

# ARTICLE V.

## ENVIRONMENTAL REGULATIONS

s.501 **PERFORMANCE STANDARDS:** All non-agricultural uses and activities established in all zones after the effective date of this Ordinance shall comply with the following performance standards; all existing non-agricultural uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing non-agricultural uses and activities not in compliance with Sections 501 through 501.5 regarding environmental standards shall, within two (2) years following the effective date of this Ordinance, bring themselves into compliance.

s.501.1 **Noise:** The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with the most current accepted method of measurement of sound.

- a. Standards: At no point on the zone boundary of/or at any point within any Zone shall the sound-pressure level resulting from any operation in any zone exceed the maximum permitted sound levels set forth below expressly or waived in section 501.1b below.

Center Frequency (Cycles per second)	Maximum Sound-Pressure	
	Level (Decibels)	
31.5	65	
63	67	
125	66	
250	59	(Sound pressure level
500	52	in decibels equals
1,000	46	0.0002 dynes/cm <sup>2</sup> )
2,000	37	
4,000	26	
8,000	17	

- b. Waivers: The following sources of noise are exempt.
  - (1) Transportation vehicles not under the control of an on-site use.
  - (2) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
  - (3) Temporary construction activity between 7:00 a.m. and 7 p.m.
  - (4) Agricultural activities

s.501.2 **Vibration:** No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used.

PV = 6.28 F x D where

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration inches.

Particle velocity shall be the vector sum of three (3) individual components measured Simultaneously in three (3) mutually perpendicular directions.

Maximum Ground Transmitted Vibration

<u>Zone</u>	Particle velocity (Inches/Second)	
	<u>Adjacent Lot Line</u>	<u>Residential Zone</u>
Conservation, Agricultural & Residential	0.05	0.02
Commercial Industrial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two (2).

s.501.3 **Heat:** No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one (1) degree Fahrenheit.

s.501.4 **Glare:** In the Commercial Industrial Zone, any operation or activity-producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 1 (one) foot candle when measured in any zone other than a Commercial Industrial.

s.501.5 **Air Pollution:** Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the Borough adopts these Standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided.

- a. Odor: odor threshold is defined as the lowest Concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1931-57 standard Method for Measurement of odor in atmosphere (Dilution Method) or its equivalent.
  - (1) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
  - (2) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
- b. **Smoke:** For the purpose of grading the density or equivalent opacity of smoke, the Ringlemann Chart published by the U.S. Bureau of Mines shall be used.

s.501.6

**Application of Performance Standards:**

- a. Any use established or changed to and any building, structure or land developed, constructed or used for any use or any accessory use thereto shall comply with all the performance standards herein set forth.
- b. If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein set forth shall apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.
- c. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:
  - (1) Where determinations can be made by the Zoning Officer or other Borough employees using equipment normally available to the Borough or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
  - (2) Where technical complexity or extraordinary expense makes it unreasonable for the Borough to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations and protecting the general public from unnecessary costs for administration and enforcement.
- d. If the Zoning Officer finds that after making determinations in the manner set forth in this Ordinance, that there is a violation of the performance standards set forth herein, he/she shall take or cause to be taken lawful action (within the

guidelines set by section 616.1 of the Pennsylvania Municipalities Planning Code) to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of s. 103.

- e. If, in the considered judgment of the Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed.
- (1) The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes an admission of violation of the terms of this Ordinance. The notice shall state that, on request of those to whom it is directed, technical determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Borough.
  - (2) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning officer, he/she shall note "Violation Corrected" on his/her copy of the notice and it shall be retained among his/her official records, taking such other action as may be warranted.
  - (3) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he/she shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease is given.
  - (4) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if deemed warranted in the circumstances of the case and if the extension will not, in his/her opinion cause imminent peril to life, health or property.
  - (5) If the alleged violator feels that the determination of the Zoning Officer is in error the person may appeal the decision to the Zoning Hearing Board.

(6) If a reply is received within the time limit set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 103.

(7) If no violation is found, the costs of the determinations shall be paid by the Borough without assessment against the person or persons involved.

s.501.7 **Concentration of Odors or Waste:** In order to prevent buildup or concentration of waste or odors, industrial waste products and/or pumice (excluding household and/or agricultural waste) shall not be spread in Fawn Grove Borough within one (1) mile from sewer treatment facilities, storage lagoon. or spray facilities which treat, hold or spray industrial waste. This shall not be interpreted to preclude the spreading of materials resulting from the cleaning of a lagoon, which materials are promptly plowed down and which cleaning does not occur at more frequent than four (4) year intervals.

s.501.8 **Water Pollution:** For purposes of this Ordinance, a water supply or source shall be considered polluted if it is degraded, contaminated or discolored in any way.

s.502 **FLOODPLAIN REGULATIONS:** All references to the floodplain regulation in this ordinance shall be referring to the Fawn Grove Borough Floodplain Management Ordinance effective September 25, 2009 and any amendments thereto.