

## Chapter 198: NOISE

[HISTORY: Adopted by the City Council of the City of Lancaster as Article 734 of the Codified Ordinances. Amendments noted where applicable.]

### GENERAL REFERENCES

Animals — See Ch. 96.

Zoning Hearing Board — See Ch. Ch. 300, Art. XI.

### § 198-1. Purpose.

The Council, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the residents as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the City.

### § 198-2. Title.

This chapter shall also be known as the "Lancaster Noise Control Ordinance."

### § 198-3. Definitions. [Amended 10-13-1998 by Ord. No. 8-1998]

The following words, terms and phrases, when used in this chapter, shall have the meanings herein given, except where the context clearly indicates a different meaning. All terminology used in this chapter, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute [ANSI S1.1 - 1960 (R1971) and its revisions] or its successor body.

**AMBIENT NOISE** — The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near far.

**A-WEIGHTED SOUND LEVEL** — The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated "dB(A)."

**BRAKE RETARDER** — A motor/engine retarding device, or any retarding device or system that brakes on the motor or engine rather than on the wheels as a means of slowing or stopping a truck, truck tractor, motor carrier vehicle, motor vehicle or vehicle. [Amended 3-23-2004 by Ord. No. 2-2004]

**CONSTRUCTION OPERATION** — The erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

**DECIBEL; dB** — A unit for measuring the sound-pressure level, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**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.

**IMPULSIVE SOUND** — Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

**MOTOR CARRIER VEHICLE** — A truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

**MOTOR VEHICLE** — A vehicle which is self-propelled, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

**MUFFLER or SOUND-DISSIPATIVE DEVICE** — A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

**NOISE** — Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**NOISE DISTURBANCE** — Any sound which:

- A. Endangers or injures the safety or health of humans or animals;
- B. Annoys or disturbs a reasonable person of normal sensitivities;
- C. Endangers or injures personal or real property; or
- D. Is in excess of the sound levels by zoning districts established in § 198-5.

PERSON — Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes the individual members, partners, officers and managers or any of them of partnerships and associations and, as for corporations, the officers and managers thereof or any of them.

POWERED MODEL VEHICLE — Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

PROPERTY LINE (BOUNDARY) — An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons, a demarcation or a line of separate of properties, and also, for any two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public rights-of-way shall be deemed to be across the property line. For the purpose of this definition, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon which are owned or controlled by a governmental entity.

§ 198-4. Prohibited acts; violations.

A. Noise disturbance prohibited. No person shall make, continue or cause to be made or cause to be continued any noise disturbance by any means, nor shall any person suffer, allow or permit any noise disturbance, by any means, to be made or continued from or at any property, whether public or private, real or personal, that is subject to such person's right to control. [Amended 3-23-2004 by Ord. No. 2-2004]

B. Specific prohibitions. The following acts and the causing thereof are declared to be noise disturbances and therefore in violation of this chapter:

(1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, high-fidelity equipment or similar device which produces, reproduces or amplifies sound:

(a) At any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 9:00 p.m. and 8:00 a.m. so as to be plainly audible across a property line (boundary);

(b) In such a manner as to create a noise disturbance across a property line (boundary), 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 or public space; or

- (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 passenger or a common carrier.
- (2) Yelling and shouting, etc. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:
  - (a) On the public streets between the hours of 9:00 p.m. and 8:00 a.m.; or
  - (b) At any time or place in such a manner as to create a noise disturbance.

§ 198-10. Violations and penalties.

- A. Whoever violates any provisions of this chapter shall, upon conviction thereof in a summary proceeding, be fined not less than \$150 and not more than \$1,000 for each offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than 90 days, or both. Each day during which a violation occurs shall constitute a separate offense. [Amended 10-22-2002 by Ord. No. 11-2002]
- B. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.