

**MUNICIPALITY OF MURRYSVILLE
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE No. 583-01

AN ORDINANCE TO CREATE CHAPTER 98, PREVIOUSLY RESERVED, WITHIN THE CODE OF THE MUNICIPALITY OF MURRYSVILLE, ESTABLISHING NOISE STANDARDS AND REQUIREMENTS FOR ALL LAND USE ACTIVITIES WITHIN THE MUNICIPALITY OF MURRYSVILLE.

WHEREAS, the Municipality of Murrysville recognizes the importance and value of reducing noise levels within the community to protect the general welfare, health and safety of its residents and

WHEREAS, the Municipality of Murrysville desires to protect, preserve and enhance its natural setting and rural residential community character.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE, WESTMORELAND COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

CHAPTER 98

**MUNICIPALITY OF MURRYSVILLE
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 583-01

AN ORDINANCE OF THE MUNICIPALITY OF MURRYSVILLE REGARDING NOISE

Article I - Introduction

Section 100 - Maximum noise limits are a function of zoning district and time of day. They are upper limits, not goals for the community. This ordinance promotes quiet throughout the community through the use of quieter products by phasing out noisy equipment. The long term goal is to gradually reduce noise within the community while maintaining prosperous growth. Existing community noise may be lower than these limits, hence these limits are noise levels not to be exceeded.

Article II – Maximum Noise Levels

Section 200 - The values of the Maximum Noise Level Limits, MNLL's in Table I are not to be exceeded when a noise source radiates from a source location to a receiving property. The Maximum Noise Level Limit is based on the time of day and zoning classification of the receiving property as mandated by Table I.

Table I: Maximum Noise Level Limits

Zoning Type/Time	Day [0700-1800]	Evening [1800-2200]	Night [2200-0700]
S1, RR & R1 Districts	50	45	45
R2 & R3 Districts	55	50	45
T1 & B1 Districts	60	55	50
B2 & M1 District	65	60	55

Section 201 - Compliance and Testing Procedures :

- A. At no time during any 24 hour period will the offending noise of a source exceed the Maximum Noise Limit Level values of Table I at any receiving property.
- B. If possible, enforcement measurements will be made during a period when normally occurring environmental noise is low. Abnormally high background noise, e.g., birds, wind insects, aircraft, traffic, should be avoided. Enforcement will be based on noise measurements that do not include these effects.
- C. If the normally occurring environmental noise level of the neighborhood exceeds the values of MNLL's, then the Leq of the offending noise source must not exceed the L₅₀ that is attributed to the naturally occurring environmental noise. Naturally occurring noise will exclude significant transportation noise and the noise of sources in the Exclusions listed in Section 300.
- D. Compliance measurements will be made with an ANSI Type I sound level meter using current measurement techniques and practices as specified by current ANSI standards. The signal-to-noise ratio will be greater than 20 dB with a dynamic range of 60 dB or more that permits valid measurements. A properly calibrated meter will be used. A field calibration before and after measurements is preferred if feasible.
- E. Windscreens will be used with an acoustic attenuation characteristics of 1 dBA or less as measured with a white noise spectrum. Wind noise (false sound) must be 5 dBA less than the Maximum Noise Level Limit of Table I.
- F. For screening purposes, an ANSI Type II meter can be used. Screening measurements can be made with the "slow" response of the meter. Enforcement will follow the specified procedures and use equipment as specified in this ordinance.
- G. Concepts, terminology, Instrumentation, and measurement practices will follow applicable ANSI & ASTM standards for acoustics and noise.

Section 202 - Measurement Metrics:

- A. Fifteen minute A-weighted L_{EQ}'s will be used for compliance measurements unless another metric is specified for the situation.
- B. When abnormal environmental noise such as birds, insects, traffic, wind, etc. exceeds the L_{EQ} limits of Table I and enforcement noise measurements cannot be made during a quieter period, then the A-weighted L₉₀ for a fifteen minute interval will be used with the "fast" response of a Type I meter. Enforcement will be based on the L₉₀ for the fifteen minute period using the MNLL values of Table I.

- C. Noise sources with deep bass sounds (substantial low frequency energy) will be evaluated by making an octave band analysis using a fifteen minute average. The measured octave band sound pressure levels will not exceed the octave band sound pressure levels specified for OBNLL 45, 50 and 55 as listed in Table II for night, evening and day hours respectively. No weighting will be used. The MNLL will be replaced by the equivalent OBNLL.

Table II: Octave Band Noise Level Limits

Frequency	31.5	63	125	250	500	1000	2000	4000	8000	Hz
OBNLL 45	70	65	60	55	50	45	40	35	30	dB
OBNLL 50	75	70	65	60	55	50	45	40	35	dB
OBNLL 55	80	75	70	65	60	55	50	45	40	dB

Article III - Special Noise Provisions

Section 300 - Maximum Noise Levels Limits of Table I are subject to the following exclusions.

- A. Any domestic power equipment operated upon any conservancy, residential, commercial, industrial or special use zoned property, between the hours of 9:00 AM and 7:00 PM, may exceed the 15 minute A-weighted L_{EQ} Maximum Noise Level Limits of Table I, by no more than 10 dBA, provided the equipment is in good working order and meets or exceeds the original manufacturer’s noise level and/or noise specifications. This equipment may exceed the MNLL by no more than 20 dBA provided the total time above the MNLL does not exceed one hour per 24 hour period or three hours in seven days. If a noise specification does not exist for the equipment, then the equipment must not exceed the noise level of the original equipment as manufactured and used as intended by the manufacturer in working order and properly muffled.
- B. Any existing HVAC equipment operated upon any conservancy, residential, commercial, industrial or special use zoned property may exceed the MNLL of table I if the equipment is in good operating condition and working order and it does not exceed the original noise levels as when manufactured and placed in operation on the property. New or replacement HVAC equipment must comply with the Maximum Noise Level Limits of Table I.
- C. The sound levels of warning devices regulated by State and/or Federal Laws may exceed the MNLL’s of Table I if these statutes specify limiting noise levels when this equipment is operated in a lawful manner.
- D. The sound of the warning devices on emergency vehicles may exceed the MNLL’s of Table I.
- E. Transportation noise generated by cars, trucks, trains, aircraft, boats, etc regulated by Federal and State statutes are excluded if noise limits are specified by these statutes is in compliance with the appropriate statute.
- F. The noise of short term construction and heavy equipment used for this construction may exceed the MNLL’s of Table I between the hours of 7:00 AM to 7:00 PM but reasonable efforts must be made to minimize the noise generated by these operations. All equipment will be muffled to the extent that is technically and economically feasible.

- G. Emergency generators may exceed the MNLL's of Table I during emergency use but the noise of routine testing, unless it meets the MNLL, must occur between the hours of 7:00 AM to 7:00 PM and the L_{EQ} noise levels of these tests must not exceed the MNLL's of Table I by more than 20 dBA for one hour per week.
- H. Music, voices, paging systems, sound reinforcement systems, audio amplification systems, television, radios, tape players, VCR equipment and all related or similar equipment are subject to the MNLL's of Table I except compliance sound level measurements will be based on the "fast response" of an ANSI Type I meter using the " L_{MAX} " to measure these short term bursts of noise. The L_{MAX} sound level using this "fast response" measurement must not exceed the MNLL value of Table I
- I. Impact/Impulse type noises will not exceed the MNLL value specified in Table I by more than 20 dB as measured with the unweighted " L_{PK} " of an ANSI Type I meter with peak measurement capabilities as defined by the current ANSI standards.
- J. The noise of organized events requiring Municipality of Murrysville permits will be excluded from the MNLL for the duration of the permit. The zoning officer will review the noise producing activities of the event to control those that might produce unnecessary or unreasonable noise based on the intent of this noise control ordinance.
- K. The normally occurring sounds and noises, e.g., voices, cheering crowds, referee voices & whistles, bands, and music of non-profit & community based organizations which are sanctioned sporting, church, school, and college events are excluded. Sound amplification and similar equipment are still subject to the MNLL's of Table I.
- L. Farming equipment used for commercial farming, (for profit) and nurseries and are excluded from this ordinance provided their equipment is in good working order and it meets the original noise levels of the equipment when originally manufactured for that make and model. Mowing equipment used for golf courses is excluded from this ordinance, provided the equipment is in good working order and meets the original noise levels of the equipment when originally manufactured for that make and model.
- M. The noise of privately owned animals and birds, excluding for profit farm livestock, are subject to the MNLL using the L_{MAX} and "fast response" of the meter.
- N. Refuse trucks operating on public streets for the purpose of household collection may exceed the MNLL by no more that 20 dBA during the hours specified within the contract between the Municipality of Murrysville and the refuse contractor, with occurrences limited to one fifteen minute interval per week. Commercial refuse collection, handling, and disposal will meet the MNLL at all times for hours not specified within the contract between the Municipality of Murrysville and the refuse contractor. Noise during the day may exceed the MNLL by no more than 20 dBA.
- O. The noise of snow removal equipment is excluded from this ordinance during periods of substantial snow fall and immediately thereafter until such time as both private and public roads, sidewalks, and parking lots are cleared so as to prevent a hazard to citizens. Routine snow removal will be limited to daytime or evening hours. All equipment must be properly muffled and efforts are to be made to avoid unneeded noise. All state, county, and municipal snow removal equipment is exempt from this ordinance.

- P. Pulsating or intermittent or fluctuating noises that exceed the MNLL's of Table I and are clearly audible in the presence of normally occurring environmental noise levels are not permitted between the hours of 10 PM and 7 AM. Examples include but are not limited to backup alarms, bells, "jake brakes", whistles, horns, blasting, gunfire, hammer blows, pile driving, etc. unless noise is generated under emergency conditions. The un-weighted L_{PK} of these noises must not exceed the Maximum Noise Level Limits of Table I. Reasonable efforts will be made to minimize these noises during the hours of 7 AM and 10 PM.

Article IV - Definitions:

AMBIENT NOISE. All-encompassing sound at a given place, usually a composite of sounds from many sources near and far.

ANSI. American National Standards Institute.

BACKGROUND NOISE. Total of all sources of interference in a system used for the production, detection, measurement, or recording of a signal, independent of the presence of the signal.

BAND PRESSURE LEVEL. Sound pressure level for sound contained within a restricted frequency band. Unit, decibel (dB).

CONSTRUCTION. Work and all related activities being done to erect, build, demolish, or modify structures and/or to grade or contour terrain for buildings, public and private roads, housing, and other structures. The time duration of construction will be limited to that defined by the permit.

CONSTRUCTION EQUIPMENT. Equipment used during construction including but not limited to heavy trucks, pay loaders, tractors, power shovels, air compressors, cranes, graders, jack hammers, hammers, nail guns, conveyors, concrete and cement mixers, generators and welders.

DAY HOURS. The hours between 7:00 AM and 6:00 PM.

DECIBEL. Unit of level when the base of the logarithm is the tenth root of ten, and the quantities concerned are proportional to power. Unit symbol, dB.

dBA. Unit of A-weighted sound level. The weighted sound pressure level by the use of the A metering characteristic and weighting specified in ANSI Specifications for Sound Level Meter.

DOMESTIC POWER EQUIPMENT. Equipment that is driven by either electric or air driven motors or internal combustion engines, used for household applications. Includes but not limited to lawn mowers, hedge trimmers, lawn & garden tractors & related accessories, tillers, chainsaws, drills, saws, impact wrenches, portable generators, portable pumps, trimmers, power washers, snow blowers, leaf & related blowers, mulchers, chippers, vacuums, and related equipment.

EVENING HOURS. The hours between 6:00 PM and 10:00 PM.

FAST RESPONSE. The nominal exponential averaging time of $1/8^{\text{th}}$ second as measured with a sound level meter that complies with ANSI standards.

FREQUENCY. For a function periodic in time, the reciprocal of the period. Unit, hertz (Hz).

HARMONIC. Sinusoidal quantity that has a frequency which is an integral multiple of the frequency of the periodic quantity to which it is related.

HEAVY EQUIPMENT. Large, high energy equipment such as off-the-road construction equipment (See Construction Equipment).

HVAC. Heating, ventilation, and air conditioning equipment that includes but is not limited to air handlers, condensing units, chillers, air conditioners, fans & related air moving devices, pressure regulating and relief valves, and compressors (not including compressors used in the operation of gas wells).

IMPACT/IMPULSE SOUND. A sudden burst of sound or noise with an extremely rapid rise time of nanoseconds and sharp “Q” factor along with a rapid decay time. Normally occurring as a single event or with sufficient time separation between events to be perceived as discrete events by the human ear.

LEVEL. In acoustics, logarithm of the ratio of a quantity to a reference quantity of the same kind. The base of the logarithm, the reference quantity, and the kind of level shall be specified.

LINE SPECTRUM. Spectrum whose components occur at a number of discrete frequencies.

L_A A-weighted sound level in dBA per ANSI standards.

L_{EQ} The equivalent continuous A-weighted sound level measured over a finite time, e.g., 15 minutes, with an ANSI Type I integrating-averaging sound level meter. The steady state, fluctuating & intermittent components of a noise signal are averaged over a well defined time and the result is an equivalent average sound level that contains the same energy as the total signal.

$$L_{EQ} = 10 \log_{10} \left[\frac{1}{T_{1-2}} \int_{t_1}^{t_2} \frac{p_a^2(t)}{p_0^2} dt \right]$$

Where:

L_{EQ} = equivalent continuous sound level (A-weighted), dBA

$p_a(t)$ = A-weighted sound pressure.

$p_0 = 20 \mu\text{Pa}$ (20 micro-pascal)

t_1 = starting time of averaging.

t_2 = finishing time of averaging

$T_{1-2} = t_2 - t_1$ = total integration time.

L_{MAX} The maximum A-weighted sound level that occurs on the crest of a changing average noise level as measured with the “fast response” of an ANSI Type I sound level meter for a specific time duration.

L_{PK} The amplitude of the real time waveform converted to decibels. No averaging is used and the instantaneous high of the acoustical signal is measured.

L₅₀ The L₅₀ is the “fast response” noise level that is exceeded 50% of the time when measured over a specific time period of fifteen minutes

L₉₀ The L₉₀ is the “fast response” noise level that is exceeded 90% of the time when measured over a specific time period of fifteen minutes.

MAXIMUM SOUND LEVEL. Maximum fast response A-weighted sound level, within a stated time interval.

NIGHT HOURS. The hours between 10:00 PM and 7:00 AM.

NOISE. (a) Undesired sound. By extension, noise is any unwarranted disturbance within a useful frequency band, such as undesired electric waves in a transmission channel or device. (b) Erratic, intermittent, or statistically random oscillation.

NOISE LEVEL. For airborne sound, unless specified to the contrary, it is the A-weighted sound level.

MAXIMUM NOISE LEVEL LIMIT. The maximum value permitted by Table I for the A-weighted noise level that occurs on a receiving property due to noise being generated at a source location. The value of the Maximum Noise Level Limit is a function of the time of day and the zoning characteristic of the receiving property. Measurands include (1) 15 minute L_{EQ}, (2) “fast response” L_A, (3) “fast response” L_{MAX} and (4) “fast response” L₉₀ & L₅₀ as appropriate in the ordinance.

NORMALLY OCCURRING ENVIRONMENTAL NOISE. Environmental noise that is due to naturally occurring sounds and noises that include but are not limited to insects, rustling leaves, wind effects on the environment, and lawfully occurring transportation noise regulated by State and Federal statutes. This term will exclude other noises that may be covered by this noise ordinance that increase the ambient noise more than might reasonably be expected.

OCTAVE. The interval between two sounds having a frequency ratio of two. There are 8 octaves on the keyboard of a standard piano.

OCTAVE BAND. A segment of the frequency spectrum separated by an octave.

OCTAVE BAND LEVEL. The integrated sound pressure level of only those sine-wave components in a specified octave band.

PEAK SOUND PRESSURE. Greatest absolute instantaneous sound pressure within a specified time interval. Unit, pascal (Pa).

PERSON. Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of any association, partnership or corporation.

PURE TONE. Line spectrum consisting of a signal at a single frequency.

RANDOM NOISE. Oscillation for which instantaneous magnitude is not specified for any given instant of time. The instantaneous magnitudes of a random noise are specified only by the probability distribution functions giving the fraction of total time that the magnitude, or some sequence of magnitudes, lies within a specified range.

RECEIVING PROPERTY. The receiver location where excessive noise is occurring due to noise being generated at a source location. The receiver location will include the nearest point on the property line, any point on the property line, or any point on the property at all heights above ground level.

RECREATIONAL VEHICLES. Off road motor and engine driven vehicles licensed or unlicensed by the State of Pennsylvania. Includes but not limited to dirt motorcycles, snowmobiles, and ATV's.

SIGNAL. (a) Disturbance used to convey information. (b) Information to be conveyed over a communication system.

SOUND. (a) Oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium with internal forces (e.g., elastic or viscous), or the superposition of such propagated oscillations. (b) Auditory sensation evoked by the oscillation described above.

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 ANSI specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision). If the frequency weighting employed is not indicated, the A-weighting is implied.

SOUND LEVEL METER. An instrument comprised of a microphone, amplifier, output meter, and frequency weighting networks that is used for the measurement of noise and sound levels.

SOUND LEVEL: A-WEIGHTED SOUND PRESSURE LEVEL. Ten times the logarithm to the base ten of the ratio of A-weighted squared sound pressure to the squared reference sound pressure of 20 μ Pa, the squared sound pressure being obtained with fast (F) (125-ms) exponentially weighted time averaging. Unit, decibel (dB) for ANSI, decibel (dBA) for this ordinance; symbol L_A .

SOUND PRESSURE AMPLITUDE. Absolute instantaneous pressure in any given cycle of sound wave at some specified time. Unit, pascal (Pa).

SOUND PRESSURE: EFFECTIVE SOUND PRESSURE. Root-mean-square instantaneous sound pressure at a point, during a given time interval. Unit, pascal (Pa).

SOUND PRESSURE LEVEL. Ten times the logarithm to the base ten of the ratio of the time-mean-square pressure of a sound, in a stated frequency band, to the square of the reference sound pressure in gases of 20 μ Pa (micro-pascal). Unit, decibel (dB); abbreviation, SPL; symbol, L_p).

SOURCE LOCATION. The location of the source producing excess noise at a receiver location. Includes both stationary and moving noise sources. Also includes recreational vehicles and model airplanes used on public and private property.

SPECTRUM. (a) Description, for a function of time, of the resolution of a signal into components, each of different frequency and (usually) different amplitude and phase. (b) "Spectrum" is also used to signify a continuous range of components, usually wide in extent, within which waves have some specified common characteristic; e.g., "audio frequency spectrum".

SOUND TRANSMISSION CLASS (STC). A single-number rating of airborne sound insulation of a building partition, derived by fitting a reference rating curve to the sound transmission loss values measured for the 16 contiguous 1/3 octave frequency bands with nominal midband frequencies of 125 Hz to 4000 Hz inclusive, by a standard method. The reference rating curve is fitted to the 16 measured transmission loss values such that the sum of deficiencies (transmission losses less than the reference rating curve), does not exceed 32 dB, and no single deficiency is greater than 8 dB. Sound transmission class is the numerical value of the ordinate (y axis) of the reference contour at 500 Hz. Unit, decibel (dB); abbreviation, STC. For sound transmission class 50 dB, for example, the reference rating curve consists of a straight line from 34 dB at 125 Hz to 49 dB at 400 Hz; a straight line from 49 dB at 400 Hz to 54 dB at 1250 Hz; and a straight line constant at 54 dB from 1250 Hz to 4000 Hz.

WINDSCREEN. A porous device used to cover the microphone of a sound level meter to suppress the effect of air movement over the microphone that causes false sound/noise. The total attenuation (insertion loss) of the device will be limited to 1 dBA or less.

ZONING DISTRICT. A specifically delineated area in the Municipality of Murrysville described in the Municipal Zoning Ordinance, Chapter 220 as amended, and shown on the Official Zoning Map.

Article V – Administration and Enforcement

Section 500 - It shall be the duty of the Community Development Department and/or the Police Department to administer and enforce the provisions of this Ordinance.

- A. The Police Department shall enforce standards for non-stationary sources of noise (motor vehicles, parties, stereos and similar sources).
- B. The Community Development Department shall enforce standards for stationary sources of noise (compressors, construction equipment, building equipment and similar sources).
- C. Personnel from either the Police Department or the Community Development Department, trained in the use of sound measuring equipment, shall be permitted to take measurements at any source of noise.

Section 501 – In administering the provisions of this Ordinance the Municipality, the Community Development Department and/or Police Department may, with appropriate authorization, undertake any of the following actions:

- A. Conduct studies related to public annoyance due to noise and monitor sound levels in the Municipality.
- B. Conduct public education programs regarding the health and welfare effects of noise, how to abate noise in various situations, and how to comply with the provisions of this Ordinance.
- C. Coordinate community efforts in noise control including control activities conducted by all municipal departments and cooperate with adjoining municipalities and other appropriate state or federal agencies to address noise issues..
- D. Review public and private projects for the purpose of determining whether such projects are in compliance with this Ordinance, how such projects intend to remain in compliance with this Ordinance and determination of the adequacy of any acoustic screening proposed to control noise. Any costs incurred by the Municipality in review of such projects shall be borne by the applicant for project approval.
- E. Conduct inspections upon any location, site or premises which may be the source of noise which violates the provisions of this Ordinance pursuant to all due process requirements of the Commonwealth of Pennsylvania or the United States of America.

- F. Stop moving vehicles to inspect them and, if necessary, to issue a Notice of Complaint to the driver of such vehicle if found to be in violation of the provisions of this Ordinance.
- G. Require any owner or operator, convicted of violating the MNLL's of Table I, to make measurements (at his own expense) of sound levels from any source, according to methods and procedures specified by the Municipality, and to furnish the Municipality with reports of such measurements.

Section 502 – The procedure for Enforcement of this Ordinance shall be as follows.

- A. Complaints shall be submitted in writing on a form provided by the Municipality.
- B. Upon receiving a complaint Municipal Personnel shall conduct measurements at the receiving property.
- C. Upon determination that the noise source is exceeding the limits of either Table I or Table II the Municipality shall issue a Notice of Complaint to the person responsible for controlling the source of the noise. The Notice of Complaint shall be signed by either the Director of Community Development or the Chief of Police or in their absence by the designated Officer-in-Charge.
- D. The Notice of Complaint shall list the source of the noise, the nature of the violation, an order to abate the noise within a time frame determined by the Municipality, and a description of the penalties which may be incurred for failure to abate the noise.
- E. Failure to abate the noise within the time frame determined by the Municipality shall result in the filing of a Citation pursuant to Section 502 of this Ordinance..
- F. All plans for work operations and construction must contain a stipulation that the person submitting has reviewed provisions of this section and the submittal conforms to all provisions.

Section 503 – NEED FOR CORRECTIVE MEASURES

- A. If the Municipality determines at any time that noise levels specified in this Ordinance have been exceeded, the Applicant/Developer/Owner or any others shall be advised of corrective measures required within a period of time set by the Municipality.
 - (1). For non-stationary sources of noise the required period of time may be an immediate correction.
 - (2). For stationary sources of noise the required period of time shall be a minimum of eight (8) hours.
- B. If such measures are not taken by the Owner or any others within the designated period of time, the Municipality may cause the work to be done and lien all costs against the property.
- C. The following actions or causing thereof are prohibited:
 - (1). The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement of any noise control device or element of design or noise label of any product used in the control of noise, which results in noise being generated that violates the MNLL's of Table I.
 - (2). The use of a product which has had a noise control device or element of design or noise label removed or rendered inoperative that results in noise being generated, with knowledge that such action has occurred.

Section 504 – SPECIAL WAIVERS

- A. Council shall have the authority, consistent with this Chapter and Chapter 220 of the Municipal Code to grant special waivers.

- B. Any person seeking a special waiver pursuant to this Chapter shall file a written application containing information that demonstrates that bringing the source of sound or activity for which the special waiver is sought into compliance with this Ordinance would constitute an unreasonable hardship on the applicant. Such hardship shall not be financial in nature.
- C. Council shall decide to grant or deny the waiver based upon the adverse impact on the health, safety and welfare of persons affected or the adverse impact of property affected.
- D. Special waivers which are granted shall include all necessary conditions, including time limits on the permitted activity, which apply to the waiver. Applicants must agree to all conditions in writing. Non-compliance with any condition of any granted special waiver shall terminate said waiver and subject the persons holding it to all provisions of this chapter.

Section 505 - PENALTIES

- A. Anyone violating the terms of this Chapter shall be guilty of a summary offense and, upon conviction, shall be subject to a fine or penalty of not more than \$300 for each and every violation. All costs incurred by the Municipality in the enforcement and abatement of any violation of this Ordinance shall be recoverable upon conviction of a summary offense.. Each day that the violation continues after proper notification (Notice of Complaint) shall be a separate offense.
- B. The Municipality may lien any property of any person convicted of a summary offense to collect all court ordered fines and recoverable costs.
- C. In addition thereto, the Municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or equity for the enforcement of this Chapter or to correct violations of this Chapter and any court or competent jurisdiction, shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Murrysville as follows:

This Ordinance shall be effective upon its adoption in accordance with applicable law.
ORDAINED AND ENACTED into law by the Council of the Municipality of Murrysville on the _____ day of _____, 2001

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE

 Joan C. Kearns, President

 Donald C. Pepe, Municipal Secretary

(Seal)

 Ruth K. Fowler, Mayor

Member	Yes	No	Absent	Abstain
Robert J. Brooks				
John C. Cardwell				
Joan C. Kearns				
Lawrence W. Keller				
G. Ted Mallick				
Joyce K. Somers				
Andrew S. Yourish				