

City of Philadelphia  
Department of Public Health  
Office of the Commissioner

**MEMORANDUM**

To: Joan T. Decker, Commissioner  
Department of Records

Cc: Nan Feyler, Chief of Staff, Department of Public Health  
Giridhar Mallya, Director of Policy and Planning, Department of Public Health  
Thomas Huynh, Director, Air Management Services, Department of Public Health  
Patrick O'Neill, Law Department  
Martha Johnston, Law Department

From: James W. Buehler, MD, Health Commissioner

Date: May 20, 2015

Re: Amendments to the Noise and Excessive Vibration Regulations

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In accordance with § 8-407(a) of the Philadelphia Home Rule Charter, enclosed herewith please find: (1) Amendments to the Noise and Excessive Vibration Regulations, which has been approved by the Board of Health; and (2) the Law Department approval for this regulation.

The following procedural actions have been taken:

Regulation approved by the Board of Health	May 14, 2015
Regulation approved by the Law Department	May 20, 2015

It is requested that the attached Amendments to Amendments to the Noise and Excessive Vibration Regulations be filed for final action by the Department of Records.



Attachments:  
Law Department approval memorandum  
Regulation

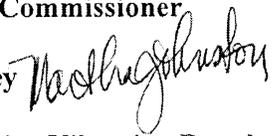
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DEPARTMENT OF RECORDS  
2015 MAY 21 AM 8:44

CITY OF PHILADELPHIA  
LAW DEPARTMENT

MEMORANDUM

DATE: May 20, 2015

TO: James W. Buehler, M.D., Health Commissioner  
FROM: Martha Johnston, Senior Attorney   
SUBJECT: Amendments to Noise and Excessive Vibration Regulations

I have reviewed the Department of Public Health and Board of Health's proposed Amendments to the Noise and Excessive Vibration Regulations, and find them to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the proposed amended Regulation to the Department of Records where it will be made available for public inspection.

Attachment

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DEPARTMENT OF RECORDS  
2015 MAY 21 AM 8:44



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

PASSED:

BOARD OF HEALTH: 5/14/15  
LAW DEPARTMENT 5/20/15  
RECORDS DEPARTMENT \_\_\_\_\_

**CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
BOARD OF HEALTH**

**Amendments to The Noise and Excessive Vibration Regulations**

The Department of Public Health and Board of Health’s Noise and Excessive Vibration Regulations, effective September 8, 1982, as subsequently amended, are hereby further amended as follows (deletions in ~~Strikethrough~~; additions in *Italicized*):

**Preface**

These Noise and Excessive Vibration Regulations are promulgated pursuant to the *Chapter 10-400 of The Philadelphia Code*, ~~Chapter 10-400~~ entitled “Noise ~~&~~ and Excessive Vibration,” and Section 10-406, 407 thereof, entitled “Powers and Duties of the Board of Health.”

These Regulations are divided into three categories, General Provisions, Specific Source Limitations and Motor Vehicles.

The General Provisions are intended to minimize noise and vibration emissions by prohibiting the emergence of sounds or vibrations from any activity or source which exceeds maximum permissible levels established hereafter.

Sound levels of the source shall be measured at the point of complaint origin. Such complaint origination shall be a residential or commercial establishment external to the property in which the source is found. Sound and vibration levels shall be measured according to accepted test procedures selected by the Department and available to the public.

**Noise and Excessive Vibration Regulations**

**Section I. Definitions**

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DEPARTMENT OF PUBLIC HEALTH  
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**A. All Definitions provided in Section 10-402 of Chapter 10-400 of The following definitions are in Philadelphia Code (the “Noise Ordinance and Code”), apply to these Regulations.**

*(4) Noise-In addition to definitions provided in the Noise Code, the following definition applies to these Regulations:*

- (1) Noise. The presence of a sound or sounds of such intensity, duration, frequency, or character which annoy, disturb, or cause or tend to cause adverse psychological and physiological effects on persons.

**Section III. II. Specific Source Limitations**

**A. Ash, Trash, or Garbage Collection**

Ash, trash, or garbage collection which creates noise in residential sites shall be prohibited between 9 P.M. and 7 A.M. without prior written permission of the Department. Such permission shall be considered where there is strong evidence that traffic or other ~~problems of City import~~ *conditions* require ~~such~~ *this* action.

**B. Permitted Demonstrations on City Property**

*No demonstration for which a permit has been obtained pursuant to the Office of the Managing Director’s “Regulation Governing Permits for Demonstrations On City Property” shall create or cause, or permit the creation of, sound through the use of any amplification that exceeds:*

- (1) 10 decibels above background measured at the property boundary of the nearest occupied non-residential property;*
- (2) 5 decibels above background measured at the property boundary of the nearest occupied residential property; or*
- (3) 3 decibels above background measured at the property boundary of the nearest hospital, nursing home, house of worship, courthouse, school, library, or day care facility at any time.*

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DEPARTMENT OF RECORDS

**FW: Board of Health regulations**

Joan Decker

**Sent:** Thursday, May 21, 2015 7:25 AM**To:** Kattie Anderson; Anthony Tann Jr**Importance:** High**Attachments:** Asbestos regulation\_memo t~1.pdf (90 KB) ; Asbestos regulation\_5.14.15.docx (79 KB) ; Noise regulation\_memo to R~1.pdf (92 KB) ; Noise Regulation\_5.14.15.doc (164 KB) ; Approval Memos Health- Asb~1.pdf (341 KB)

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**From:** Giridhar Mallya**Sent:** Wednesday, May 20, 2015 4:41 PM**To:** Joan Decker**Cc:** Thomas Huynh; Patrick O'Neill; Nan Feyler; James Buehler; Jean A Ottis; Joshua Roper; Martha Johnston**Subject:** RE: Board of Health regulations

Commissioner Decker,

Please see attached for two Board of Health regulations being submitted to the Department of Records for filing and public inspection.

Thank you, Giridhar

Giridhar Mallya, MD, MSHP

Director of Policy and Planning

Philadelphia Department of Public Health

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