

BOROUGH OF JESSUP

LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 4-2026

AN ORDINANCE OF THE BOROUGH OF JESSUP AMENDING THE BOROUGH'S ZONING ORDINANCE TO COMPREHENSIVELY REVISE SECTIONS 1005 AND 1008 PERTAINING TO NOISE AND VIBRATION, RESPECTIVELY, WITH NEW PROVISIONS RELATED TO PURPOSE, APPLICABILITY, SOUND LEVEL LIMITS, VIBRATION LEVEL LIMITS, SPECIFIC SOURCES OF NOISE, EXEMPTIONS, NONCONFORMING USES, MEASUREMENT, TAMPERING PROHIBITIONS, EXCESSIVE VIBRATION PROHIBITIONS, MONITORING REQUIREMENTS, NOISE MITIGATION PLANS, ENFORCEMENT, AND FINANCIAL ASSURANCE REQUIREMENTS, AND TO DEFINE NEW TERMS PERTAINING TO THE ABOVE IN ARTICLE 15, DEFINITIONS.

WHEREAS, the Borough of Jessup is a duly ordained and existing political subdivision organized under the laws of the Commonwealth of Pennsylvania, particularly, the Pennsylvania Borough Code, as amended (8 Pa.C.S.);

WHEREAS, the Borough of Jessup has in effect Ordinance Number 10 of the year of 2020 (Ordinance, No. 10-2020), otherwise known as the Borough of Jessup Zoning Ordinance ("Zoning Ordinance"), pursuant to its statutory authority under the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. § 10101 et seq.);

WHEREAS, since its adoption, the Borough of Jessup Council has from time to time amended the Zoning Ordinance;

WHEREAS, the Borough of Jessup Council seeks to amend the Zoning Ordinance to keep up with best practices regarding the regulation of noise and vibration;

WHEREAS, the Borough of Jessup Council deems it to be in the best interest for the health, safety, and general welfare of Borough residents and businesses to update and amend provisions of the Zoning Ordinance relating to noise and vibration; and

WHEREAS, the Borough of Jessup Council has duly discussed, legally advertised, and held public hearings in accordance with the MPC as well as said Zoning Ordinance of its intention to amend said Ordinance in accordance with the provisions outlined herein;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Borough of Jessup Council, pursuant to the authority granted to it under the laws of the Commonwealth of Pennsylvania, as follows:

1. **Zoning Ordinance Amendments** – The Borough of Jessup Zoning Ordinance is hereby amended to reflect the following changes to Articles 10 and 15:

1.1 Zoning Ordinance, Article 10 (Environmental Protection), Section 1005 (Noise) shall be amended in its entirety as follows:

1005. **Noise.**

- A. **Purpose.** The purpose of this section is to provide regulations defining the maximum sound levels that land uses, the lots on which they are situated, the buildings and structures they occupy, and the vehicles, appliances, and equipment operated and stored on said lots shall be allowed to produce. The Borough recognizes that uncontrolled noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which the level of noise is minimized to safeguard the comfort and health of those persons residing, working, and/or recreating in the Borough.
- B. **Applicability.** This section shall apply to:
- (1) All land uses, whether principal or accessory or temporary.
 - (2) Sounds of any time duration.
 - (3) All buildings, structures, equipment, and vehicles situated or operating on lots within the Borough, including their owners, operators, and other associated persons, or in the public right-of-way.
- C. **Sound Level Limits.** It shall be unlawful for any land use, equipment, vehicle, or person on any lot or in any public right-of-way to create noise which causes the sound level to exceed the limits defined in Table 1005.
- (1) Table 1005 lists maximum “Daytime” sound levels permitted at the lot lines of zoning districts and specific land uses receiving sound. “Daytime” shall refer to 7:00 a.m. to 10:00 p.m. local time, other than on federal holidays, unless otherwise defined. “Quiet Hours” shall refer to 10:00 p.m. to 7:00 a.m. local time and all day on federal holidays, unless otherwise defined. During Quiet Hours, the maximum sound level shall be 10 dB less than the corresponding listed Daytime sound level.
 - (2) As enforced through this Ordinance, sound on a receiving lot line shall not at any time exceed the listed maximum for any of the three (3) types of weighted or unweighted decibel levels identified in Table 1005 (dBA, dBC, and dBZ).
 - (3) Any sound source that produces noise in excess of the levels established in Table 1005 shall constitute a noise disturbance. No person shall make or continue, or cause to be made or continued, any noise disturbance, nor shall any person emit noise pollution as defined in Section 1502 of this Ordinance.
 - (4) In the event that the ambient sound level exceeds the applicable maximum permissible sound level set forth in Table 1005, the maximum permissible sound level at the lot line of the affected district or use shall be increased to reflect the measured ambient sound level. An intrusive sound source is considered a noise disturbance if its measured sound level exceeds this increased maximum permissible sound level.

- (5) For any source of sound which meets the definition of cyclical, steady, or tonal noise, the limits set forth in Table 1005 shall be reduced by five (5) dB.

Table 1005: Sound Level Limits at Receiving Lot Lines

Receiving Lot Line (in a Zoning District or of a Land Use)	Maximum Daytime Decibel Level at Receiving Lot Line (Subtract 10 dB for Maximum Levels During Quiet Hours)		
	When measured as dBA (i.e., ambient sound)	When measured as dBC (i.e., impact sound)	When measured as dBZ (i.e., pure tone)
C-R	55	55	80
R-1	55	55	80
R-2	55	55	80
R-3	55	55	80
MU	65	70	90
TC	65	70	90
IC	70	80	110
LI	70	80	110
GI	70	80	110
EITO	70	80	110
Any Nonconforming Use in the IC, LI, GI, or EITO Districts	65	75	90
Any Nonconforming Use in the TC or MU Districts	60	65	85
Any Nonconforming Use in the C-R, R-1, R-2, or R-3 Districts	55	50	80

- D. Regulations for Specific Sources of Noise. In addition to the sound sources that produce noise in excess of the levels established in Table 1005, the following identified sources of noise, when occurring on a lot with an authorized principal or accessory use (including legally nonconforming uses) or in the public right-of-way, are specifically regulated as follows:

(1) Alarms.

- (a) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm is not permitted unless such alarm is automatically terminated within 10 minutes of activation and does not sound again at all within the hour, except in the case of emergencies.

- (b) Each 10-minute interval of a non-emergency sounding, or part thereof, within an hour after the initial 10-minute non-emergency sounding shall constitute a separate violation.
 - (c) Fines for the sounding of burglar or fire alarms in violation of this Subsection may be assessed against the owner or the occupant of the building in which the alarm is located.
 - (d) Any motor vehicle, located on either public or private property, whose alarm has been sounding in excess of 10 minutes in an hour, is hereby deemed to be a public nuisance subject to immediate abatement. To effect abatement, police must have reasonable evidence that the sounding has lasted in excess of 10 minutes, and then make reasonable efforts to contact the owner of such vehicle to either have the owner shut off the alarm or to authorize police to arrange for the shut-off of the alarm. If such efforts are unsuccessful, police are hereby authorized to abate the nuisance by arranging for tow company employees to shut off the alarm and/or to tow the motor vehicle to a storage area or other place of safety. In addition to any fines for violating this section, the registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs, and charges incurred by the deactivation of the alarm and the removal and storage of such vehicle.
- (2) Animals and birds.
- (a) Owning, possessing, harboring, or controlling any animal or bird on private property which howls, barks, meows, squawks, or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 30 minutes or more to the disturbance of any person at any time of day or night, other than on a farm, is not permitted; provided, however, that at the time the animal or bird is making such noise, no person may trespass or threaten to trespass on the private property upon which the animal or bird is situated or for any other legitimate cause which provoked the animal or bird.
 - (b) This subsection only applies when two (2) or more persons who reside in separate dwelling units (including apartments and condominiums) located across a lot line from the property on which the source of the noise is generated file complaints about the animal or bird within a period of five (5) days. However, prior to filing the complaint, the complainants must first request the person owning, possessing, harboring, or controlling the animal or bird to take action to prevent the animal or bird from creating a noise disturbance. If, after making the request to the person owning, possessing, harboring, or controlling the animal or bird, the noise disturbance continues, a complaint may be filed. For the purposes of enforcement documentation and corrective action, noise disturbances shall apply to the property and to the property owner rather than to any individual noise-generating animal or bird.
- (3) Construction. Unless otherwise authorized by the enforcing authority, operating or permitting the operation of any tools or equipment used in construction operations, drilling, or demolition work shall be specifically prohibited in the following circumstances:

- (a) Between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance, except for emergency work. In the event that extraordinary circumstances require construction on a Sunday or legal holiday, such construction may be permitted only upon prior notification of and approval by the Borough, which shall have sole discretion to approve or deny the request. The Borough shall issue a permit as evidence of approval.
 - (b) When performed without approved permits or a noise mitigation plan, as required under Section 1005.J.
 - (c) At any other time such that the sound level at or across a lot line exceeds 85 dBA for a period of one (1) hour, except at lot lines wholly within the LI, GI, or EITO districts, in which case the limits specified in Table 1005 apply.
- (4) Explosives, fireworks, non-emergency use of firearms, and similar devices. The use or firing of explosives, fireworks, firearms (non-emergency uses), firecrackers, or similar devices which make impulsive sound so as to cause a noise disturbance, shall be specifically prohibited. As provided in the Jessup Borough Fireworks Ordinance, Ordinances No. 8-2018 and No. 5-2020, as amended, the use of consumer fireworks is prohibited on any date other than the day before Memorial Day, Memorial Day, July 3rd, July 4th, the day before Labor Day, Labor Day, and New Year's Eve, and is prohibited at any time on those dates other than between dusk and 10:00 p.m.
- (5) Generators.
- (a) Applicability. Unless a different standard is provided for a specific use elsewhere in this Ordinance, the requirements of this Subsection shall apply to the following:
 - 1. All generators for new and existing non-residential uses, whether backup/portable or standby/permanent.
 - 2. New and replacement standby/permanent generators for residential uses.
 - (b) Mufflers and/or enclosures required. All generators listed in Section 1005.D(5)(a), whether backup/portable or standby/permanent, shall be equipped with functioning mufflers and/or enclosures, unless the applicant can prove to the Borough Council through a sound study completed by a third-party professional acoustical expert paid for by the applicant that noise from the generator when used without such sound-dissipative devices will not exceed the maximum permissible sound levels specified in Table 1005. Applicants shall strive to deploy generators with the quietest specifications possible and perform any upgrades as needed to maintain compliance with these standards.
 - (c) Site placement and screening requirements.
 - 1. All standby/permanent generators shall be fully enclosed or, alternatively, screened by evergreen plantings no shorter than four (4) feet at the time of planting and an opaque gated fence of a height no less than that of the equipment being screened, unless the applicant can prove to the Borough

Council through a sound study completed by a third-party professional acoustical expert paid for by the applicant that noise from the generator when used without screening will not exceed the maximum permissible sound levels specified in Table 1005.

2. All generators, whether backup/portable or standby/permanent, shall be placed on the site as far as physically possible from lot lines and oriented to face away from residential lots and districts to the greatest extent possible. In no case shall generators deployed by a non-residential use be placed closer than 500 feet from any lot line of a residential lot or district, except during emergencies.
- (d) Testing limits. Routine testing of generators shall not occur more than one (1) time per week and shall not exceed one (1) hour of runtime. A routine testing schedule shall be submitted to the Borough Zoning Officer and updated when the schedule changes. Testing may only take place during "Business Hours," defined specifically as between the hours of 9:00 a.m. and 5:00 p.m. from Monday through Friday, and shall be limited to a single five (5) hour window per week to minimize cumulative noise impacts. No more than 10 generators may be tested simultaneously. The maximum permissible sound levels in Table 1005 apply during the permitted testing period.
- (6) Other Building and Power Systems.
 - (a) Applicability. Unless a different standard is provided for a specific use elsewhere in this Ordinance, the requirements of this Subsection shall apply to building and power systems equipment used for the operation of a non-residential building or use, other than generators, which are regulated in Section 1005.D(5). Examples of such systems include cooling towers, chillers, outdoor/rooftop HVAC equipment, transformers, and substations, provided that these systems are located outdoors or can be heard outdoors.
 - (b) Noise mitigation required. The applicant shall equip all building and power systems equipment which made noise that can be heard outdoors with sound-dissipative devices or enclosures that prevent such systems from exceeding the maximum permissible sound levels specified in Table 1005. Applicants shall strive to install equipment with the quietest specifications possible and perform any upgrades as needed to maintain compliance with these standards.
 - (c) Site placement and screening requirements. Unless the applicant can prove through a sound study completed by a third-party professional acoustical expert paid for by the applicant that building and power systems equipment which make noise that can be heard outdoors will not exceed the maximum permissible sound levels specified in Table 1005, such systems shall be installed no closer than 500 feet from any lot line of a residential lot or district and shall be fully enclosed, or alternatively, screened by evergreen plantings no shorter than four (4) feet at the time of planting and an opaque gated fence of a height no less than that of the equipment being screened. Systems shall be physically oriented to face away from residential lots and districts to the greatest extent possible.

- (d) Testing limits. Routine testing of building or power systems shall not occur more than one (1) time per week and shall not exceed one (1) hour of runtime. Testing may only take place during "Daytime," defined specifically for this subsection as between the hours of 9:00 a.m. and 5:00 p.m. from Monday through Friday and between the hours of 10:00 a.m. and 6:00 p.m. on Saturday and Sunday. The maximum permissible sound levels in Table 1005 apply during the permitted testing period.
- (7) Heating, ventilation, and air conditioning (HVAC) and refrigeration equipment. It shall be unlawful for any person to maintain any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery, in such manner as to create a noise disturbance.
- (8) Loading and unloading. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, doors, dumpsters, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance shall be specifically prohibited. This provision shall not apply to municipal or utility services in or about the public right-of-way or to licensed refuse haulers.
- (9) Loudspeakers and public address systems. Unless otherwise permitted by a duly authorized agent of the Borough, using or operating for any purpose any loudspeaker, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance or (2) such that the sound occurs between the hours of 10:00 p.m. and 7:00 a.m., shall be specifically prohibited, except that such prohibition shall not apply to Borough-owned properties.
- (10) Motor vehicles (including motorcycles and motorboats), and any equipment attached to thereof:
 - (a) Vehicle repairs and testing: Repairing, rebuilding, modifying, or testing any motor vehicle in such a manner as to cause a noise disturbance shall be prohibited.
 - (b) Mufflers, engine exhausts, and other sound emissions: Motor vehicles and equipment attached to thereof shall not be operated in such a manner that the sound level emitted from such vehicle or equipment exceeds the level set forth in Title 67, Chapter 450, of the Pennsylvania Department of Transportation (PennDOT) Regulations for Established Sound Levels. This includes the discharge into the open air of the Borough of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (c) Idling vehicles: Motor vehicles shall not be operated for a period longer than 15 minutes in any one (1) hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residential dwelling in such a manner as to cause a noise disturbance across a residential lot line.
 - (d) Horns and other signaling devices: A motor vehicle shall not be operated such that its driver is engaged in unnecessary horn blowing, except when absolutely

necessary as a warning while actually driving such a vehicle. The sounding of any horn or signaling device on any motor vehicle on any lot or in a public right-of-way, so as to cause a noise disturbance, shall be specifically prohibited, except as a danger warning. This specific prohibition includes the creation of any unreasonably loud or harsh sound by means of any such signaling device; the sounding of any such device for more than two (2) seconds in any 10-minute period; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is specifically prohibited.

- (e) Sound-amplifying devices: Motor vehicles shall not operate sound-amplifying equipment mounted in such a manner as to exceed the maximum permissible sound levels established in Table 1005.
- (11) Powered model vehicles: Operating or permitting the operation of powered model vehicles such as radio-controlled cars so as to create a noise disturbance across a lot line between the hours of 10:00 p.m. and 7:00 a.m. shall be specifically prohibited.
- (12) Radios, television sets, music playing devices, musical instruments, and similar devices: Operating, playing, or permitting the operation or playing of any radio, television, phonograph, music playing device, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, or high-fidelity equipment or similar device which produces, reproduces, or amplifies sound under one (1) or more of the following conditions shall be specifically prohibited:
 - (a) At any time in such a manner as to cause a noise disturbance across a lot line, or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a lot line.
 - (b) In such a manner as to create a noise disturbance across a lot line or at 50 feet from such device, whichever is less, when the device is operated in or on a motor vehicle or hand-carried on a public right-of-way.
 - (c) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any driver, passenger, or common carrier.
- (13) Stationary nonemergency sound devices.
 - (a) Sounding or permitting the sounding of any bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place, for more than 10 minutes in any hourly period, shall be specifically prohibited.
 - (b) Devices used in conjunction with places of religious worship shall be exempt from Subsection (a) above.
- (14) Street sales. Offering for sale or selling anything by shouting or outcry, or by any other amplified or unamplified sound within any non-industrial zoning district, except in a stadium or sports arena, shall be prohibited, except between the hours of 7:00 a.m. and 10:00 p.m.

- (15) Vibrational noise. Operating or permitting the operation of any device that creates vibrational noise which is above the perception threshold of an individual at or beyond the lot line of the source shall be prohibited. See Section 1008 for additional vibration regulations.
 - (16) Yelling and shouting, etc.: Engaging in loud yelling, shouting, hooting, whistling, or singing under one (1) or more of the following conditions shall be specifically prohibited:
 - (a) At any time in such a manner as to cause a noise disturbance across a lot line, or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a lot line.
 - (b) In a public right-of-way between the hours of 10:00 p.m. and 7:00 a.m. so as to cause a noise disturbance.
- E. Exemptions. The maximum permissible sound level limits set forth in Table 1005 shall not apply to any of the following noise sources:
- (1) Sound needed to alert people about an emergency.
 - (2) Repair or installation of utilities or construction of structures, sidewalks, or streets in the public right-of-way.
 - (3) Lawnmowers, snowblowers, leaf blowers, and similar equipment, provided that such tools do not cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m.
 - (4) Household power tools, such as mechanically powered saws, drills, sanders, and grinders, provided that such tools do not cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m.
 - (5) Residential backup/portable generators and air-conditioning units.
 - (6) Agricultural activities and animals residing on a farm.
 - (7) Forestry activities, including timber harvesting, when such activities are in compliance with Commonwealth of Pennsylvania statutes and regulations.
 - (8) Public celebrations authorized by Borough Council or a Borough, County, State, or Federal Government agency or body.
 - (9) Unamplified human voices, except as set forth in Section 1005.D(16).
 - (10) Routine ringing of bells and chimes by a place of worship or municipal clock.
 - (11) Vehicles lawfully operating on a public street, railroads and aircraft.
 - (12) Live music, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors provided that such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m. and provided that such activities do not produce excessive noise as defined by this Ordinance.

F. Nonconforming Uses. Any noise generated from a lot which, according to the Zoning Ordinance is being used in a legally nonconforming manner shall be judged as if the lot bore a zoning designation under which the use would be conforming. However, notwithstanding the foregoing, noise levels measured at the lot lines of any use receiving the noise, including lot lines shared with the use from which the noise is generated, shall be subject to the limits specified in Table 1005.

G. Tampering with Sound-Dissipative Devices Prohibited.

- (1) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of any muffler or sound-dissipative device or element of design or noise label of any product shall be specifically prohibited.
- (2) It shall be unlawful to use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

H. Measurement.

- (1) Measuring Instruments. All sound measurements shall be made on a sound level meter and calibrated in the manner required by the manufacturer's specifications. The sound level meter shall be capable of measuring sound levels using the dBA, dBC, and dBZ weighting filters.
- (2) Measurement Protocols.
 - (a) Noise shall be measured in both Daytime and Quiet Hours (see Section 1005.C(1)) for all development applications in which a sound study is required during or post-construction.
 - (b) For existing uses, noise levels shall be measured when a complaint is received from the complainant's lot line closest to the noise-generating use. Noise may also be measured whenever an ordinance enforcement officer suspects that a noise disturbance may be taking place during the routine conduct of his or her duties.
 - (c) If it is suspected that a noise being generated from a district of greater intensity is creating a noise disturbance in a district of lesser intensity, noise levels shall be measured from the closest boundary between the district in which the noise-generating use is located and the district of lesser intensity suspected of experiencing the noise disturbance. (For the purposes of this Section, the IC, LI, GI, and EITO districts are considered the districts of greatest intensity, and the C-R, R-1, R-2, and R-3 districts the districts of least intensity.)
 - (d) Weather and atmospheric conditions that naturally amplify noise may be taken into account in the administration of enforcement remedies, so long as the measured sound level for the applicable location as provided in Table 1005 does not exceed 15 dB above the listed maximum permissible sound level at any point in time during the measurement period and for any duration of the sound.

I. Monitoring Requirements.

- (1) Monitoring of sound levels when required as part of an enforcement action or test, shall be performed by one or more of the following designated ordinance enforcement officers:
 - (a) Code enforcement officer.
 - (b) Zoning officer.
 - (c) Law enforcement officers (police).
 - (d) Third-party acoustical professional retained by the Borough.
- (2) Temporary monitoring may be required at the discretion of the ordinance enforcement officers listed in Section 1005.I(1) after two (2) or more documented violations by a specific person or land use.
- (3) Ongoing or permanent monitoring may be required at the discretion of the ordinance enforcement officers listed in Section 1005.I(1) after four (4) or more documented violations by a specific person or land use.
- (4) Monitoring of sound levels for any use in which monitoring is required by this Ordinance, by condition of approval (such as a conditional use or a use by special exception), or because of documented violations, shall be performed by the landowner or his/her assigns. Monitoring data shall be gathered in accordance with Borough requirements and shall be transmitted directly, continuously, and automatically to the Borough via electronic means.
- (5) All monitoring and testing costs shall be borne by the landowner or his/her assigns.
- (6) The sound level meter used in monitoring must be field calibrated before and after any noise monitoring session, and noise measurement and calibration devices must be laboratory calibrated and certified annually (i.e., at least once per year). A copy of factory/laboratory calibration documentation shall be submitted to the Borough, kept on file at the Borough Office, and included with reports.
- (7) Failure of the Borough to continuously engage in monitoring after a specific development application or noise complaint does not waive the right for the Borough to initiate an enforcement action at any later time.

J. Noise Mitigation Plan.

- (1) Each person, corporation or other business entity performing construction work in the Borough shall create and implement a written noise mitigation plan for the site of the construction, and such rules shall apply whenever any construction activity is performed at the site. This plan shall be included with all applications for a Construction Permit issued in accordance with Sections 1403.E and 1404 of this Ordinance. Such plan shall become a part of said permit when approved by the Zoning Officer.
- (2) The noise mitigation plan shall be created prior to the commencement of construction at the site, or, with respect to emergency work, within three (3) days thereafter, and

shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, and procedures, for each piece of noise-generating equipment and/or work performed at the site. Each permit holder or other person in charge of the construction site shall be held accountable for compliance with such rules and shall ensure that each person performing construction work at the site is aware of the plan and in compliance with its provisions.

- (3) A copy of the plan shall be kept at the construction site, displayed in a conspicuous manner around the perimeter of the site, and made accessible for inspection by the public and persons authorized to enforce the provisions of this Ordinance, except that where there are no exterior structures at the construction site, such plan need only be kept with the permit holder and made accessible for inspection by the public and persons authorized to enforce the provisions of this Ordinance.
- (4) The plan shall be amended whenever additional noise-generating equipment is to be deployed or activities are to be performed that were unforeseen at the commencement of construction, or at the direction of an ordinance enforcement officer.
- (5) This section shall not apply to construction work in connection with the alteration or repair of an existing owner-occupied dwelling.

K. Enforcement.

- (1) Enforcement of this Section shall be initiated by one or more of the following designated ordinance enforcement officers:
 - (a) Code enforcement officer.
 - (b) Zoning officer.
 - (c) Law enforcement officers (police).
 - (d) Third-party acoustical professional retained by the Borough.
- (2) All enforcement remedies shall be initiated in accordance with Article 14 of this Ordinance.
- (3) As part of their duties, the ordinance enforcement officers listed in Section 1005.K(1) shall have the authority to enter property with proper notice or warrant as mandated by state law, order testing and monitoring, and issue citations, stop-work or cease-and-desist orders, and fines in accordance with the Borough's Fee Schedule, or initiate other enforcement actions. Such actions may include, but are not limited to the following:
 - (a) Temporarily shut down equipment causing a noise disturbance.
 - (b) Halt generator or load testing.
 - (c) Suspend nighttime operations of violating land uses until compliance is restored.

- (4) Stop-work or cease-and-desist orders may be issued in accordance with Section 1406.F of this Ordinance and specifically in the following situations:
 - (a) When noise disturbances or other violations of this Section are persistent.
 - (b) When noise disturbances exceed the maximum permissible sound level limits in Table 1005 by 25 dB or greater (whether measured as dBA, dBC, or dBZ).
 - (c) When public health, safety, and welfare impacts are documented.
- (5) All costs associated with enforcement of this Section shall be borne by the violator, including but not limited to the following:
 - (a) Costs associated with noise testing and monitoring.
 - (b) Borough staff enforcement time, including any overtime costs associated with responses outside of regular business hours.
 - (c) Legal and expert witness fees.
- (6) Penalties for the violation of this Section may include but are not limited to the following:
 - (a) Enforcement remedies and civil penalties, including financial judgments, as provided for in Section 617.2 of the Pennsylvania Municipalities Planning Code (MPC) and Section 3321 of the Pennsylvania Borough Code (8 Pa.C.S. § 3321).
 - (b) Increased frequency of inspections or other enforcement actions.
 - (c) Shortened time limits for the implementation of corrective actions, which may include the requirement that the landowner or his/her assigns replace or retrofit equipment determined to be in violation of this Section in order to maintain permits required under Section 1403 and/or a Certificate of Occupancy. If corrective actions are not appropriately taken within the required time limit, revocation or suspension of permits may occur in accordance with Section 1403.F.
 - (d) Mandatory curtailment of operations in violation of this Section.
 - (e) The initiation of legal proceedings seeking abatement of the violation or prosecution of the owner of the lot from which the source of the noise disturbance is located.
- (7) The time limits specified in Section 1406.C of this Ordinance for corrective actions generally apply to violations of this Section. However, a longer time period to implement corrective actions may be granted under the following circumstances:
 - (a) First-time violations.
 - (b) Exceedances of the maximum permissible sound level limits in Table 1005 by 25 dB or less, provided that no other violations of this Section have been documented within one (1) year of the exceedance.

- (8) Emergency enforcement to compel compliance with this Section may include any of the enforcement actions listed in Sections 1005.K(3) and 1005.K(4) and may be authorized in the following situations:
 - (a) Noise levels exceeding the maximum permissible sound level limits in Table 1005 by 50 dB or greater or which reach 170 dB, whichever is less.
 - (b) When public health, safety, and welfare impacts are documented, including sleep disturbance.
 - (9) The rules of evidence and process for appeals shall follow the provisions of Sections 1406.E and 1403.F(2) of this Ordinance. Admissible evidence may include sound level measurements from a properly calibrated sound level meter, reports produced by third-party acoustical professionals, and affidavits, sworn statements, and testimony provided by the authorities listed in Section 1005.K(1) or by complainants. There shall be no automatic stay of enforcement upon an appeal, and violations remain enforceable during appeal periods.
 - (10) Unless specifically required by a provision of this Ordinance, the Borough shall not be held responsible for detecting noise disturbances, noise pollution, or other violations of the sound level limits in this Section.
- L. Financial Assurance Requirements. Each applicant, permittee, or other party required to undertake actions in accordance with this Section, including but not limited to sound studies, noise monitoring, or noise mitigation measures ordered by Borough officers, shall guarantee performance of the required work using one of the following options:
- (1) Performance Bond.
 - (a) The Borough shall be provided with an acceptable corporate surety bond to guarantee faithful performance of the required work to maintain compliance with this Section.
 - (b) The term of the bond shall begin upon the date of posting thereof and shall be released upon documentation of sustained compliance with this Section or 24 months, whichever is longer.
 - (c) Depending on the required work or compliance action, the amount of the bond may range from \$100,000 to \$1,000,000, to be determined by Borough Council.
 - (2) Third-Party Escrow Account.
 - (a) The applicant or documented violator shall be required to pre-fund an escrow account with an initial deposit of between \$50,000 and \$250,000, to be determined by Borough Council.
 - (b) Funds from the escrow account shall be used for testing, investigations, enforcement, and any other required work to maintain compliance with the requirements of this Section.

- (c) The escrow account shall be automatically replenished by the applicant or documented violator as necessary for the continuance of the tasks listed in Section 1005.L(2)(b) above.

1.2 Zoning Ordinance, Article 10 (Environmental Protection), Section 1008 (Vibration) shall be amended in its entirety as follows:

1008. Vibration.

- A. Purpose. The purpose of this section is to provide regulations defining the maximum vibration levels that land uses, the lots on which they are situated, the buildings and structures they occupy, and the vehicles, appliances, and equipment operated and stored on said lots shall be allowed to produce. The Borough recognizes that uncontrolled vibration represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which vibration and ground motion are minimized to safeguard the comfort and health of those persons residing, working, and/or recreating in the Borough.
- B. Applicability. The provisions of this Section shall apply to all buildings, structures, equipment, and vehicles situated or operating on lots within the Borough, including their owners, operators, and other associated persons, or within the public right-of-way, when engaged in activity initiating an intensity of vibration or ground motion which can be felt on any other lot within the Borough, including within any buildings or structures and by any person thereon.
- C. Vibration Level Limits. No person shall operate or cause to be operated on any lot or in any public right-of-way any source of continuous vibration in such a manner as to exceed the limits set forth in Table 1008.

Table 1008: Continuous Vibration Level Limits

1. At or within a Receiving Structure (to Measure Effects on Structural Integrity)		2. At a Receiving Lot Line in a Zoning District or of a Land Use (to Measure Effects on Human Response)	
Receiving Structure (in a Zoning District)	Maximum Peak Particle Velocity (PPV)	Receiving Structure (in a Zoning District)	Maximum Vibration Velocity Level (VdB)
C-R	0.12 inches/second	C-R	72
R-1	0.12 inches/second	R-1	72
R-2	0.12 inches/second	R-2	72
R-3	0.12 inches/second	R-3	72
MU	0.16 inches/second	MU	75
TC	0.16 inches/second	TC	75
IC	0.2 inches/second	IC	94
LI	0.2 inches/second	LI	94
GI	0.2 inches/second	GI	94
EITO	0.2 inches/second	EITO	94

1. At or within a Receiving Structure (to Measure Effects on Structural Integrity)		2. At a Receiving Lot Line in a Zoning District or of a Land Use (to Measure Effects on Human Response)	
Receiving Structure (in a Zoning District)	Maximum Peak Particle Velocity (PPV)	Receiving Structure (in a Zoning District)	Maximum Vibration Velocity Level (VdB)
Any Nonconforming Use in IC, LI, GI, or EITO	0.16 inches/second	Any Nonconforming Use in IC, LI, GI, or EITO	75
Any Nonconforming Use in C-R, R-1, R-2, R-3, TC, or MU	0.12 inches/second	Any Nonconforming Use in C-R, R-1, R-2, R-3, TC, or MU	72

D. Excessive Vibration Prohibited. Any emission of earth-shaking vibration from any source in excess of the limitations established in this Section shall be deemed and is hereby declared to be a public nuisance and may be subject to summary abatement procedures provided in Sections 1008.H(3) and 1008.H(4).

E. Exemptions. The provisions of this Section shall not apply to the following:

- (1) Temporary work or activities that are necessary to construct or repair buildings, roads, and/or utilities, when performed by governmental agencies or their contractors or when completed as part of emergency work.
- (2) Blasting activities occurring in compliance with a DEP permit, in situations where municipal regulation of vibration impacts is pre-empted under State law. Such blasting may occur only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times by the DEP permit.
- (3) A snowplow, snowblower, or other similar device in operation used to remove snow or ice.
- (4) Trains or aircraft.

F. Measurement.

- (1) Measuring Instruments. All vibration measurements shall be made on a vibration measuring device (VMD) and calibrated in the manner required by the manufacturer's specifications.
- (2) Measurement Protocols.
 - (a) Continuous vibration levels suspected to have potential effects on the structural integrity of buildings and structures shall be measured from either the exterior surface of the building or structure experiencing the effects of the continuous vibration or from within said building or structure.
 - (b) Continuous vibration levels which are suspected of being generated from a district of greater intensity and which are suspected to have potential effects on human comfort, wellbeing, or health in a district of lesser intensity shall be measured from the closest boundary between the district in which the suspected source of the continuous vibration is located and the district of lesser intensity

suspected of experiencing the excessive vibration. (For the purposes of this Section, the IC, LI, GI, and EITO districts are considered the districts of greatest intensity, and the C-R, R-1, R-2, and R-3 districts the districts of least intensity.)

- (c) For existing uses, continuous vibration levels shall be measured when a complaint is received from the complainant's lot line or building/structure, whichever is applicable, closest to the source of the continuous vibration. Vibration levels may also be measured whenever an ordinance enforcement officer suspects that excessive vibration constituting a public nuisance may be taking place during the routine conduct of his or her duties.

G. Monitoring Requirements.

- (1) Monitoring of vibration levels when required as part of an enforcement action or test, shall be performed by one or more of the following designated ordinance enforcement officers:
 - (a) Code enforcement officer.
 - (b) Zoning officer.
 - (c) Law enforcement officers (police).
 - (d) Third-party vibration analyst or engineer retained by the Borough.
- (2) Temporary monitoring may be required at the discretion of the ordinance enforcement officers listed in Section 1008.G(1) after two (2) or more documented violations by a specific person or land use.
- (3) Ongoing or permanent monitoring may be required at the discretion of the ordinance enforcement officers listed in Section 1008.G(1) after four (4) or more documented violations by a specific person or land use.
- (4) Monitoring of continuous vibration levels for any use in which monitoring is required by this Ordinance, by condition of approval (such as a conditional use or a use by special exception), or because of documented violations, shall be performed by the landowner or his/her assigns. Monitoring data shall be gathered in accordance with Borough requirements and shall be transmitted directly, continuously, and automatically to the Borough via electronic means.
- (5) All monitoring and testing costs shall be borne by the landowner or his/her assigns.
- (6) The vibration monitoring device (VMD) used in monitoring must be field calibrated before and after any vibration monitoring session, and vibration measurement and calibration devices must be laboratory calibrated and certified annually (i.e., at least once per year). A copy of factory/laboratory calibration documentation shall be submitted to the Borough, kept on file at the Borough Office, and included with reports.

- (7) Failure of the Borough to continuously engage in monitoring after a specific development application or vibration complaint does not waive the right for the Borough to initiate an enforcement action at any later time.

H. Enforcement.

- (1) Enforcement of this Section shall be initiated by one or more of the following designated ordinance enforcement officers:
 - (a) Code enforcement officer.
 - (b) Zoning officer.
 - (c) Law enforcement officers (police).
 - (d) Third-party vibration analyst or engineer retained by the Borough.
- (2) All enforcement remedies shall be initiated in accordance with Article 14 of this Ordinance.
- (3) As part of their duties, the ordinance enforcement officers listed in Section 1008.H(1) shall have the authority to enter property with proper notice or warrant as mandated by state law, order testing and monitoring, and issue citations, stop-work or cease-and-desist orders, and fines in accordance with the Borough's Fee Schedule, or initiate other enforcement actions. Such actions may include, but are not limited to the following:
 - (a) Temporarily shut down equipment causing excessive vibration or which exceeds the continuous vibration level limits set forth in Table 1008.
 - (b) Suspend operations of violating land uses until compliance is restored.
- (4) Stop-work or cease-and-desist orders may be issued in accordance with Section 1406.F of this Ordinance and specifically in the following situations:
 - (a) When excessive vibration, vibration exceeding the limits set forth in Table 1008, or other violations of this Section are persistent.
 - (b) When public health, safety, and welfare impacts are documented.
- (5) All costs associated with enforcement of this Section shall be borne by the violator, including but not limited to the following:
 - (a) Costs associated with vibration testing and monitoring.
 - (b) Borough staff enforcement time, including any overtime costs associated with responses outside of regular business hours.
 - (c) Legal and expert witness fees.
- (6) Penalties for the violation of this Section may include but are not limited to the following:

- (a) Enforcement remedies and civil penalties, including financial judgments, as provided for in Section 617.2 of the Pennsylvania Municipalities Planning Code (MPC) and Section 3321 of the Pennsylvania Borough Code (8 Pa.C.S. § 3321).
 - (b) Increased frequency of inspections or other enforcement actions.
 - (c) Shortened time limits for the implementation of corrective actions, which may include the requirement that the landowner or his/her assigns replace or retrofit equipment determined to be in violation of this Section in order to maintain permits required under Section 1403 and/or a Certificate of Occupancy. If corrective actions are not appropriately taken within the required time limit, revocation or suspension of permits may occur in accordance with Section 1403.F.
 - (d) Mandatory curtailment of operations in violation of this Section.
 - (e) The initiation of legal proceedings seeking abatement of the violation or prosecution of the owner of the lot from which the source of the vibration is located.
- (7) The time limits specified in Section 1406.C of this Ordinance for corrective actions generally apply to violations of this Section. However, a longer time period to implement corrective actions may be granted under the following circumstances:
- (a) First-time violations.
 - (b) Exceedances of the maximum permissible continuous vibration level limits in Table 1008 by less than 25% above the listed maximum, provided that no other violations of this Section have been documented within one (1) year of the exceedance.
- (8) Emergency enforcement to compel compliance with this Section may include any of the enforcement actions listed in Sections 1008.H(3) and 1008.H(4) and may be authorized in the following situations:
- (a) Continuous vibration levels exceeding the maximum permissible continuous vibration level limits in Table 1008 by 50% above the listed maximum or greater.
 - (b) When public health, safety, and welfare impacts are documented, including sleep disturbance.
- (9) The rules of evidence and process for appeals shall follow the provisions of Sections 1406.E and 1403.F(2) of this Ordinance. Admissible evidence may include vibration level measurements from a properly calibrated vibration monitoring device (VMD), reports produced by third-party professionals, and affidavits, sworn statements, and testimony provided by the authorities listed in Section 1008.H(1) or by complainants. There shall be no automatic stay of enforcement upon an appeal, and violations remain enforceable during appeal periods.

(10) Unless specifically required by a provision of this Ordinance, the Borough shall not be held responsible for detecting excessive vibration or violations of the continuous vibration level limits in this Section.

I. Financial Assurance Requirements. Each applicant, permittee, or other party required to undertake actions in accordance with this Section, including but not limited to vibration studies, noise monitoring, or noise mitigation measures ordered by Borough officers, shall guarantee performance of the required work using one of the following options:

(1) Performance Bond.

(a) The Borough shall be provided with an acceptable corporate surety bond to guarantee faithful performance of the required work to maintain compliance with this Section.

(b) The term of the bond shall begin upon the date of posting thereof and shall be released upon documentation of sustained compliance or 24 months, whichever is longer.

(c) Depending on the required work or compliance action, the amount of the bond may range from \$100,000 to \$1,000,000, to be determined by Borough Council.

(2) Third-Party Escrow Account.

(a) The documented violator shall be required to pre-fund an escrow account with an initial deposit of between \$50,000 and \$250,000, to be determined by Borough Council.

(b) Funds from the escrow account shall be used for testing, investigations, enforcement, and any other required work to maintain compliance with the requirements of this Section.

(c) The escrow account shall be automatically replenished by the documented violator as necessary for the continuance of the tasks listed in Section 1008.I(2)(b) above.

1.3 Zoning Ordinance, Article 15 (Definitions), Section 1502 (Terms Defined) shall be amended to add the following terms and definitions:

1502. **Terms Defined.**

Ambient Noise. See “Noise, Ambient.”

Amplified Sound. Sound generated by loudspeakers and public address systems, radios, televisions, musical instruments, sound amplifiers, or similar devices which produce, reproduce, or increase the volume of sound by electronic, mechanical, or other means.

ANSI. American National Standards Institute or its successor. All acoustical terminology used in the implementation of this ordinance shall be that contained in the latest version of ANSI/ASA S1.1, the American National Standard on Acoustical Terminology.

Appliance. Any device or combination of devices used or capable of being used as a means of accomplishing a desired end, such as a window air-conditioning unit.

ASA. Acoustical Society of America or its successor.

Background Sound Level. The sound level for a specific location as measured by a sound level meter in the absence of the noise under investigation. To determine the background sound level, the measurement by the sound level meter shall take place over a period of not less than five (5) minutes.

Construction. Any site preparation, assembly erection, substantial repair, alteration, destruction, demolition, or similar work to public or private rights-of-way, buildings or structures, utilities, or similar property.

Construction Activities. Includes the use of heavy construction equipment (including pile drivers, crawler-tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors, pneumatic power equipment, and similar devices) for the duration of such construction and/or demolition work, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

dBA or dB(A) (A-Weighted Decibels). Often referred to as ambient sound, the sound level in decibels, as measured on a sound level meter using the A-weighting filter network and corresponding generally to the average noise exposure over a cycle or shift. A-weighting de-emphasizes the very low and very high frequency components of a sound in a manner simulating the response of the average human hearing profile and correlates well with subjective reactions to sound at modest volumes. This frequency weighting network for the measurement of sound levels shall comply with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.

dB(C) or dB(C) (C-Weighted Decibels). Often referred to as impact sound, the sound level in decibels, as measured on a sound level meter using the C-weighting filter network, for a short, instantaneous impact noise such as a bang whereas dBZ captures loud, low-frequency "thumps" often felt more than heard. It is primarily used for measuring loud, complex noise, such as industrial machinery, wind turbines, and live music. This frequency weighting network for the measurement of sound levels shall comply with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.

dBZ or dB(Z) (Z-Weighted/Linear Decibels). Often referred to as pure tone sound, the linear, unweighted sound level in decibels, indicating the absolute sound pressure level. Unlike dBA, dBZ does not filter out very low and very high frequencies to match human hearing, instead including all frequencies equally in its measurement. dBZ corresponds to an "unweighted" (i.e., "zero-weighted") measurement of sound pressure level that provides a flat frequency response across the entire human audible spectrum, typically from 10 Hz to 20 kHz ± 1.5 dB (as defined by IEC 61672). Unlike dBA or dB(C) measurements that adjust for human hearing sensitivity, dBZ treats all frequencies equally to reflect the actual, raw sound energy.

Decibel (dB). A unit of sound level which is a division of logarithmic scale used to express the ratio of sound pressure, loudness, power, and voltage. The ratio is expressed on the decibel scale

by multiplying its base 10 logarithm by 10. Because decibels are a logarithmic measurement, each increase of 10 decibels is a 10-times increase in the noise level (e.g., 130 dB is 10 times greater than 120 dB).

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

Emergency Work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Equipment. Any devices or combination of devices to accomplish a desired end, such as a power generator, HVAC unit, chainsaw, bulldozer, etc.

Excessive Vibration. See “Vibration, Excessive.”

Generator. Any appliance or piece of equipment which operates during an electric power outage or shortage, whether automatically or manually, and which uses diesel, natural gas, or propane to fuel its operation. Generators can be further defined by the following two sub-types:

- A. Generator, Backup/Portable. A generator characterized by its portability (i.e., not permanently affixed to the ground) and which serves to provide temporary backup electric power on an as-needed basis, for up to one (1) hour upon the restoration of power after an outage.
- B. Generator, Standby/Permanent. A generator affixed to the ground or to a building foundation, typically featuring automatic detection of an electric power outage, upon which the generator starts and runs until electric power returns, upon which it stops (i.e., returns to “standby” mode).

HVAC. Heating, ventilation, and air conditioning.

Muffler or Sound-Dissipative Device. A device designed or used for decreasing or abating the level of sound escaping from an engine, machinery system, or other equipment.

Noise. Any sound emitted by a person, animal, vehicle, appliance, equipment, or other device. For the purposes of this Ordinance, “noise” is used interchangeably with “sound” and falls into one of the following categories:

- A. Noise, Ambient. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise is measured and characterized as the “background sound level.”
- B. Noise, Cyclical. A repetitive, rhythmic sound that is characterized by or mimics the continuous rotation of a machine component.
- C. Noise, Excessive. The presence of a sound or sounds of such intensity, duration, frequency, or character which would cause a person of ordinary or reasonable sensibilities to be annoyed, disturbed, or cause or tend to cause adverse or injurious psychological and physiological effects on such persons or which otherwise unreasonably interferes with the comfortable enjoyment of life and property and is annoying to a person of ordinary sensibilities. Excessive noise includes measured noise levels in excess of limits established in these regulations or those specified in valid permits as well as any sound heard in excess of one (1) minute from a point 50 feet from the source of the sound or 50 feet from the

boundary of the property on which the source is located, other than those sounds specifically exempted in §1005.E.

- D. Noise, Impact/Impulsive. Noise of short duration, characterized by brief excursions of the ambient noise level (i.e., with an abrupt onset and rapid decay). The duration of a single impulsive sound is usually less than two (2) seconds. Examples of impulsive sound include explosions, drop-forging impacts, and the discharge of firearms.
- E. Noise, Intermittent. A noise whose sound level exceeds the ambient noise levels at least twice during the period of observation, which is one (1) minute or more. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient noise level is on the order of one (1) second or more.
- F. Noise, Steady. A noise whose level remains essentially constant during the period of observation or five (5) minutes, whichever is less. For example, a noise characterized by fluctuations of less than five (5) dB during the period of observation is considered a steady noise.
- G. Noise, Tonal. Any noise that produces a “pure tone” condition, consisting of only one frequency of sound. Tonal noises are often characterized as a continuous whine, hum, or buzz.
- H. Noise, Vibrational. Noise that is created when mechanical energy, often from repetitive mechanical movement (i.e., vibration), is transferred directly into a body, structure, or medium. This energy then propagates through such body, structure, or medium, potentially reaching spaces far from the source and affecting their functionality and the comfort of persons thereon.

Noise Disturbance. Any sound which is in excess of the maximum permissible sound levels specified under Section 1005 of this Zoning Ordinance or which is of such loudness, character, duration, or repetition from a single source or from multiple sources as to be (or predicted with reasonable certainty to be) injurious to health, annoying to a person of ordinary sensibilities, or of interference with the enjoyment of property or with any lawful business or activity.

Noise Intensity. The power of a sound (how loud a sound is) when perceived at a specific distance from the source of the sound, expressed in decibels (dB).

Noise Level. See “Sound Level (Noise Level).”

Noise Pollution. Any sound that meets one of the following criteria:

- A. A source of impulsive or intermittent noise which increases noise levels 15 dBA or more above the background noise level; or
- B. A source of steady or tonal noise which increases noise levels five (5) dBA or more above the background noise level.

Ordinance Enforcement Officer. Any person appointed by the Borough with responsibility to enforce Borough ordinances; or any sworn member of the Borough Police Department.

Peak Particle Velocity (PPV). A measurement of the maximum instantaneous peak amplitude of a vibration signal, used to evaluate potential for building or structural damage.

Period of Observation. The time interval during which acoustical data is obtained. The period of observation is determined by the characteristics of the noise being measured and the

instrumentation being used. The period of observation must be at least as long as the response time of the instrumentation. The greater the variance in individual sound level, the longer the observation time must be for a given expected accuracy of measurement.

Person. Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state, or local government, or other entity recognized by law as a subject of rights and duties.

Property. All land whether improved or not improved with or without structures.

Pure Tone. Any sound which can be heard as a single pitch or a set of single pitches. A pure tone occurs if the one-third (1/3) octave band sound pressure level in the band with the tone(s) exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent octave bands by five (5) dB for center frequencies of 500 Hz and above, or by eight (8) dB for center frequencies between 160 Hz and 400 Hz, or by 15 dB for center frequencies less than or equal to 125 Hz. One-third (1/3) octave bands are defined by the latest version of ANSI/ASA S1.11 (entitled "Electroacoustics – Octave-band and Fractional-octave-band Filters" as of the adoption of this Ordinance).

Sound Level (Noise Level). Airborne sound levels expressed in dB and obtained by the use of a sound level meter and specific frequency-dependent weighting network, as specified in the latest version of ANSI/ASA S1.4. If the specific weighting network used is not indicated, the A-weighting shall apply, and the sound level shall be specified as dBA or dB(A).

Sound Level Meter. An instrument or combination of instruments which meets or exceeds the requirements for an ANSI Type 1 or Type 2 sound level meter as specified in the latest version of ANSI/ASA S1.4. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

Sound Pressure. The instantaneous differences between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound/Noise, Unreasonable. Any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life, or damage to property or business.

Source. Any entities from which sound and/or vibration emanate.

Tonal Noise. See "Noise, Tonal."

Vehicle. Any device or combination of devices used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to, the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders, and semitrailers.

Vibration. An oscillatory motion of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point in or on a body or structure or within a medium (e.g., the ground). Vibration consists of a periodic motion of the particles of such body, structure, or medium in alternatively opposite directions from the position of

equilibrium when that equilibrium has been disturbed, the action of such vibration, and the state of being vibrated.

Vibration, Excessive. The presence of a vibration or vibrations:

- A. Of such intensity, duration, frequency, or character to annoy, disturb, or cause or tend to cause adverse or injurious psychological or physiological effects on persons, or to damage or tend to damage personal or real property or public buildings, structures, roadways, utilities, or other infrastructure.
- B. In excess of the maximum PPV and VdB levels specified in Table 1008 or as otherwise regulated by Sections 1005 and 1008 of this Zoning Ordinance.

Vibration Measuring Device (VMD). A three-component device capable of sensing, measuring, and recording displacement, velocity, and acceleration of ground motion from vibration with a sensor that produces an electrical signal that is proportional to the amplitude of the ground motion.

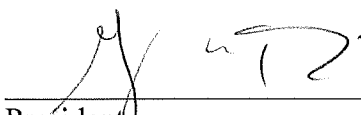
Vibration Velocity Level in Decibels (VdB). A decibel notion for root mean squared velocity of vibration amplitude, used to evaluate human perception and response to vibration.

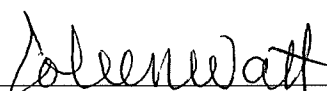
Vibration, Continuous. Any vibration which is static or fluctuating or which recurs intermittently at a frequency of greater than one (1) periodic motion per 15-second interval. Vibration that falls outside of this definition is considered "transient vibration."

- 2. **Effective Date** – This Ordinance shall take effect within five (5) days from the date enacted herein or upon a date as otherwise prescribed by law.
- 3. **Severability** – The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal, or invalid for whatever reason, the remaining provisions shall be unaffected and same shall remain in full force and effect. Only those provisions deemed invalid shall be stricken.
- 4. **Remaining Terms** – All remaining terms and provisions of the Borough of Jessup Zoning Ordinance, as amended to date, shall remain in full force and effect and shall not otherwise be affected.

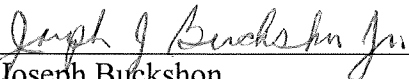
ENACTED AND ORDAINED on this 25th day of August, 2026 at a duly advertised public hearing of Jessup Borough Council.

Jessup Borough Council

By: 
President

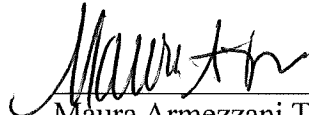

Secretary

Examined and Approved this 25th day of August, 2026.



Joseph Buckshon
Mayor of Jessup

Approved as to form.



Maura Armezzani Tunis, Esq.
Borough Solicitor