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CHAPTER 10

HEALTH AND SAFETY

Part 1

Littering

**§101. Littering Prohibited.** It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain, or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, used lumber, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Township of East Buffalo or on or near any alley, highway or stream located in said Township. (Ordinance 63, June 13, 1983)

**§102. Precautions in Transporting Trash.** It shall be unlawful for any person, firm or corporation or any agent thereof to transport any ashes, dust, leaves, waste paper, trash, rubbish, garbage or other materials likely to be scattered, in any open vehicle without covering the same or taking other suitable precautions so as to prohibit the scattering thereof. (Ordinance 63, June 13, 1983)

**§103. Sale Signs.** All temporary signs advertising yard, garage, porch and neighborhood or similar sales shall comply with the following provisions:

(a) Any such signs shall not be placed or erected on any lands more than 4 days prior to the first day advertised on the sign for the sale and shall be removed by 7:00 P.M. on the last day of the said sale.

(b) Any such sign shall have clearly designated thereon the address of the place of the sale, the date or dates of the sale and the names and addresses of the persons conducting the sale.

(c) Any such signs must be erected by the person or persons conducting the said sale.

(d) Any such signs shall not exceed 4 square feet in size and shall be self-standing. No such sign shall be attached to a utility pole, traffic standard pole, street signs including the pole or standard or pole erected by a governmental entity or public utility.

(e) No such sign shall be erected in such a manner as to violate any provision of any local, state or federal ordinance, statute, law, rule or regulation nor in such manner as to create a safety hazard.

(f) No permit shall be required for any such sign.

(g) No such sign shall be placed or erected on public lands or within a public right of way.

(h) Any sign placed or erected in violation of this Section shall be considered to be litter and may be removed and disposed of by any employee, agent or officer of East Buffalo Township, Union County, Pennsylvania.

(i) Any person or entity that shall place or erect any such sign or permit the placement or erection of any such sign in such a manner that does not comply with the provisions of this section shall be in violation of this section.

(j) No person or entity shall conduct a yard, porch, garage, neighborhood or similar sale more than 4 days per calendar month.

(Ordinance 307, September 24, 2007)

**§104. Penalties.** Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses. (Ordinance 289, December 14, 2006)

CHAPTER 10

HEALTH AND SAFETY

Part 2

Fireworks

**§201. Permit Required.** It shall be unlawful for any person, person, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals, to have or to hold public displays of fireworks within the limits of the Township of East Buffalo, unless a permit there for is first granted by the Board of Supervisors of said Township, or their representative, as hereinafter provided. The Chief of Police of East Buffalo Township is hereby designated as the Board of Supervisor's representative and is authorized to issue permits.

**§202. Operator.** Every such display within the limits of said Township shall be handled by a competent operator to be approved by the Board of Supervisors, or their representative, which display shall be of such character and so located, discharged or fired, as in the opinion of the Board of Supervisors, or their representative, after proper inspection, shall not be hazardous to property or endanger any person or persons. The said inspections shall be conducted by the Chief of Police of East Buffalo Township, and the Fire Chief of the Fire Department servicing East Buffalo Township. The matters to be considered in the inspection shall include but not be limited to proximity to buildings, areas of assembly, public and private roadways and walkway and parking areas.

**§203. Fee.** Application for permits shall be made in writing to the Township at least fifteen (15) days in advance of the date of display, setting forth the proposed location of the display, the character thereof, name and address of the operator, and the name and address of the owner or owners of the grounds on which the display is to be held, with the consent of such owner or owners thereto in writing attached. All applicants shall pay to the Township the sum of One Hundred and 00/100 Dollars (\$100.00), before issuance of a permit.

**§204. Purpose.** If and after such permit shall have been granted, possession, sales, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

**§205. Bond.** The Board of Supervisors of the Township of East Buffalo shall require a bond deemed adequate by it given by the permittee or licensee in a sum not less than Five Hundred and 00/100 Dollars (\$500.00) conditioned for the payment of all damages caused to any person or persons, and to any property by reason of the licensed display and arising from any acts of the licensee, his or its agents, employees, or subcontractors, which bond shall be filed with the Township before any permit for a supervised public display of fireworks is delivered. In addition to the above bond permittee or licensee shall furnish Township with evidence of liability insurance in the amount of One Million and 00/100 Dollars (\$1,000,000.00), with Township as an additional insured and permittee or licensee shall agree in writing to save Township harmless for any and all liability with regard to the activities authorized by said permit.

**§206. Permit Extension.** If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may within twenty-four hours apply to the authority having granted the same, setting forth under oath the fact that such display was not made, giving the reason therefore, and requesting a continuance of such permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the said authority, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application, not later than one week after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

**§207. Penalties.** Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance 289, December 14, 2006)

**CHAPTER 10**

**HEALTH AND SAFETY**

**Part 3**

**Noise Control**

**§301. Purpose.** It is the purpose of this Part 3 to prevent excessive sound which is a serious hazard to the public health, welfare and safety and the quality of life in the Township.

**§302. Prohibited Actions.** The following actions are specifically prohibited unless otherwise permitted in this Part.

§302.1 No person shall remove or render inoperative a sound dissipative device from motor vehicles, equipment or machinery, other than for a purpose of maintenance, repair or replacement. No person shall intentionally remove or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Township or other governmental entity or agent thereof. No person shall use any motor vehicle, equipment or machinery which has had a sound-dissipative device or any part thereof removed or rendered inoperative.

§302.2 Except for emergencies, no person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm or any similar stationary emergency signaling device intended for public notification.

§302.3 No person shall operate a recreational off-road vehicle within fifty (50) feet of a boundary line in an R-1, R-2 or R-U zoning district. Recreational off-road vehicles may only be used provided the recreational off-road vehicle is equipped with equipment meeting the manufacturer's specifications for sound dissipative devices, i.e. mufflers, etc.

§302.4 No person shall operate or permit to be operated any source of noise in such a manner as to create a sound pressure level which exceeds the limits set forth for the receiving land use in the following table when measured at the property boundary. When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between the different land use categories. All measurement shall be made with a Sound Level Meter which is in conformance with American Standards Associations specifications. The minimum time period for measuring the stationary source of noise shall be five (5) minutes and where practicable, the microphone of the sound level meter shall be positioned five and one-half feet above the ground level.

(a) Continuous sound levels by receiving land use.

<b>Receiving Land Use Category</b>	<b>Time</b>	<b>Maximum Leq in dBA</b>
Residential, Public Space, Open Space	7:00 a.m. to 10:00 p.m.	65 dBA
	All other times	25 dBA
Commercial or Business	7:00 a.m. to 10:00 p.m.	72 dBA
	All other times	25 dBA
Institutional	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	25 dBA
	All other times	55 dBA
Industrial	At all times	72 dBA

(b) Correction for character of sound. For any stationary source of sound, which emits a pure tone, a cyclically varying noise or repetitive impulse noise, the maximum sound-level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of the time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting ANSI Specification SI.4-1971.

(c) Where the sound is emanating from a motor vehicle on a public street it shall be measured at a distance of 10 feet from the motor vehicle.

(d) When the sound is emanating from public lands it shall be measured at a distance of 25 feet from the source of the sound.

**§303. Exceptions.** The following noises are exempt from the provisions set forth in this Part 3.

§303.1 Blasting, only if performed in accordance with a permit issued by the Pennsylvania Department of Environmental Protection or other governmental agency having jurisdiction. Such blasting may occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times, by all entities having jurisdiction.

§303.2 Emergency work to provide electricity, water or other public utilities or restore essential public services, including construction activities directly related to the abatement of an emergency.

§303.3 Any municipal street or other maintenance or construction.

§303.4 Noises made by bells, chimes, carillons or similar devices used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock strike mechanisms that are currently in use for any purpose.

§303.5 Motor vehicle operations provided however that the same shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

§303.6 Sound sources typically associated with residential uses (e.g., voices of children at play, air conditioners in good working order, etc.).

§303.7 Sound sources associated with property maintenance (e.g., lawnmowers, edgers, snow blowers, blowers, pool pumps, power tools, etc.).

§303.8 Safety, warning and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety and welfare, provided such devices are not negligently maintained or operated.

§303.9 The normal operation of public and private schools typically consisting of classes and other school-sponsored activities.

§303.10 Maintenance (e.g. lawn mowers, edgers, aerators, blowers, etc.) of golf courses, provided such activities take place between the hours of 5:00 a.m. and 9:00 p.m. May through September, and 7:00 a.m. and 6:00 p.m. October through April.

§303.11 Emergencies, involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including but not limited to sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment.

§303.12 Construction (e.g., construction, alteration, demolition or repair activities) provided, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order.

§303.13 Sound sources associated with agricultural operations on agricultural land, which are carried out in any manner consistent with the practice and within the standards of the agricultural industry. This includes without limitation all mechanical devices, apparatus or equipment utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile sources is necessary for pest control.

§303.14 Sound sources associated with existing legal non-conforming and/or existing permitted commercial, industrial or non-profit operations, which do not significantly change existing on-site activities, or result in a change in the number of days or daily hours of operation.

§303.15 Gunfire occurring while hunting consistent with all state laws on private property.

§303.16 Receiving land shall not include space within a building in which the noise originated.

**§304. Temporary Permits.** The Board of Supervisors of East Buffalo Township may grant temporary permits allowing an operation or action that causes sound in excess of the maximum sound levels permitted herein.

(a) Upon application the Board of Supervisors shall make a determination based upon the following criteria:

(1) The temporary operation or action will not severely jeopardize the health, safety and welfare of any person or entity.

(2) The denial of said permit will cause undue hardship to the applicant, community or other person or entity.

(3) The operation or action will not have an adverse impact on adjacent landowners.

(4) The operation or action will not exceed 14 days.

(5) In approving the application, the Board of Supervisors may impose reasonable conditions and restrictions.

(b) Any person or entity seeking a permit pursuant to this section shall make a written application to the Board of Supervisors. The said application shall include the following information:

(1) Name, address, telephone number and email address (if any) of the applicant.

(2) Location of the proposed operation or activity.

(3) The nature and purpose of the proposed operation or activity.

(4) The estimated levels of sound to be generated by the proposed operation or activity.

(5) The hours of operation.

(6) An explanation as to why bringing the noise level of the proposed operation or activity into compliance with this Part would impose an unreasonable hardship on the applicant, the community or any other person or entity.

(c) The Board of Supervisors shall, within 30 days of the date the application is submitted, make a determination on the approval or disapproval of the application. Said determination shall be made at a public meeting of the Board of Supervisors and the decision shall be communicated to the applicant, in writing, within 5 days after the decision is made, by first class mail to the address set forth in the application. Said written approval shall include any conditions or restrictions imposed by the Board of Supervisors. Applicant shall be notified of the date, place and time of the said public meeting which notice shall be in writing and mailed by first class mail, at least 5 days prior to the said meeting to the address in the application and by email or fax if an email address or fax number was provided.

(d) The permit issued pursuant hereto shall not be effective until all conditions imposed by the Board of Supervisors have been met. Noncompliance with any conditions imposed by the Board of Supervisors shall cause an automatic revocation of the permit and thereafter any operation or activity shall be in compliance with this Part.

(e) In making application for a permit pursuant to this section applicant agrees to indemnify and hold Township harmless from any and all liability arising with regard to the proposed operation or activity.

**§305. Definitions.** As used in this Part, the following terms shall have the meanings indicated herein. All terminology used in this Part and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

AGRICULTURAL OPERATIONS - An enterprise that is actively engaged in the production and preparation of crops, livestock and livestock products and in the production, harvesting and preparation of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

ALL TERRAIN VEHICLE (ATV) - Any motor vehicle designed for off-highway use by one operator with no passengers having a seat or saddle designed to be straddled by the operator and handlebars for steering control.

AMBIENT NOISE LEVEL - The composite or normal or existing sound from all sources measured at a given location for a specific time of the day or night.

A-WEIGHTED SOUND PRESSURE LEVEL - The sound pressure level as measured on a sound level meter using the A-weighting network. The level so read shall be designated dB(A) or DBA.

CONSTRUCTION - Any site preparation, assembly, erection, repair, alteration, or similar action, including demolition of buildings or structures.

CONTIGUOUS LAND USE - Any land use bordering or abutting, whether divided by real property boundary or by real property boundary and public street.

CONTINUOUS NOISE - A steady, fluctuating or impact noise which exists essentially without interruption for a period of one quarter hour or more.

CYCLICALLY VARYING NOISE - Steady, fluctuating or impulsive noise which may or may not contain a pure tone and which varies in sound pressure level such that the same level is obtained repetitively at reasonably uniform intervals of time.

DECIBEL - A logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. Decibel is denoted dB.

DEMOLITION - Any dismantling, destruction, or removal of buildings, structures or roadways.

EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

EQUVALENT NOISE LEVEL (Leq) - The level of a steady sound which in a stated time period and at a stated location has the same A-weighted sound energy as the time-varying sound.

FLUCTUATING NOISE - When the sound pressure level of a fluctuating noise varies more than 6 dBA during the period of observation when

measured with the slow-meter characteristic of a sound level meter and does not equal the previously existing ambient noise level more than once during the period of observation.

IMPULSIVE SOUND - A noise characterized by brief excursions of sound pressure whose peak levels exceed the ambience by 10dBA. The duration of a single impulse is usually less than one second and requires the use of a sound level meter specially adapted for its measurement. Examples of impulsive sound include but are not limited to gun shots, blasting and hammering.

LAND USE - The actual real use of land and buildings thereon situated regardless of the zoning or other classification attributed to such land and buildings.

MOTOR VEHICLE - A vehicle which is self-propelled except for one which is propelled solely by human power or by electric power obtained from overhead trolley wires.

NOISE - Any sound, which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans or which endangers personal or real property.

NOISE DISTURBANCE - Any noise which:

- (1) endangers or injures the safety or health of humans or animals;
- (2) annoys or disturbs a reasonable person or ordinary sensibilities;
- (3) endangers or injures personal or real property;
- (4) disturbs the peace; or
- (5) creates a public nuisance.

PLAINLY AUDIBLE NOISE - Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms.

POWERED MODEL VEHICLES - Any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property and which can be propelled by mechanical means, such as but not limited to, model airplanes, boats, cars and rockets.

PROPERTY BOUNDARY - An imaginary line at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

PURE TONE - Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Part, a pure tone shall exist if the 1/3 octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by 5 dB for center frequencies of 500 Hz and above, by 8 dB for center frequencies between 160 Hz and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

RECEIVING LAND USE - The land use which is a contiguous use to the noise source.

RECREATIONAL OFF-ROAD VEHICLES - Motor vehicles which are used for the purpose of recreation off of the public right of way, such as, but not limited to, ATV's, motorized dirt bikes, go-karts and snowmobiles.

SOUND - An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND DISSIPATIVE DEVICE - A noise control device intended to abate or lessen the noise made by vehicles, equipment or machinery.

SOUND LEVEL - The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI IS.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER - An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels. The sound level meter used for testing purposes in accordance with this Part shall meet the current American National Standard Institute specifications.

STATIONARY NOISE SOURCE - Any device fixed or movable, which is located or used on geographically defined real property other than a public right-of-way.

**§306. Violations and Penalties.**

(a) The person or persons charged with the enforcement of this Part may, when said person or persons deems it to be appropriate, issue a written warning to the person or entity violating the provisions of this Part. Said warning shall be subject to a \$50.00 service fee that shall be payable to the Township within 7 days of the issuance of the written warning. Warnings may be issued only for 1<sup>st</sup> offense. Should the violator fail to pay the service charge within the said 7 days he, she or it may be prosecuted for a violation of this Part as hereinafter provided.

(b) Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The penalties for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance 317, June 9, 2008)

CHAPTER 10

HEALTH AND SAFETY

Part 4

Service Fees

**§401. Imposition of Fees.** A service fee in an amount to be determined by Resolution of the Board of Supervisors of East Buffalo Township, shall be imposed on the owner or occupant of any real property in East Buffalo Township if, as a result of any inspection or investigation by an officer, employee or agent of East Buffalo Township, it is determined that a violation of any of the provisions of Chapter 10 has occurred.

**§402. Other Penalties.** The service fee shall be in addition to all other penalties, costs, fees, charges or fines imposed pursuant to any of the provisions of said Chapter 10.

**§403. Notice of Violation.** East Buffalo Township shall, upon determination that a violation has occurred, deliver a notice to the said owner or occupant by personal delivery or by certified mail, return receipt requested, or by posting on the real property upon which the violation occurs, a notice setting forth the amount of the service fee and the violation.

**§404. Payment of Fees.** The service fee shall be due and payable within 10 days of the personal delivery, the mailing of the notice or the posting of the notice as the case may be and should the said owner or occupant fail to pay the said service fee within 10 days, the same may be collected as provided by law.

(As added by Ordinance 392, adopted July 9, 2018)

**CHAPTER 10**

**HEALTH AND SAFETY**

**Part 5**

**Penalties**

**§501. Penalties.** Violations of this Chapter shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rules of Criminal Procedure No. 83(c). The fine for a violation of this Chapter shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance 430, January 5, 2026)