

Legislation Text

File #: 030682, Version: 1

Amending Title 10 of the Philadelphia Code entitled "Regulation of Individual Conduct and Activity" by amending Chapter 10-400 entitled "Noise and Excessive Vibration" by adding a new Section granting to the Department of Public Health, the Police Department and the Department of Licenses and Inspections the authority to issue tickets in residential districts for violations of this Chapter, by increasing penalties for violations of this Chapter, 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.

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CHAPTER 10-400. NOISE AND EXCESSIVE VIBRATION.

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§10-402. Definitions.

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(4) Noise. The presence of a sound or sounds:

(a) of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological and physiological effects on persons; *or*

(b) in excess of standards promulgated by the Board of Health ;*or*

(c) *in excess of limits set forth in this Chapter.*

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(6) *Property Boundary means the following:*

(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.*

[(6)] (8) 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.

(9) *Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound pressure levels.*

[(7)] (10) Vibration. An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

[(8)] (11) Excessive Vibration. The presence of a vibration or vibrations:

(a) of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or damage or tend to damage personal or real property; *or*

(a) in excess of standards promulgated by the Board of Health; *or*

(c) *in excess of limits set forth in this Chapter.*

[(9)] (12) Center City Commercial District. The area of the City from Vine street to South street between the Schuylkill and Delaware Rivers.

[(10)] (13) Residential District. The areas of the City classified by Chapter 14-200 of The Philadelphia Code as residential districts.

[(11)] (14) Neighborhood Commercial District. The areas of the City other than those encompassed within the Center City commercial district where commercial activity is permitted under the provisions of Title 14 of The Philadelphia Code.

[(12)] (15) Public Area. Areas open to the public including, but not limited to, streets, sidewalks, public parks and recreation facilities.

§10-403. Enforcement.

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(2) Compliance. The Department of *Public Health, the Police Department, and the Department of Licenses and Inspections* may take action to secure compliance as set forth in [Section] §§ 10-405 and 10-406 of this Chapter.

(3) Penalties. Penalties may be imposed for any of the above violations committed in any thirty-six month period, as follows:

(a) for the first violation, a fine of not less than [twenty-five (25)] *one hundred (100)* dollars and not more than three hundred (300) dollars;

(b) For the second violation, a fine of not less than [one hundred (100)] *two hundred (200)* dollars and not more than three hundred (300) dollars;

(c) for the third and subsequent violation, fines of not less than *and not more than* three hundred (300) dollars;

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§10-404. Prohibited Conduct.

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(5) *No person shall cause or permit the escape of sound from a residence or from the grounds of a residence that is audible at a distance greater than one hundred (100) feet from the property boundary or exceeds three (3) decibels above background level beyond the property boundary 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.*

*(6) For the purpose of enforcing the provisions of this Chapter, sound levels shall be measured with a Sound Level Meter that meets or exceeds the requirements of American National Standards Institute specifications for sound level meters (ANSI S1. 4-1971 or the latest revision thereof).*

[(5)] (7) No person shall perform any acts or operations in violation of orders issued by the Department pursuant to this Chapter and the Regulations adopted hereunder.

[(6)] (8) Nothing in this Chapter shall be construed as limiting the rights of any erson to redress in a court of law for any injury to persons or damage to property caused by noise or excessive vibration.

§10-405. Powers and Duties of [the Department of Public Health] *City Departments.*

\* \* \*

[The Department of Public Health shall have the following powers and duties:] *The powers and duties to be exercised by Departments of the City under this Chapter are as follows:*

(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 districts in accordance with the provisions of §10-406.*

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§10-406. *Issuance of Violation Tickets.*

(1) *Where, in a residential 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.*

[§10-406] §10-407. Powers and Duties of the Board of Health.

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[§10-407] §10-408. Inspection.

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[§10-408] §10-409. Orders.

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[§10-409] §10-410. Powers Reserved to the Department Under Existing Laws.

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[§10-410] §10-411. Severability.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.