(h)

Instrumentation. When using Tables A, B ,or C, noise levels shall be measured using a sound level meter that meets or exceeds the requirements for Type 1 or Type 2 instruments as defined in ANSI S1.4-Specification For Sound Level Meters.

(i)

Penalties.

(1) Any person violating any provision of this section, unless otherwise specified in this section, shall be fined not more than three hundred dollars (\$300.00) and costs for each offense, and in default of payment thereof may be imprisoned for not more than thirty (30) days.

(2) Violation of section 601.04(e)(1) shall result in the mandatory fine of one hundred fifty dollars (\$150.00) for a first time violation and a mandatory three hundred dollar (\$300.00) fine and booting of a vehicle for the second offense. Booting of the vehicle shall occur if the fine from the first violation is outstanding. The owner of the vehicle shall be responsible for all costs associated with the booting.

(3) In addition to any penalty provided or imposed, violation of any provision in this ordinance is a public nuisance, disturbing the peace and injurious to the public interest, and may be fully or partially abated forthwith.

(4) In addition to any penalty provided or imposed, violation of any provision in this ordinance is a public nuisance, disturbing the peace, and injurious to the public interest, and may be fully or partially abated forthwith, and may subject the offending property owner(s) to additional penalties pursuant to Pittsburgh Code Chapter 670 Disruptive Property Abatement.

(Ord. 17-1991, eff. 5-24-91; Am. Ord. 22-1998, eff. 10-1-98; Ord. 24-2001, eff. 11-30-01; Ord. No. 4-2011, § 1, eff. 3-9-11)