

TOWNSHIP OF LOWER MERION
Building and Planning Committee
Issue Briefing

Topic: Noise Ordinance Amendments

Prepared By: Robert Duncan, Assistant Township Manager

Date: June 2, 2016

I. Action To Be Considered By The Board:

This is a discussion of draft amendments to the noise ordinance as a result of comments received at the recent public hearing.

II. Why This Issue Requires Board Consideration:

Staff is seeking feedback on the recent draft amendments added to the noise ordinance.

III. Current Policy Or Practice (If Applicable): N/A

IV. Other Relevant Background Information:

I have attempted to narrow down the decibel limit ranges and the hours of operation ranges based on the comments received at the recent public hearing. Some ranges continue to be included in this draft to provide the Board with flexibility before making any final decision. I will present each of the adjustments in this draft with the B&P Committee at the June 8th B&P meeting.

I have also included the ability for the Director of Building & Planning to approve specific requests to extend construction hours for large projects with unique construction conditions that require an extended work day (i.e. large concrete slab pours and finishing in a single day). We have had a number of these conditions during the last two years and we have granted an administrative approval but there is no authority in the code for these conditions.

Staff has modified the chart summarizing the decibel limits and time of day ranges to reflect the updated noise ordinance amendments. The chart is included with this memo.

V. Impact On Township Finances:

There is no impact until a determination is made on the decibel limits and hours of operation.

VI. Staff Recommendation:

Staff is seeking feedback to establish the amendments the Board would like to see included in the noise ordinance. Once this feedback is obtained, the amendments will be incorporated into the ordinance and brought back to the Board to authorize a new public hearing.

Ord. Section	Code Section	Description	Revised Requirement
2	105-1	Definition: DAYTIME HOURS— The hours between-	8:00 a.m. and 8:00 p.m.
2	105-1	Definition: NIGHTTIME HOURS— The hours between-	8:00 p.m. and 8:00 a.m.
3	105-3	Title to the Table will be adjusted based on the selected definitions (above).	
3	105-3	Residential Maximum SPL (dBA)	Range between 57 to 62/52
3	105-3	Residential LEQ Average SPL (dBA)	Range between 52 to 57/45
3	105-3	Non-Residential Maximum SPL (dBA)	Range between 67 to 72/62
3	105-3	Non-Residential LEQ Average SPL (dBA)	Range between 62 to 67/55
3	105-6(2)	New Exemption: Consider when to exempt refuse collection, street sweepers, deliveries, and other similar routine daily operations	Weekdays: 7:00 a.m. to (a range between) 6:00 p.m. and 8:00 p.m. Saturday and Sunday: 9:00 a.m. to 6:00 p.m.
3	105-6(3)	Exemption: Consider when to exempt construction noise.	Weekdays: 8:00 a.m. to (a range between) 6:00 p.m. and 8:00 p.m. Saturday and Sunday: 9:00 a.m. to (a range between) 5:00 p.m. and 6:00 p.m.
3	105-6(3)	Exemption: Add language to address minor repairs (if the evening time limit remains at 6:00 p.m.)	New Section (2)[1] A minor repair to a property may be performed up to 8:00 p.m.
3	105-6(3)(a)	New Exemption: The Director of Building & Planning may approve construction noise between 7:00 a.m. to 8:00 p.m. for a unique condition associated with a large construction project.	Weekdays: 7:00 a.m. to 8:00 p.m.
3	105-6(4)	Exemption: Consider a range of time to exempt landscaping activities	Weekdays: 8 a.m. to 6:00 p.m. Between the hours of 6 p.m. and 8 p.m. one piece of landscaping equipment exceeding the decibel limits is permitted to operate. Saturday and Sunday: 9:00 a.m. to (a range between) 5:00 p.m. and 6:00 p.m.
3	105-7	Exemption: Noise created by emergency generators	During a power outage, is exempt.
3	105-7	Exemption: Testing of Emergency Generators	Weekdays: Permitted between the hours of 10:00 a.m. and 4:00 p.m.
		Exemption: Snow removal	Exempt for the first 24 hours after the last precipitation. After 24 hours it is exempt between 8 a.m. and 8 p.m.

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 105 Thereof, Entitled Noise And Exterior Lighting, By Deleting Existing Noise Regulations In Article I and II In Their Entirety And creating A New Set of Noise Standards.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Chapter 105, Noise and Exterior Lighting

Section 1. The Code of the Township of Lower Merion, Chapter 105 thereof, entitled Noise and Exterior Lighting, shall be amended to delete the existing noise standards in Article I and II in their entirety as listed below.

~~Chapter 105, NOISE~~

~~§ 105-1. Definitions.~~

~~The following words and terms, as used herein, shall have the following meanings:~~

~~CONTINUOUS NOISE --- A noise which normally continues for a period of time necessary for an operator of a sound level meter and associated band analyzer to obtain accurate readings in all frequency bands, as set forth in the tables in § 105-3 hereof.~~

~~DAYTIME HOURS --- The hours between 7:00 a.m. and 11:00 p.m.~~

~~DIRECTOR --- The Director of the Building and Planning Department of the Township.~~

~~NIGHTTIME HOURS --- The hours between 11:00 p.m. and 7:00 a.m.~~

~~PERSON --- Any individual, firm, corporation, association or partnership.~~

~~SPORADIC NOISE --- Any noise which does not normally continue for a period of time necessary to obtain decibel readings in all frequency bands.~~

~~§ 105-2. Excessive noise prohibited.~~

~~It shall be unlawful for any person, in the operation of an air-conditioning unit or units and equipment or other types of mechanical equipment or apparatus installed in or attached to buildings or located on premises appurtenant to buildings, to make or produce excessive noise, thereby causing annoyance, inconvenience or detriment to the public or to any other person or persons. Noise shall be considered excessive if the sound pressure from the air-conditioning unit or units and equipment or other type of mechanical equipment or apparatus exceeds the limits hereinafter set forth.~~

~~§ 105-3. Maximum permissible sound pressure levels.~~

~~A. --- During daytime hours, the maximum permissible sound pressure levels at specified points of measurement for continuous noise radiated from premises shall not exceed the following:~~

~~_____ Sound Pressure Level~~

~~Decibels Re 0.0002 Microbar~~

~~Frequency Band~~

~~(cycles per second) Inside Table Outside Table~~

~~20 to 75 73 76~~

~~75 to 150 66 69~~

~~150 to 300 60 64~~

~~300 to 600 55 59~~

~~600 to 1,200 52 57~~

~~1,200 to 2,400 50 55~~

~~2,400 to 4,800 48 53~~

~~4,800 to 10,000 47 52~~

~~B. During nighttime hours, the maximum permissible sound pressure levels at specified points of measurement for continuous noise radiated from premises shall not exceed the following:~~

~~Sound Pressure Level~~

~~Decibels Re 0.0002 Microbar~~

~~Frequency Band~~

~~(cycles per second) Inside Table Outside Table~~

~~20 to 75 69 76~~

~~75 to 150 62 69~~

~~150 to 300 56 64~~

~~300 to 600 50 59~~

~~600 to 1,200 47 57~~

~~1,200 to 2,400 45 55~~

~~2,400 to 4,800 43 53~~

~~4,800 to 10,000 42 52~~

~~C. When the source of complaint originates inside of a building or structure, the microphone shall be placed three feet from the nearest window in the room where the source of complaint originates and not less than three feet above the floor, in which case the inside table of sound pressure levels shall be used.~~

~~D. — When the source of complaint originates outside, the microphone shall be placed at the source of the complaint but no closer than three feet to any wall and not less than three feet above the ground, in which case the outside table of sound pressure levels shall be used.~~

~~E. — If, as a result of such test, the air-conditioning unit and equipment or other mechanical equipment or apparatus is found to violate the provisions of this chapter, the operation thereof shall forthwith be discontinued and not be resumed unless and until proper corrections have been made therein, which shall first have been approved by the Director.~~

~~§ 105-4. Sporadic noise.~~

~~No person shall create any sporadic noise which, when measured in the frequency band of 600 to 1,200 cycles per second, exceeds a sound pressure level of 57 decibels during daylight hours or 52 decibels during nighttime hours.~~

~~§ 105-5. Measurement instrument.~~

~~Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association.~~

~~§ 105-6. Exemptions.~~

~~A. — Traffic noises, noises created by governmental units and noises created by emergency and civil defense activities shall be exempt from the application of this chapter.~~

~~B. — Noises created by construction work and the repair and maintenance of any building or structure shall be exempt, but only during the hours of 8:00 a.m. to 6:00 p.m.~~

~~§ 105-7. Violations and penalties.~~

~~Any person who shall fail to comply with any of the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty of not less than \$25 nor more than \$1,000 for each offense. Whenever such person shall have been notified by the Director or by the service of a summons in a prosecution or in any other way that he is committing a violation of this chapter, each day in which he shall continue such violation after notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected before any District Justice as like fines or penalties are now by law collected.~~

~~§ 105-8. Chapter cumulative.~~

~~This chapter shall be cumulative and shall be in addition to other Township ordinances and regulations and, in particular, to any ordinance pertaining to disorderly conduct.~~

Section 2. The Code of the Township of Lower Merion, Chapter 105 thereof, entitled Noise and Exterior Lighting, shall be amended by creating a new Article I, entitled definitions, creating new definitions being set forth under Article I to read as follows:

§ 105-1. Definitions.

The following words and terms, as used herein, shall have the following meanings:

DAYTIME HOURS --

The hours between 8:00 a.m. and ~~11~~8:00 p.m.

(The Commissioners shall also consider the following alternative daytime hours.)

The hours between 8:00 a.m. and evenings hours (a range between 8:00 p.m. and ~~11~~9:00 p.m.)

DIRECTOR --

The Director of the Building and Planning Department of the Township.

NIGHTTIME HOURS --

The hours between ~~11~~8:00 p.m. and 8:00 a.m.

(The Commissioners shall also consider the following alternative nighttime hours.)

The hours between (a range between 8:00 p.m. and ~~11~~9:00 p.m.) and 8:00 a.m.

PERSON --

Any individual, firm, corporation, association or partnership.

A-weighted Sound Pressure Level (SPL) – the logarithmic sum of octave band sound levels obtained after applying a series of calibration factors to the sound pressure level in each octave band, as specified by the most current ANSI Standard, measured with a Type I or Type II sound level meter using the A-weighting network. The level so read is designated as dBA.

Decibel (dB) - A unit for measuring the sound-pressure level, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals or 0.0002 microbar.

Equivalent Continuous Noise Level “Leq” – The sound pressure level in dBA equivalent to the sound energy over a given period of time, calculated as the numerical average of dBA readings taken continuously over the time interval. For the purposes of this ordinance, the time interval over which the time-averaged level is to be calculated is at least 10 minutes.

Octave band – a portion of the sound spectrum with the upper limit twice the frequency of the lower limit. Octave bands are named for their center frequency (geometric mean) of the band. Standard octave bands for sound level meters are defined in most current ANSI

Standards.

Property line - An imaginary line drawn through the point of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons, a demarcation or a line of separation of properties and also, for any two (2) or more buildings sharing common grounds, the line drawn midway between any two (2) said buildings.

All terminology used in this chapter shall be in conformance with the applicable publications of the most current edition of the American National Standards Institute or its successor body.

Section 3. The Code of the Township of Lower Merion, Chapter 105 thereof, entitled Noise and Exterior Lighting, shall be amended by creating a new Article II, entitled Noise, creating new noise regulations under Article II, Section 2 through 8 to read as follows:

§ 105-2. Excessive noise prohibited.

It shall be unlawful for any person to make or produce excessive noise, thereby causing annoyance, inconvenience or detriment to the public or to any other person or persons. Noise shall be considered excessive if the sound exceeds the limits hereinafter set forth.

§ 105-3. Maximum permissible sound pressure levels.

During daytime or nighttime hours, the maximum permissible sound pressure levels and average levels shall not exceed the following:

Maximum A-Weighted Sound Pressure Levels (SPL) 8:00 am – 11:00 pm Daytime/11:00 pm – 8:00 am Nighttime *		
Zoning District of Receiving Property	Maximum SPL (dBA)	Leq Average SPL (dBA)
Residential ** (R)	57/52	52/45
Non-Residential** (C)	67/62	62/55

***(The Daytime and nighttime hours will be adjusted based on the Commissioners selected alternative for the definitions of these terms as listed above)**

**** (The Commissioners shall also consider the following alternative decibel limits)**

Residential Maximum SPL range to be considered - 57 to ~~80~~62/52

Residential LEQ average SPL range to be considered - 52 to ~~57~~75/45

Non-Residential Maximum SPL range to be considered - 67 to ~~72~~80/62

Non-Residential LEQ average SPL range to be considered - 62 to ~~67~~70/55

§ 105-4 Noise measurement locations.

Noise measurements should be made on the receiving property within ten feet from the property line nearest the noise source, at least five feet from any structure that reflects sound, and at least three feet above the ground.

§ 105-5. Measurement instrument.

Sound pressure levels shall be measured with a sound level meter that meets or exceeds the requirement for a Type I or Type II sound-level meter as specified in the most current edition of the ANSI Standard or its successor. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

§ 105-6. Exemptions.

- A. The following activities are exempt from the decibel limitations, subject to compliance with any restrictions listed below:

(1) Traffic noises, noises created by governmental units and noises created by emergency and civil defense activities shall be exempt from the application of this chapter.

(2) Noise created by refuse collection services, street sweepers, deliveries, and other similar routine daily operations shall be exempt but only during the hours of 7:00 a.m. to a range between 6:00 p.m. and 8:00 p.m. and Saturday and Sunday during the hours of 9:00 a.m. to 6:00 p.m.

~~(1)~~(3) Noises created by construction work and the repair and maintenance of any building or structure shall be exempt, but only during the hours of 8:00 a.m. to 6:00 p.m. and Saturday and Sunday during the hours of 9:00 a.m. to 5:00 p.m.

a. The Director of Building & Planning may extend the morning hour to 7:00 a.m. and the evening hour to 8:00 p.m. for a unique portion of a large construction project requiring an extended hours to complete work that can't be delayed to another day. (An example includes a large concrete that requires an all day pour and finishing work into the early evening) The Director of Building & Planning's authority is limited to approval for a single day. Any request exceeding a single day must be approved by the Board of Commissioners.

(The Commissioners shall also consider the following alternative nighttime hours.)

(3) Noises created by construction work and the repair and maintenance of any building or structure shall be exempt, but only during the hours of 8:00 a.m. to a range between 6:00 p.m. and 8:00 p.m. and Saturday and Sunday during the hours between a range between 8:00 a.m. and 9:00 a.m. to a range between 5:00 p.m. and 8:00 p.m.

(The Commissioners shall also considered adding the following language to the construction noise exemption under § 105-6 if the evening construction limits are set at 6:00 p.m.

A minor repair to a property may be performed up to 8:00 p.m.

(4) Landscaping activities shall be exempt, but only Monday to Friday during the hours between 8:00 a.m. to 6:00 p.m. Between the hours of 6:00 p.m. and 8:00 p.m., a maximum of one piece of landscaping equipment exceeding the decibel limits in Section 105-3 may operate. ~~and 8:00 p.m. and~~ Saturday

and Sunday during the hours between a range between ~~8:00 a.m. and 9:00 a.m.~~ to a range between 5:00 p.m. and ~~8~~6:00 p.m.

(5) Band concerts, block parties, sporting events, carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors shall be exempt from the provisions of this chapter provided that:

(a.) Such activities do not produce sound fifteen (15) dB(A) in excess of the sound levels set forth in Section 105-3; and

(b.) Such activities do not occur between the hours of 10:00 p.m. and 8:00 a.m.

(6) Warning devices: sounds made by warning devices operating continuously for three (3) minutes or less, except that in the event of an actual emergency, the time limitation shall not apply.

(7) Noise created by emergency generators during a power outage. Noise created by emergency generator testing shall be exempt but only Monday to Friday during the hours between 10:00 a.m. to 4:00 p.m.

(8) Noise created by snow removal equipment. Noise created by snow removal equipment shall be exempt for the first 24 hours following the last precipitation. Snow removal operations more than 24 hours after the last precipitation shall be exempt but only during the hours between 8:00 a.m. to 8:00 p.m.

B. This ordinance and its governing terms shall not alter, abridge, limit or affect in any way such provisions in other existing or to be adopted ordinances of the Township of Lower Merion which specifically provide for either different noise standards applicable to specific circumstances or sites set forth therein or to different time frames during which certain levels of noise are permitted. By way of example, if another ordinance permits events, weddings or other exceptions with live music until 11 pm, then the terms of that ordinance shall prevail.

§ 105-7. Violations and penalties.

Any person who shall fail to comply with any of the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty of not less than \$25 nor more than \$1,000 for each offense. Whenever such person shall have been notified by the Director or by the service of a summons in a prosecution or in any other way that he is committing a violation of this chapter, each day in which he shall continue such violation after notification shall

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Paul A. McElhaney, President

ATTEST:

Jody L. Kelley, Secretary