

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2042** Session of  
1975

INTRODUCED BY GLEESON, DECEMBER 10, 1975

REFERRED TO COMMITTEE ON CONSERVATION, DECEMBER 16, 1975

AN ACT

1 Providing for the regulation and abatement of noise; imposing  
2 powers and duties on the Department of Environmental  
3 Resources and political subdivisions and establishing  
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 ARTICLE I

8 General Provisions

9 Section 101. Short Title.--This act shall be known and may  
10 be cited as the "Pennsylvania Noise Control and Abatement Act."

11 Section 102. Findings and Declaration of Policy.--(a) The  
12 General Assembly finds:

13 (1) That the people of this Commonwealth have a right to,  
14 and should be insured, an environment free from noise which  
15 jeopardizes their health or welfare or degrades the quality of  
16 life.

17 (2) That inadequately controlled noise, particularly in  
18 urban areas, presents a serious and growing danger to the  
19 health, safety, and welfare of the citizens of Pennsylvania, and

1 has resulted in substantial damage to and devaluation of real  
2 and personal property.

3 (3) That noise levels have reached such a degree as to  
4 endanger the important natural, historical and aesthetic, as  
5 well as economic, values of the environment, and to degrade the  
6 quality of life.

7 (4) That a substantial body of science and technology exists  
8 by which excessive noise may be substantially abated.

9 (5) That the control and abatement of noise is necessary to  
10 protect the health, safety and welfare of Pennsylvania citizens  
11 and preserve the integrity of the environment.

12 (6) That primary responsibility for the control and  
13 abatement of noise lies with State, county and local  
14 governments.

15 (b) The General Assembly declares that it is the continuing  
16 policy of this Commonwealth to promote and assure an environment  
17 for all its people free from noise which threatens or affects  
18 their health and welfare or which degrades the quality of life,  
19 and to preserve and protect the rights of its people to such an  
20 environment as guaranteed by the Constitution of this  
21 Commonwealth. To this end, it is the purpose of this act to  
22 encourage local governments to regulate and abate noise, to  
23 provide an effective means of coordinating local, State and  
24 Federal research and activities to regulate and abate noise, and  
25 to authorize the establishment of State noise emission,  
26 operation, and use standards and the adoption of other  
27 appropriate regulations.

28 Section 103. Definitions.--For the purposes of this act, the  
29 following words and phrases have the meanings ascribed to them  
30 in this section:

1 "Airport proprietor" means any person who constructs, owns,  
2 leases, operates, or maintains an airport or landing field.

3 "Board" means the Environmental Quality Board established by  
4 the act of December 3, 1970 (P.L.834, No.275).

5 "Department" means the Department of Environmental Resources  
6 of the Commonwealth of Pennsylvania.

7 "Environmental noise" means the intensity, duration and  
8 character of sounds from all sources.

9 "Hearing board" means the Environmental Hearing Board  
10 established by the act of December 3, 1970 (P.L.834, No.275).

11 "Municipality" means any city, borough, town or township.

12 "New product" means a product the equitable or legal title of  
13 which has never been transferred to an ultimate purchaser.

14 "Noise" means the intensity, duration, frequency and  
15 character of vibration or sounds from a source or number of  
16 sources, including but not limited to sounds and vibrations of  
17 subaudible frequencies.

18 "Noise pollution" means any vibration, sound or sounds of  
19 such intensity, magnitude, frequency, duration or character as  
20 to be injurious or tend to be injurious to human health or  
21 safety or public welfare, or as to be injurious or tend to be  
22 injurious to animal life, or as to damage or tend to damage  
23 personal or real property, or as to substantially interfere with  
24 the comfortable enjoyment of life or property.

25 "Noise source" means any place, facility, product, machine,  
26 vehicle, equipment or appliance, stationary or mobile, from or  
27 by reason of which there is emitted noise.

28 "Person" means any individual, public or private corporation  
29 for profit or not for profit, association, partnership, firm,  
30 trust, estate, department, board, bureau or agency of the

1 Commonwealth or of the United States, or any political  
2 subdivision, municipality, district, authority or other legal  
3 entity whatsoever which is recognized by law as the subject of  
4 rights and duties.

5 "Political subdivision" unless the context otherwise  
6 indicates, means any county, city, borough, town, township,  
7 board, commission, authority, district, or any department,  
8 agency or subdivision, thereof or any other body corporate and  
9 politic.

10 "Procurement price" means the price charged to a governmental  
11 agency for the lease or purchase of a product.

12 "Product" means any manufactured article or good, or  
13 component thereof.

14 "Resident of the Commonwealth" means any person who has a  
15 place of abode within the Commonwealth, or owns or leases  
16 property located within the Commonwealth.

17 "Retail price" means the maximum statutory price applicable  
18 to a type of product or, in any case where there is no  
19 applicable maximum statutory price, the most recent procurement  
20 price paid for any type of product.

21 "State agency" shall mean any agency, department, board,  
22 commission, authority, bureau, or office of the legislative,  
23 executive or judicial branches of the Commonwealth of  
24 Pennsylvania.

25 "Subaudible frequency" means frequency which is below that  
26 which can be heard by a human with normal unimpaired hearing.

27 "Ultimate purchaser" means the first person who in good faith  
28 purchases a product for purposes other than resale or lease.

29 Section 104. Construction; Preservation of Existing Rights  
30 and Remedies.--No provision of this act, nor the granting of any

1 permit or variance hereunder, nor any action taken by virtue of  
2 this act, shall be construed in derogation of the right of the  
3 Commonwealth, or any county, municipality, or person to proceed  
4 in courts of law or equity, or by administrative process, to  
5 abate noise pollution under this act, to abate nuisances under  
6 statutory or common law, to recover damages caused by noise, or  
7 to enforce other common law or statutory rights. It is hereby  
8 declared to be the purpose of this act to provide additional and  
9 cumulative remedies to abate noise pollution, and nothing  
10 contained in this act shall in any way abridge or alter rights  
11 of action, remedies, or administrative powers now or hereafter  
12 existing in equity, at common law, or under any state, county or  
13 municipal statute, ordinance, code or regulation. No court of  
14 this Commonwealth having jurisdiction to abate public or private  
15 nuisances shall be deprived of such jurisdiction to abate any  
16 private or public nuisance caused, maintained or allowed by any  
17 person for the reason that such nuisance is subject to any  
18 provisions of this act or any rule or regulation adopted  
19 pursuant hereto.

20 Section 105. Severability Clause.--The provisions of this  
21 act shall be severable and if any of its provisions shall be  
22 held to be unconstitutional, the validity of any of the  
23 remaining provisions of this act shall not be affected. It is  
24 hereby declared that this act would have been adopted had any  
25 unconstitutional provisions not been included therein.

## 26 ARTICLE II

### 27 State and Local Programs

28 Section 201. State Programs.--(a) Agencies of the  
29 Commonwealth and its political subdivisions shall, to the  
30 fullest extent consistent with their authority under laws

1 administered by them, carry out the programs administered by  
2 them in such manner as to further the policy declared in section  
3 102.

4 (b) Each department, agency, or instrumentality of the  
5 executive, legislative, and judicial branches of the  
6 Commonwealth or any political subdivision of the Commonwealth--

7 (1) having jurisdiction over any property or facility, or

8 (2) engaged in any activity resulting, or which may result,  
9 in the emission of noise,

10 shall comply with Federal, State, interstate, county, and  
11 municipal requirements respecting control and abatement of  
12 environmental noise to the same extent that any person is  
13 subject to such requirements.

14 Section 202. Local Programs; Authorization to Political  
15 Subdivisions and Municipal Corporations.--Counties, cities,  
16 boroughs, towns and townships are hereby authorized to enact or  
17 adopt ordinances, codes and regulations for the prevention,  
18 control, abatement and reduction of noise, provided such  
19 ordinances, codes and regulations shall not be less stringent  
20 than the provisions of this act or the rules and regulations  
21 promulgated pursuant to this act. Such counties or  
22 municipalities may adopt any standard or model noise control  
23 code, published and printed in book or pamphlet form which is  
24 promulgated by the Federal Environmental Protection Agency or  
25 Commonwealth Department of Environmental Resources or is  
26 otherwise approved by the Department of Environmental Resources  
27 in accordance with section 301, without incorporating such code  
28 in the ordinance. Such ordinance or code need not be advertised  
29 after passage but notice of its consideration and adoption shall  
30 be published in reasonable detail as required by law. Not less

1 than 3 copies of such ordinance or code shall be available for  
2 public inspection and use during business hours after its  
3 adoption. Such noise control ordinance or code may provide  
4 proper fines and penalties for violation thereof, in addition to  
5 any other remedies available at law or equity or any other  
6 remedies provided under this act.

7 Section 203. Coordination of State and Local Noise Abatement  
8 Programs.--(a) The department shall coordinate the programs of  
9 all State, county and municipal agencies relating to noise  
10 studies and noise control. Each such agency shall furnish to the  
11 department such information as it may reasonably require to  
12 determine the nature, scope, and results of the noise-studies  
13 and noise-control programs of the agency.

14 (b) Each State agency shall consult with the department in  
15 prescribing standards or regulations respecting noise. If at any  
16 time the department has reason to believe that a standard or  
17 regulation, or any proposed standard or regulation, of any  
18 agency respecting noise does not protect the public health and  
19 welfare to the extent it believes to be required and feasible,  
20 it may request such agency to review and report to it on the  
21 advisability of revising such standard or regulation to provide  
22 such protection. Any such request may be published in the  
23 Pennsylvania Bulletin and shall be accompanied by a detailed  
24 statement of the information on which it is based. Such agency  
25 shall complete the requested review and report to the department  
26 within such time as the department specifies, but such time  
27 specified may not be less than 60 days from the date the request  
28 was made. The report shall be accompanied by a detailed  
29 statement of the findings and conclusions of the agency  
30 respecting the revision of its standard or regulation. Notice of

1 availability of such report for inspection during regular  
2 working hours shall be published in the Pennsylvania Bulletin.

3 Section 204. Preferential Procurement of Low Noise Emission  
4 Products.--(a) The department, after receipt of an application  
5 in accordance with subsection (c) of this section, shall certify  
6 as a "low-noise-emission product" any product which the  
7 department determines:

8 (1) emits noise in amounts significantly below the levels  
9 specified in noise emission standards adopted pursuant to  
10 section 302; and

11 (2) is suitable for use as a substitute for a type of  
12 product in use by agencies of the Commonwealth or by any county,  
13 municipality or other political subdivision.

14 (b) Certification under this section shall be effective for  
15 a period of 1 year from the date of issuance, and may be renewed  
16 upon application and recertification for additional periods of 1  
17 year in the same manner as provided for initial certification.

18 (c) (1) Any person seeking to have a class or model of  
19 product certified under this section shall file an application  
20 with the department in accordance with regulations prescribed by  
21 the board.

22 (2) The department shall publish in the Pennsylvania  
23 Bulletin a notice of each application received.

24 (3) The department shall conduct such investigations as it  
25 determines are necessary, including actual inspection of the  
26 product, or samples thereof, in a manner and at a place  
27 designated by the department.

28 (4) The department shall receive and consider written  
29 comments and documents from interested persons regarding  
30 certification of the class or model of product under



1 consideration, and may hold such public hearings as it deems  
2 appropriate regarding the application for certification.

3 (5) Within 120 days after the receipt of an application  
4 properly filed in accordance with the regulations adopted  
5 hereunder, the department shall determine whether the product is  
6 a "low-noise-emission product" as defined in subsection (a) of  
7 this section. The department shall publish notice of such  
8 determination or decision in the Pennsylvania Bulletin,  
9 including the reasons therefor.

10 (d) (1) In lieu of the procedure provided in subsections (a),  
11 (b), and (c) of this section, the department may at its  
12 discretion certify as a "low-noise-emission product" any product  
13 so certified by the Administrator of the United States  
14 Environmental Protection Agency in accordance with the Noise  
15 Control Act of 1972 (Public Law 92-574), or any amendment  
16 thereof.

17 (2) Certification under this subsection shall be effective  
18 for a period of 1 year from the date of issuance, and may be  
19 renewed for additional periods of 1 year in the same manner as  
20 provided for initial certification under this subsection, or in  
21 the manner provided by subsections (a), (b) and (c) of this  
22 section: Provided, That certification pursuant to this  
23 subsection shall be effective only so long as the certification  
24 of the Administrator of the United States Environmental  
25 Pollution Agency is in effect.

26 (3) Notice of certification or renewal of certification  
27 pursuant to this subsection shall be published in the  
28 Pennsylvania Bulletin.

29 (e) (1) Certified low-noise-emission products shall be  
30 acquired by purchase or lease by State agencies for use by State

1 agencies in lieu of other products if the procuring agency  
2 determines that such certified products have procurement costs  
3 which are no more than 125% of the retail price of the least  
4 expensive type of product for which they are certified as  
5 substitutes. The procuring agency shall be required to purchase  
6 available low-noise-emission products which are eligible for  
7 purchase to the extent they are available before purchasing any  
8 other product for which the low-noise-emission product is a  
9 certified substitute.

10 (2) For the purpose of procuring certified low-noise-  
11 emission products any statutory price limitations shall be  
12 waived.

13 (3) Noise-emission data relating to a certified low-noise-  
14 emission product relied upon by the department in determining  
15 that a product is eligible for such certification shall be  
16 incorporated in any contract or specifications for the  
17 procurement of such product.

18 (f) Any statutory price or bid limitations notwithstanding  
19 any county, municipality or other political subdivision may  
20 acquire by purchase or lease a certified low-noise-emission  
21 product in lieu of other products if it determines that such  
22 certified product has procurement costs which are no more than  
23 125% of the retail price of the least expensive type of product  
24 for which it is certified as a substitute.

25 (g) The department shall, from time to time as it deems  
26 appropriate, test the emissions of noise from certified low-  
27 noise-emission products purchased by State agencies, counties,  
28 municipalities, or other political subdivisions. If at any time  
29 it finds that the noise-emission levels exceed the levels on  
30 which certification under this section was based, the department

1 shall give the supplier of such written notice of this finding,  
2 and give the supplier an opportunity to make necessary repairs,  
3 adjustments, or replacements. If no such repairs, adjustments,  
4 or replacements are made within a period to be set by the  
5 department it may order the supplier to show cause why  
6 certification for the product involved should not be remarked.

### 7 ARTICLE III

#### 8 General Regulations; Powers and Duties

9 Section 301. Powers and Duties of the Department.--The  
10 department shall have the power and its duty shall be to:

11 (1) Upon presentation of proper credentials, enter any  
12 building, property, premises or place and inspect any noise  
13 source for the purpose of investigating an actual or a suspected  
14 source of noise pollution or for the purpose of ascertaining the  
15 compliance or non-compliance with any rule or regulation which  
16 may have been adopted and promulgated by the Environmental  
17 Quality Board hereunder. If, in connection with such inspection  
18 or investigation, noise measurements, recordings or tests of any  
19 type are taken for analysis, a duplicate of the analytical  
20 report shall be furnished to the person who is suspected of  
21 causing such noise pollution or is responsible therefor.

22 (2) Have access to, and require the production of, books and  
23 papers pertinent to any matter under investigations.

24 (3) Require the owner or operator of any noise source to  
25 establish and maintain records and make such reports and furnish  
26 such information as the department may reasonably prescribe.

27 (4) Require the owner or operator of any noise source to  
28 sample the emissions thereof in accordance with such methods and  
29 procedures and at such locations and intervals of time as the  
30 department may reasonably prescribe and to provide the

1 department with the results thereof.

2 (5) Receive, initiate, and act on complaints of noise  
3 pollution and submit such complaints to the appropriate  
4 regional, county, or municipal government or agency for the area  
5 in which the noise source is located.

6 (6) Investigate complaints, institute and conduct surveys  
7 and testing programs, conduct general ambient and environmental  
8 noise survey programs, make observations of conditions which may  
9 or do cause or affect noise pollution, make tests or other  
10 determinations of noise sources, and assess the degree of  
11 control of abatement required.

12 (7) Issue enforcement orders pursuant to section 703.

13 (8) Require the submission of, and consider for approval,  
14 plans and specifications of noise pollution control equipment,  
15 devices or process changes, and inspect such installations or  
16 modifications to insure compliance with the plans which have  
17 been approved.

18 (9) Institute legal proceedings in a court of competent  
19 jurisdiction for the prevention or abatement of noise, for the  
20 enforcement of any order of the department from which there has  
21 been no timely appeal or which has been sustained on appeal, or  
22 for the recovery of penalties or damages, in accordance with  
23 this act.

24 (10) Institute prosecutions under this act.

25 (11) Conduct or cause to be conducted, and supervise,  
26 studies and research for the purpose of determining the causes,  
27 effects and hazards of noise and methods for the control,  
28 prevention, abatement and reduction of noise pollution.

29 (12) Conduct and supervise educational programs with respect  
30 to the sources and effects of noise, and the control,

1 prevention, abatement and reduction of noise pollution,  
2 including the preparation and distribution of related  
3 information.

4 (13) Issue, revoke, suspend or modify any permit required by  
5 this act or any rules or regulations adopted hereunder.

6 (14) Prepare and develop a general comprehensive plan for  
7 the control and abatement of existing noise pollution and for  
8 the abatement, control, and prevention of any new noise  
9 pollution, recognizing the varying requirements for the  
10 different areas of the Commonwealth, and to submit such plan to  
11 the Environmental Quality Board for its consideration and  
12 approval.

13 (15) Cooperate with appropriate county, city, borough, town,  
14 township, or regional agencies in the preparation, adoption and  
15 enforcement of noise control and abatement codes, rules and  
16 regulations, provide advisory technical consultative services to  
17 such agencies and, where appropriate, enter into contracts or  
18 agreements with such agencies for the provision of technical,  
19 training, testing, or enforcement services.

20 (16) Encourage joint or regional noise control and abatement  
21 regulation and enforcement by concerned county, city, borough,  
22 town and township governments.

23 (17) Draft, publish and approve, for use by counties,  
24 cities, boroughs, towns and townships, model noise control codes  
25 and ordinances.

26 (18) Develop and recommend the minimum job qualifications of  
27 personnel employed by regional, county, city, borough, town and  
28 township noise control agencies, and develop and conduct  
29 training courses for such personnel.

30 (19) Develop and conduct in cooperation with county, city,

1 borough, town, township or regional agencies or with local  
2 communities demonstration programs relating to the control,  
3 prevention, abatement and reduction of noise pollution.

4 (20) Encourage voluntary efforts and cooperation by all  
5 persons concerned with controlling, preventing, abating and  
6 reducing noise pollution.

7 (21) Develop and coordinate preferential purchasing policies  
8 in accordance with section 204 for all State agencies to  
9 encourage development of equipment substantially quieter than  
10 required by State purchasing specifications established pursuant  
11 to section 302.

12 (22) Cooperate with appropriate agencies of the United  
13 States or of other states or any interstate agencies with  
14 respect to the control, prevention, abatement and reduction of  
15 noise pollution, and where appropriate formulate interstate  
16 noise pollution control agreements.

17 (23) Serve as the agency of the Commonwealth for the receipt  
18 of moneys from the Federal Government or other public or private  
19 agencies, or persons and expend such moneys for studies and  
20 research with respect to noise and the control, prevention,  
21 abatement and reduction of noise pollution.

22 (24) Do any and all other acts and things not inconsistent  
23 with any provisions of this act, which it may deem necessary or  
24 proper for the effective enforcement of this act and the rules  
25 or regulations which have been promulgated hereunder.

26 Section 302. Adoption of Codes, Rules and Regulations.--(a)  
27 The board shall have the power and its duty shall be to adopt  
28 standards, codes, rules and regulations for the prevention,  
29 control, reduction and abatement of noise pollution, including  
30 environmental noise and the sources thereof, applicable

1 throughout the Commonwealth or to such parts or regions or  
2 subregions thereof specifically designated in such regulations,  
3 which shall be applicable to such noise sources as are designed  
4 by the regulations regardless of whether such source is required  
5 to be under permit by the act or regulations. Such codes, rules  
6 and regulations may include, but shall not be limited to the  
7 following:

8 (1) Curfew provisions which prohibit particular noise  
9 producing activities, or the exceeding of certain noise levels,  
10 during particular days or particular hours.

11 (2) Spill-over provisions which consider noise to the extent  
12 that it crosses a property line.

13 (3) Zonal provisions which restrict particular noise  
14 producing activities, including the operation of motor vehicles,  
15 to specified areas, or which restrict the levels of noise  
16 transmitted between zones, or which prohibit certain noise  
17 producing activities, including the operation of motor vehicles,  
18 or the production of particular noise levels in specified areas.  
19 Such zonal provisions may include, but shall not be limited to,  
20 adoption by reference of use or other zones established by  
21 counties, cities, boroughs, towns or townships.

22 (4) Ambient or environmental noise standards which establish  
23 maximum allowable noise levels resulting from all sources.

24 (5) Accessory provisions which prohibit the sale,  
25 installation, use, or operation of equipment, machines,  
26 appliances, or vehicles without noise quieting devices or  
27 materials such as mufflers, insulation, or isolators, where such  
28 devices are deemed necessary and appropriate.

29 (6) Use and operation performance standards which prohibit  
30 the installation, use or operation of equipment, machines,

1 appliances, or vehicles which fail to perform in compliance with  
2 standards for noise emissions.

3 (7) Product emission provisions which prohibit the sale,  
4 lease, or transfer of new or used products, equipment, vehicles,  
5 machines, or appliances unless such products, equipment,  
6 vehicles, machines, or appliances meet particular performance  
7 standards. Such provisions may include, but shall not be limited  
8 to, reference to standards or regulations adopted by the  
9 Administrator of the United States Environmental Protection  
10 Agency pursuant to the Noise Control Act of 1972 (Public Law 92-  
11 574), or any amendment thereof.

12 (8) License, registration or permit provisions for the  
13 construction, installation, use or operation of facilities,  
14 machinery, equipment, or appliances which produce noise,  
15 including such conditions as the board may deem appropriate.

16 (9) Building performance standards which establish criteria  
17 for acoustical insulation of building, including, but not  
18 limited to, performance standards for acoustical isolation in  
19 multiple-family dwellings and for noise generated by mechanical  
20 equipment associated with such dwellings, special requirements  
21 for buildings located in areas with high exterior noise  
22 exposures, and guidelines for buildings constructed with public  
23 funds.

24 (10) Labeling provisions, which prohibit the sale or offer  
25 to sale or lease of any product, machine, vehicle, or equipment,  
26 or class thereof, without notice to the prospective purchaser of  
27 user of a form prescribed by the board, of the noise levels and  
28 characteristics emitted by such product, machine, vehicles or  
29 equipment, or its effectiveness in reducing noise, as the case  
30 may be.



1 (11) Vibration control provisions, which regulate or  
2 prohibit the production and transmission of vibrations of  
3 subaudible frequency.

4 (12) Real property impact notice provisions which establish  
5 procedures by which prospective buyers or lessees of real  
6 property shall be notified in writing in advance of the  
7 purchase, agreement to purchase, or lease, of the existence for  
8 plans for major noise sources, such as airports, highways, and  
9 mass transit facilities, where such sources may be expected to  
10 have an actual or projected adverse impact upon the enjoyment of  
11 the property for the use for which it is zoned or for which it  
12 is being sold or leased.

13 (13) Procurement provisions which establish mandatory noise  
14 performance specifications for products purchased by State  
15 agencies or utilized in the performance of contracts funded  
16 wholly or in part by State moneys.

17 (b) Such rules and regulations shall be adopted pursuant to  
18 the provisions of the act of July 31, 1968 (P.L.769, No.240),  
19 known as the "Commonwealth Documents Law," upon such notice and  
20 after such public hearings as the board deems appropriate.

21 (c) In exercising its authority to adopt rules and  
22 regulations, the board may direct the department to consult with  
23 a council of technical advisers, properly qualified by education  
24 or experience in noise pollution matters.

25 Section 303. Environmental Hearing Board.--The hearing board  
26 shall have the power and its duty shall be to hear and determine  
27 all appeals from orders, variances, or grants or denials of any  
28 permit issued by the department in accordance with the  
29 provisions of this act. Any and all action taken by the hearing  
30 board with reference to any such appeal shall be in the form of

1 an adjudication, and all such actions shall be subject to the  
2 provisions of the act of June 4, 1945 (P.L.1388, No.442), known  
3 as the "Administrative Agency Law."

4 Section 304. Criteria and Considerations.--The board and the  
5 department, in adopting rules and regulations, in establishing  
6 policy and priorities, in issuing orders, permits, or variances,  
7 and in taking any other action pursuant to this act may, in the  
8 exercise of sound judgment and discretion, and for the purpose  
9 of implementing the declaration of policy set forth in section  
10 102 of this act, consider, where they deem appropriate and  
11 applicable, the following:

12 (1) The volume, frequency, duration and characteristics of  
13 noise which may (i) adversely affect public health, safety or  
14 welfare; (ii) affect temporary or permanent hearing loss or ear  
15 damage; (iii) interfere with sleep, communication, work, or  
16 other human activities; (iv) produce mental disorder, anxiety,  
17 or psychological distress; (v) affect adverse physiological  
18 responses; (vi) adversely affect animal life; (vii) devalue or  
19 damage properties or materials; or (viii) unreasonably interfere  
20 with the enjoyment of life or property.

21 (2) The magnitude and conditions of use of a product or  
22 activity which produces noise, alone or in combination with  
23 other noise sources.

24 (3) The degree of noise reduction achievable through the  
25 application of best available technology.

26 (4) The state of scientific and technological knowledge, the  
27 progress of research concerning noise abatement reduction and  
28 prevention, and the degree of research efforts conducted or  
29 sponsored by the manufacturer, owner or operator of noise  
30 producing products or activities.

1 (5) The immediate and long range economic and social  
2 effects.

3 (6) The costs of compliance.

4 (7) The relation of noise control requirements to other  
5 environmental laws, regulations, standards and programs.

6 Section 305. Variances.--(a) The department shall have the  
7 power to grant temporary variances from the effect of any  
8 provision of this act, or of any rule or regulation adopted  
9 hereunder, which limits the emission of noise, and the  
10 Environmental Quality Board, subject to the provisions of this  
11 section, shall adopt rules and regulations setting forth the  
12 criteria for granting such temporary variances and the terms and  
13 conditions subject to which such variances shall be granted.  
14 Such temporary variances may be granted only where the  
15 department determines that immediate compliance with any rule or  
16 regulation adopted pursuant to this act would impose an  
17 arbitrary or unreasonable hardship, and shall be granted only in  
18 conformity with subsection (c) of this section for the purpose  
19 of providing a reasonable period within which compliance with  
20 this act, or any rule or regulation adopted pursuant hereto,  
21 shall be achieved.

22 (b) The department may condition its grant of a temporary  
23 variance upon the posting of a sufficient performance bond or  
24 other security to assure correction of the violation and  
25 compliance with this act and the rules and regulations adopted  
26 hereunder within the time prescribed by the department.

27 (c) (1) The department shall designate a schedule of  
28 compliance specifying a definite time period within which full  
29 compliance with this act and the rules and regulations adopted  
30 hereunder shall be achieved.



1 pursuant to section 834 of the act of April 29, 1959 (P.L.58,  
2 No.32), known as "The Vehicle Code," adopt such regulations as  
3 deemed necessary for the inspection of noise control and  
4 abatement equipment of vehicles to assure compliance with the  
5 noise standards adopted pursuant to this section.

6 (d) This section applies to the total noise from a vehicle  
7 or combination of vehicles and shall not be construed as  
8 limiting or precluding the enforcement of any other provisions  
9 of this code relating to motor vehicles exhaust, noise or the  
10 provisions or penalties of any other law relating to noise.

11 (e) No person shall have a cause of action relating to the  
12 provisions of this section against a manufacturer of a vehicle  
13 or a component part thereof on a theory based upon breach of  
14 express or implied warranty unless it is alleged and proved that  
15 such manufacturer did not comply with noise limit standards of  
16 this act applicable to manufacturers and in effect at the time  
17 such vehicle or component part was first sold for purposes other  
18 than resale.

19 Penalty.--Any person violating the provisions of this  
20 section, shall, upon summary conviction before a magistrate, be  
21 sentenced to pay a fine of not less than \$25 and not more than  
22 \$100, and in default of the payment thereof shall undergo  
23 imprisonment for not less than 10 days and not more than 30  
24 days.

25 Section 402. Limitations Upon Noise Produced by New  
26 Vehicles.--(a) No person shall sell or offer for sale a new  
27 motor vehicle of a type subject to registration, except police  
28 or fire equipment or ambulances, which produces a maximum noise  
29 which exceeds the noise limits established by the Environmental  
30 Quality Board pursuant to this act.

(b) The Secretary of the Department of Transportation shall pursuant to section 834 of the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," adopt such regulations as deemed necessary for the inspections of noise control and abatement equipment of vehicles to assure compliance with the noise standards adopted pursuant to this section.

(d) This section shall not be construed as limiting or precluding the enforcement of any other provisions of the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code" relating to motor vehicle exhaust noise or the provisions or penalties of any other law relating to noise.

#### ARTICLE V

##### Airport Noise Standards

Section 501. Adoption of Regulations.--(a) The Environmental Quality Board to the extent not prohibited by Federal law shall establish criteria, standards, rules, and regulations for the monitoring, measurement, control and abatement of noise from airports located within the Commonwealth including noise resulting from the operation of aircraft on approach to or departing from such airports. Such criteria, standards, rules and regulations may include, but shall not be limited to, the following:

(1) Criteria for the definition and measurement of noise exposure levels resulting from airport and aircraft operations.

(2) Criteria for the establishment of airport noise impact boundaries and areas considering the noise tolerances of varying land uses, either existing or planned.

(3) Airport noise limits for acceptable and unacceptable noise impacts in communities neighboring airports.

(4) Antidegradation provisions which prohibit expansion,

1 construction, or relocation of airport facilities, any increase  
2 of number of aircraft operations or any increase of the ratio of  
3 aircraft with higher noise level characteristics using a  
4 particular airport in such manner as to increase the area of  
5 noncompatible land uses contained within the airport noise  
6 impact boundary.

7 (5) Designation of those airports which have a substantial  
8 noise problem.

9 (6) Requirements for the monitoring of airport noise by  
10 airport owners or proprietors.

11 (b) The board shall adopt such criteria, standards, rules,  
12 and regulations pursuant to this section as are necessary to  
13 control, prevent, abate and reduce to acceptable levels in the  
14 shortest practicable period the airport noise affecting  
15 neighboring residential communities and other sensitive land  
16 uses.

17 Section 502. Airport Proprietors; Noise Abatement

18 Programs.--(a) Each proprietor of an airport designated by the  
19 board to have a substantial noise problem shall, in cooperation  
20 with the Department of Environmental Resources, Department of  
21 Transportation, Federal Aviation Administration, aircraft  
22 operators, local communities, counties, and other interested  
23 parties, develop and adopt a noise abatement program to  
24 effectively reduce and prevent airport noise problems, and to  
25 achieve compliance with the standards, rules, and regulations  
26 adopted by the board pursuant to section 501. Each owner or  
27 proprietor shall adopt such regulations as are necessary to  
28 implement the program. Such a program and regulations shall be  
29 developed and adopted by the airport owner or proprietor within  
30 12 months of the date such airport is designated by the board to

1 have a substantial noise problem.

2 (b) In establishing such programs, methods to be considered  
3 for the control and reduction of airport noise shall include,  
4 but shall not be limited to, the following:

5 (1) Encouraging use of the airport by aircraft classes or  
6 types with lower noise level characteristics and discouraging  
7 such use by aircraft classes or types with higher noise level  
8 characteristics.

9 (2) Encouraging approach and departure flight paths and  
10 procedures to minimize the noise in residential and other noise-  
11 sensitive areas.

12 (3) Planning runway utilization schedules to take into  
13 account adjacent noise-sensitive land uses, noise  
14 characteristics of aircraft and noise-sensitive time periods.

15 (4) Reduction of the flight frequency, particularly in the  
16 most noise-sensitive time periods and by noisier aircraft.

17 (5) Relocation or regulation of maintenance activities  
18 including ground runups.

19 (6) Procedures for ground operations, including turning,  
20 taxiing, and warmups.

21 (7) Use of shielding, including natural terrain, building  
22 sound baffles, et criteria.

23 (8) Development of compatible land uses within noise impact  
24 areas.

25 Preference shall be given to actions which reduce the impact  
26 of airport noise on existing communities. Land use conversion  
27 involving existing residential communities shall be considered  
28 the least desirable method for achieving compliance with the  
29 requirements of this section, or the rules and regulations  
30 adopted hereunder.



1 ARTICLE VI

2 Administrative Provisions

3 Section 601. Search and Inspection Warrants.--Whenever an  
4 agent or employee of the department charged with the enforcement  
5 of the provisions of this act has been refused access to  
6 property, or has been refused the right to examine any noise  
7 source or noise control equipment or device, or has been refused  
8 access to or examination of books, papers and records pertinent  
9 to any matter under investigation, or reasonably requires access  
10 to such property, source, equipment, device, books, papers or  
11 records without prior notice to the owner, such agent or  
12 employee may apply for a search or inspection warrant to any  
13 Commonwealth official authorized by the laws of the Commonwealth  
14 to issue the same to enable him or her to have access to and  
15 examine such property, noise source, control equipment or  
16 device, or books, papers and records. It shall be sufficient  
17 probable cause to issue a search or inspection warrant that the  
18 inspection or examination is necessary to properly enforce the  
19 provisions of this act or the standards, rules and regulations  
20 adopted pursuant hereto.

21 Section 602. Confidential Information; Public Records.--All  
22 records, reports or information obtained by the department or  
23 referred to at public hearings under the provisions of this act  
24 shall be available to the public, except that upon cause shown  
25 by any person that the records, reports or information, or a  
26 particular portion thereof, but not emission data, to which the  
27 department has access under the provisions of this act, if made  
28 public, would divulge production or sales figures or methods,  
29 processes or production unique to such person or would otherwise  
30 tend to affect adversely the competitive position of such person

1 by revealing trade secrets, the department shall consider such  
2 record, report or information, or particular portion thereof  
3 confidential in the administration of this act. Any information  
4 relating to secret processes, or methods of manufacture or  
5 production, obtained in the course of any department inspection,  
6 investigation, proceeding or determination, which is for cause  
7 found to be confidential pursuant to this section shall not be  
8 admissible in any other proceeding or subject to subpoena by any  
9 court of the Commonwealth except as provided herein. Nothing  
10 herein shall be construed to prevent disclosure of such report,  
11 record or information to Federal, State, county or municipal  
12 representatives as necessary for purposes of administration of  
13 any Federal, State, county or municipal noise pollution control  
14 law or when relevant in any proceeding under this act.

15 Section 603. Noise Prevention and Abatement Fund.--All  
16 loans, grants and gifts received from any private or public  
17 source for noise control, prevention and abatement and all  
18 fines, charges, civil penalties and fees collected under this  
19 act shall be paid into the Treasury of the Commonwealth in a  
20 special fund known as the "Noise Prevention and Abatement Fund,"  
21 hereby established, which shall be administered by the  
22 department for use in the control, prevention, reduction and  
23 abatement of noise and in research relating to the sources and  
24 affects of noise pollution. The board shall adopt rules and  
25 regulations for the management and use of the moneys in the  
26 fund.

27 Section 604. Fees.--The department is hereby authorized to  
28 charge and collect in accordance with the rules and regulations  
29 adopted by the board pursuant to this act reasonable fees for  
30 applications filed and for permits issued pursuant to this act

1 and for technical, training, enforcement or other services  
2 rendered to counties, cities, boroughs, towns, or townships  
3 under section 301 of this act.

4 ARTICLE VII

5 Enforcement; Penalties

6 Section 701. Unlawful Acts.--(a) It shall be unlawful for  
7 any person to:

8 (1) Violate or fail to comply with this act or any standard,  
9 code, rule, or regulation adopted pursuant hereto, or the terms  
10 or conditions of any permit, license, variance or order issued  
11 pursuant to this act or pursuant to any standard, code, rule or  
12 regulation adopted hereunder.

13 (2) Refuse, hinder or interfere with by force or otherwise,  
14 the performance by the department or by any duly authorized  
15 agent or employee of the department or their assistants, of any  
16 duty under the provisions of this act; or to refuse to such  
17 agent, employee, or assistant entrance to any premises upon  
18 proper identification, or presentation of a search or inspection  
19 warrant, or presentation of a written order of the department;  
20 or to hinder or interfere with the conduct of an inspection,  
21 test, or taking of a sample by any such authorized agent,  
22 employee or assistant where entry to the premises was obtained  
23 by consent, or by presentation of proper identification, an  
24 order of the department, or search or investigation warrant.

25 (3) Create, continue or maintain, or cause to create,  
26 continue, or maintain noise of such volume, frequency, duration,  
27 or characteristics as to disturb the peace and quiet of any  
28 neighborhood, or as to cause discomfort or annoyance to any  
29 reasonable person of normal sensitiveness, or as to cause noise  
30 pollution as defined in section 103.

1 (4) On any property or premises owned or leased by such  
2 person, allow the creation, continuance, or maintenance of any  
3 noise, or allow the installation, use or operation of any noise  
4 source, which noise or source violates this act, or any  
5 standard, code, rule or regulation adopted pursuant to this act,  
6 or the terms or conditions of any permit, license, variance, or  
7 order issued pursuant to this act or pursuant to any standard,  
8 code, rule, or regulation adopted hereunder.

9 (5) On any property or premises owned or leased by such  
10 person, allow the creation, continuance or maintenance, of noise  
11 of such volume, frequency, duration or characteristics as to  
12 disturb the peace and quiet of any neighborhood, or as to cause  
13 discomfort or annoyance to any reasonable person of normal  
14 sensitiveness, or as to cause noise pollution as defined in  
15 section 103.

16 (6) Intentionally remove or render inoperable, other than  
17 for purposes of maintenance, repair or replacement, any device  
18 or element of design incorporated in to any product, machine,  
19 equipment, vehicle, or appliance for the control, abatement, or  
20 prevention of noise emissions, either prior or subsequent to its  
21 sale or delivery to the ultimate purchaser; or to use such  
22 product, machine, equipment, appliance or vehicle after such  
23 device or element of design has been removed or rendered  
24 inoperable with knowledge of the removal or rendering inoperable  
25 of such device or element of design.

26 (7) Alter any product, machine, equipment, appliance or  
27 vehicle in such manner as to create or allow the creation of  
28 greater noise emissions from such product, machine, equipment,  
29 appliance or vehicle than were emitted or designed to be emitted  
30 prior to such alteration.

1 (8) Attempt to obtain a permit required under this act or  
2 the rules and regulations adopted pursuant hereto by  
3 misrepresentation or failure to disclose all relevant facts.

4 (b) It shall be unlawful for any airport proprietor:

5 (1) To operate an airport in such manner as to create or  
6 allow the creation of noise levels in excess of any standard,  
7 rule or regulation adopted by the board pursuant to section 501.

8 (2) To violate or fail to comply with any provision of this  
9 act; or any standard, rule or regulation adopted pursuant  
10 hereto, or the terms and conditions of any order or permit  
11 issued by the department hereunder.

12 (3) It shall be unlawful for any person to violate or fail  
13 to comply with any rule or regulation adopted by an airport  
14 proprietor for the purpose of controlling, abating, reducing or  
15 preventing airport noise.

16 Section 702. Declaration of Nuisances.--(a) The violation of  
17 any provision of this act, or of any order or permit, or of any  
18 provision of any standard, rule or regulation, issued or adopted  
19 pursuant to this act, or pursuant to any county or municipal  
20 noise control ordinance or code is hereby declared to constitute  
21 a nuisance, and shall be abatable in the manner provided herein  
22 or in any other manner provided by law.

23 (b) The standards, rules and regulations adopted pursuant to  
24 this act shall be deemed the minimal standards and provisions  
25 required for the protection of public health, safety, and  
26 welfare; and compliance with any provision of this act, or any  
27 standard, rule or regulation, order or permit adopted or issued  
28 pursuant to this act shall be inadmissible in any proceeding to  
29 show that the activity, operation, or noise emission in question  
30 therein is reasonable or does not constitute a nuisance.

1       Section 703.   Enforcement Orders.--(a) The department may  
2   issue such orders as are necessary to aid in the enforcement of  
3   the provisions of this act. Such orders may include, but shall  
4   not be limited to, orders modifying, suspending or revoking  
5   permits issued hereunder, and orders requiring the cessation and  
6   abatement of any noise by any person owning or operating a noise  
7   source or owning or possessing land on which such source is  
8   located where:

9       (1)   Such noise or the operation of such source is in  
10   violation of: (i) any provision of this act; (ii) the rules or  
11   regulations adopted hereunder; (iii) any order, permit or permit  
12   condition issued pursuant to this act; or (iv) any county or  
13   municipal ordinance, code, rule or regulation regarding the  
14   control and abatement of noise; or

15       (2)   The department finds such permittee or person is causing  
16   noise pollution.

17       Any such order may require the cessation of any operation or  
18   activity which is producing noise as to cause noise pollution,  
19   the reduction of emissions from such noise source, the  
20   installation and use of noise control devices or equipment or  
21   any other conditions or requirements as the department deems  
22   necessary to affect the purposes of this act. Such orders may  
23   specify a time for compliance, require submission of proposed  
24   plan and schedule for compliance, and require submission of  
25   periodic reports concerning compliance. Any such order shall  
26   take effect upon notice, unless the order specifies otherwise.  
27   If a time for compliance (other than immediate) is given, the  
28   department may in its discretion, require the posting of a bond  
29   or other security in an amount not exceeding twice the money to  
30   be expended in reaching compliance. All department orders shall

1 be in writing, containing therein a statement of the reasons for  
2 their issuance, and shall be served either personally or by  
3 certified mail.

4 (b) Within 30 days after service of any such order the  
5 person to whom the order is issued or any other person aggrieved  
6 by such order may file with the hearing board an appeal setting  
7 forth with particularity the grounds relied upon. An appeal to  
8 the hearing board of the department's order shall not act as a  
9 supersedeas, and no supersedeas shall be granted by the hearing  
10 board except that, upon a showing by the petitioner (i) that  
11 irreparable harm to the petitioner or other interested parties  
12 will result if the supersedeas is denied, (ii) that there is a  
13 likelihood of the petitioner's success on the merits, and (iii)  
14 that the grant of a supersedeas will not result in irreparable  
15 harm to the Commonwealth, a supersedeas may be granted, subject  
16 to such security as the board may deem proper. Any person  
17 aggrieved by an adjudication of the hearing board may appeal to  
18 the Commonwealth Court.

19 (c) The right of the department to issue an order under this  
20 section is in addition to any penalty which may be imposed or  
21 action taken pursuant to this act. The failure to comply with  
22 any such order is hereby declared to be unlawful conduct and a  
23 nuisance.

24 Section 704. Criminal Penalties.--(a) Any person as herein  
25 defined, except a department, board, bureau or agency of the  
26 Commonwealth, engaging in unlawful conduct as set forth in  
27 section 701, shall, for each offense, upon conviction thereof in  
28 a summary proceeding before a district justice, magistrate,  
29 alderman or justice of the peace, be sentenced to pay the costs  
30 of prosecution and a fine of not less than \$100 nor more than

1 \$1,000 and, in default thereof, to undergo imprisonment of not  
2 less than 10 days nor more than 30 days.

3 (b) Any person as herein defined, except a department,  
4 board, bureau or agency of the Commonwealth who, within 2 years  
5 after being convicted of a summary offense pursuant to  
6 subsection (a) of this section, engages in similar unlawful  
7 conduct, shall be guilty of a misdemeanor and, upon conviction  
8 thereof, shall, for each separate offense, be subject to a fine  
9 of not less than \$500 nor more than \$5,000, or to imprisonment  
10 for a period of not more than 1 year for each separate offense  
11 hereunder, or both. For the purposes of this subsection, similar  
12 unlawful conduct shall mean a violation of the same order of the  
13 department, or a violation of the same provision of any rule or  
14 regulation of the department by the same organizational unit of  
15 the defendant.

16 (c) For the purpose of this section, violations on separate  
17 days shall be considered separate offenses. Where a person  
18 engages in continuing unlawful conduct, such person shall be  
19 guilty of separate offenses for each day such conduct continues  
20 up until the time of hearing or trial.

21 (d) Upon conviction of an association, partnership or  
22 corporation of an offense under subsection (a) or (b) of this  
23 section, the responsible members, officers, employees or agents  
24 may be imprisoned for the term provided therein which shall run  
25 concurrently with any term of imprisonment imposed upon such  
26 persons individually upon conviction for the same offense.

27 Section 705. Civil Penalties.--In addition to proceeding  
28 under any other remedy available at law, or in equity, for a  
29 violation of a provision of this act, or a rule or regulation of  
30 the board, or an order of the department, the hearing board,



1 after hearing, may assess a civil penalty upon a person for such  
2 violation. Such a penalty may be assessed whether or not the  
3 violation was wilful. The civil penalty so assessed shall not  
4 exceed \$10,000, plus up to \$2,500 for each day of continued  
5 violation. In determining the amount of the civil penalty, the  
6 hearing board shall consider the wilfulness of the violation,  
7 the potential threat to public health, safety, and welfare  
8 presented by the violation, the magnitude of the violation, the  
9 effect of the violation on the use and enjoyment of property by  
10 persons other than the violator, the damage or injury to the  
11 environment of the Commonwealth or its uses, the cost to the  
12 Commonwealth of enforcing the provisions of this act against  
13 such person, and other relevant factors. It shall be payable to  
14 the Noise Prevention and Abatement Fund and shall be collectible  
15 in any manner provided at law for the collection of debt. If any  
16 person liable to pay any such penalty neglects or refuses to pay  
17 the same after demand, the amount, together with interest and  
18 any costs that may accrue, shall be a lien in favor of the  
19 Commonwealth upon the property, both real and personal, of such  
20 person, but only after same has been entered and docketed of  
21 record by the prothonotary of the county where such property is  
22 situated. The hearing board may, at any time, transmit to the  
23 prothonotaries of the respective counties certified copies of  
24 all such liens, and it shall be the duty of each prothonotary to  
25 enter and docket the same of record in his office, and to index  
26 the same as judgments are indexed, without requiring the payment  
27 of costs as a condition precedent to the entry thereof.

28 Section 706. Civil Remedies.--(a) The Attorney General, at  
29 the request of the department, may initiate, by petition, in the  
30 Commonwealth Court or the court of common pleas of the county in

1 which the defendant resides or has its place of business or  
2 where the violation occurred or is occurring an action for the  
3 enforcement of any order issued pursuant to this act by the  
4 department or by the hearing board from which no timely appeal  
5 has been taken, or which has been sustained on appeal, or which  
6 has been appealed but no supersedeas granted for the period in  
7 which the order has been violated. The court, in such  
8 proceeding, shall have the power to grant such temporary relief  
9 as it deems just and proper. If, after hearing, the court finds  
10 that such order has not been fully complied with, the court  
11 shall enforce such order by requiring immediate and full  
12 compliance therewith, and may issue any further order as may be  
13 appropriate, including an order assessing civil penalties as  
14 specified in section 705. The Commonwealth shall not be required  
15 to furnish bond or other security in any proceeding instituted  
16 under this subsection.

17 (b) In addition to any other remedies provided for in this  
18 act, the Attorney General, at the request of the department, may  
19 initiate, in the Commonwealth Court or the court of common pleas  
20 of the county in which the defendant resides or has his place of  
21 business or where the violation occurred or is occurring an  
22 action in equity for an injunction to restrain any and all  
23 violations of this act or the rules and regulations promulgated  
24 hereunder, or to restrain any public nuisance or detriment to  
25 health caused by noise. In any such proceeding the court shall,  
26 upon motion of the Commonwealth, issue a preliminary injunction  
27 if it finds that the defendant is engaging in unlawful conduct,  
28 as defined in section 701, or is engaging in conduct which is  
29 causing immediate and irreparable harm to the public. The  
30 Commonwealth shall not be required to furnish bond or other

1 security in connection with such proceedings. In addition to an  
2 injunction, the court, in such equity proceedings, may levy  
3 civil penalties as specified in section 705.

4 (c) Whenever an order of the department, issued hereunder,  
5 has been directed to a political subdivision, municipality,  
6 district, authority or agency of the Commonwealth, and such  
7 order has become final or has been sustained on appeal, the  
8 Attorney General, at the instance of the department, may enforce  
9 such order by an action in mandamus.

10 (d) In addition to any other remedies provided for in this  
11 act, upon relation of any district attorney or any county  
12 affected, or upon relation of the solicitor of any municipality  
13 affected, an action in equity may be brought in a court of  
14 competent jurisdiction for an injunction to restrain any and all  
15 violations of this act or the rules and regulations promulgated  
16 hereunder, or to restrain any public nuisance or detriment to  
17 health or safety caused by noise pollution.

18 (e) The penalties and remedies prescribed by this act shall  
19 be deemed concurrent and the existence of or exercise of any  
20 remedy shall not prevent the department from exercising any  
21 other remedy hereunder, at law or in equity.

22 Section 707. Citizen Suits.--Suits to abate nuisances or  
23 suits to restrain or prevent any violation of this act or any  
24 rule or regulation promulgated hereunder may be instituted at  
25 law or in equity by any resident of the Commonwealth 30 days  
26 after notice has first been served upon the Attorney General of  
27 the intention to so proceed. Such proceedings may be prosecuted  
28 in the court of common pleas of the county where the activity  
29 has occurred, the condition exists, or the public is affected,  
30 and to that end jurisdiction is hereby conferred in law and

1 equity upon such courts. Except in cases of emergency where, in  
2 the opinion of the court, the exigencies of the case require  
3 immediate abatement of said nuisances or violations the court  
4 may, in its decree, fix a reasonable time during which the  
5 person responsible for the nuisances may make provision for the  
6 abatement of the same. The court may provide for the payment of  
7 civil penalty as specified in section 705 during the time when  
8 noise pollution will continue under its decree. It shall not be  
9 necessary to the maintenance of such a suit by any resident of  
10 the Commonwealth that he shall prove that he has suffered or  
11 will suffer any personal loss or damage.

## 12 ARTICLE VIII

### 13 Repealer and Effective Date

14 Section 801. Repealer and Savings Clause.--(a) Sections  
15 828.2 and 828.3 of the act of April 29, 1959 (P.L.58, No.32),  
16 known as "The Vehicle Code," are repealed.

17 (b) All other acts or parts of acts inconsistent herewith  
18 are hereby repealed to the extent of such inconsistency.

19 (c) The provisions of this act shall not effect any suit or  
20 prosecution pending or to be instituted to enforce any right or  
21 penalty or punish any offense under the authority of any act of  
22 Assembly or part thereof repealed by this act.

23 Section 802. Appropriations.--There is hereby appropriated  
24 to carry out the purposes of this act \$300,000, or as much  
25 thereof as may be necessary, for the fiscal year ending June 30,  
26 1976.

27 Section 803. Effective Date.--This act shall take effect  
28 immediately.