



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 040432**

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**Introduced April 29, 2004**

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**Councilmembers DiCicco and Krajewski**

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**Referred to the  
Committee on Licenses and Inspections**

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## **AN ORDINANCE**

Amending Chapter 10-400 of The Philadelphia Code entitled "Noise and Excessive Vibration" by amending Section 10-404 entitled "Prohibited Conduct," by providing for the issuance of tickets in commercial districts for violations of this Chapter, by reducing the decibel level permitted in commercial districts, and by making certain technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 10 of the Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

\* \* \*

CHAPTER 10-400. NOISE AND EXCESSIVE VIBRATION.

\* \* \*

§10-402. Definitions.

\* \* \*

*(2) Commercial District. Includes the Center City commercial district and neighborhood commercial districts.*

[(2)] (3)

\* \* \*

# City of Philadelphia

BILL NO. 040432 continued

[(3)] (4)	*	*	*
[(4)] (5)	*	*	*
[(5)] (6)	*	*	*

(7) Premises. A lot including all buildings and structures erected thereon.

[(6)] (8) Property Boundary [means the following:] of a Premises. The property line and any partition between separately owned or leased units within a premises.

(a) For a single family dwelling, the property boundary is the property line.

(b) For dwelling units in a two family or multiple family dwelling, the property boundary is any partition common to two or more dwelling units within a building.

(7) Residence means a single family dwelling or a dwelling unit in a two family or multiple family dwelling, including apartments, condominiums or other residential arrangements where boundary lines cannot readily be determined.]

[(8)] (9)	*	*	*
[(9)] (10)	*	*	*
[(10)] (11)	*	*	*
[(11)] (12)	*	*	*
[(12)] (13)	*	*	*
[(13)] (14)	*	*	*
[(14)] (15)	*	*	*
[(15)] (16)	*	*	*

# City of Philadelphia

BILL NO. 040432 continued

## §10-404. Prohibited Conduct.

\* \* \*

(4) No person shall operate a radio, tape player or similar device, unless used in connection with an earplug or earphones which will prevent the emanation of noise, or unless such radio, tape player or similar device is used in connection with the holding of a public assembly for which a permit or license has been issued by the City, in any public area of the Center City commercial district, neighborhood commercial districts or residential district at a sound level which exceeds the decibel limits enumerated below:

(a) in the Center City commercial district and neighborhood commercial districts, [five (5)] *three (3)* decibels above background level at the location of such radio, tape player or device;

\* \* \*

(5) No person shall cause or permit the escape of sound from [a residence or from the grounds of a residence] *any premises in a residential or commercial district* that is audible at a distance greater than one hundred (100) feet from the property boundary *of such premises* or exceeds three (3) decibels above background level beyond the property boundary *of such premises* except in connection with the holding of a public assembly for which a permit or license has been issued by the City.

The following activities shall be exempt from this prohibition:

(a) Construction during the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday; and between 8:00 a.m. and 8:00 p.m., on weekends or legal, national or state holidays.

(b) The operation of lawn maintenance equipment during the hours between 8:00 a.m. and 8:00 p.m., so long as the equipment is functioning within manufactures' specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition.

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## §10-405. Powers and Duties of City Departments.

The powers and duties to be exercised by Departments of the City under this Chapter are as follows:

# City of Philadelphia

*BILL NO. 040432 continued*

(1) The Department of Public Health shall be responsible for the administration and enforcement of this Chapter and all Regulations adopted hereunder, as set forth below in paragraphs (2) through (14) of this Section. In addition, the Department of Public Health, the Police Department, and the Department of Licenses and Inspections shall have the authority to issue tickets for violations of this Chapter in residential *and commercial* districts in accordance with the provisions of §10-406.

\* \* \*

§10-406. Issuance of Violation Tickets.

(1) Where, in a residential *or commercial* district, a person violates any provision of §10-404, a police officer or any authorized representative of the Department of Public Health or the Department of Licenses and Inspections may issue a violation ticket subjecting the person to a fine in the amounts specified in §10-403 and pursuant to the procedures set forth in §10-1606. Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and processed by the Director of Finance and the Bureau of Administrative Adjudication, all pursuant to the procedures set forth in §§10-1604 through 10-1609.

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SECTION 2. This ordinance shall take effect immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.