

**BOROUGH OF JESSUP
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NO. 2 of 2013**

AN ORDINANCE AMENDING ORDINANCE NUMBER 3 OF 1991, AS AMENDED, ENTITLED THE "JESSUP BOROUGH ZONING ORDINANCE" AMENDING ARTICLE VI, 6.430 ENTITLED "NOISE" AND DELETING PRIOR PROVISIONS SET FORTH THEREIN, IN THEIR ENTIRETY.

WHEREAS, the Borough of Jessup is a duly ordained and existing political subdivision organized and existing under the laws of the Pennsylvania Borough Code; and

WHEREAS, under the terms of the Jessup Borough Zoning Ordinance, Ordinance Number 3 of the year 1991, as amended, as well as the Pennsylvania Municipalities Planning Code and Pennsylvania Borough Code, the Borough has the authority to amend its Zoning Ordinance; and

WHEREAS, Jessup Borough Council had duly advertised the proposed amendment and held a public hearing regarding same on August 5, 2013, and received favorable comments and recommendations from the Lackawanna Regional and Jessup Planning Commissions regarding same; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Jessup pursuant to the authority granted to it under the laws of the Commonwealth of Pennsylvania, the Jessup Borough Zoning Ordinance is hereby amended in accordance with the following:

ARTICLE VI

6.430 entitled "Noise" is hereby amended to reflect as follows:

1. Definitions.

Words and terms used in this section shall have the following meanings:

A-Weighted Sound Level, dBA. The sound pressure level in decibels as measured on a Sound Level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and correlates well with subjective reactions to sound at modest volumes.

Real Property Line. Either the imaginary line, including its vertical extension that separates one parcel of real property from another; or the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building, such as apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

Applicability.

This section applies to sound produced by properties located within the following zoning districts:

R-1, R-2	Residential
C-1	Local Commercial
C-2	General Commercial
S-1	Special Purpose
M-1	Light Manufacturing
M-1A	Business Park
M-2	Heavy Manufacturing
M-2A	Industrial Park
IAC	Interchange Activity Center

Maximum Permissible Sound Levels.

- a. The zoning district in which a sound source is located wholly establishes the sound limit applied at the real property line encompassing the source, as set forth in 3(b) below:
- b. No person shall cause, suffer, allow, or permit the operation of any sound source in such manner as to create an A-weighted level exceeding the limits set forth in Table 1, when measured at the real property line encompassing the sound source.

TABLE IV - MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVEL

<u>Zoning District</u>	<u>Description</u>	<u>Property Line Limit</u>
R-1	Low Density Residential	60 dBA daytime; 50 dBA nighttime*
R-2	Medium Density Residential	60 dBA daytime; 50 dBA nighttime*
C-1	Local Commercial	65dBA**
C-2	General Commercial	65dBA**
S-1	Special Purpose	75dBA**
M-1	Light Manufacturing	75dBA**
M-1A	Business Park	75dBA**
M-2	Heavy Manufacturing	75dBA**
M-2A	Industrial Park	75dBA**
IAC	Interchange Activity Center	75dBA**

* Daytime - 7AM to 10PM; Nighttime - 10 PM to 7 AM

** All Times

- c. In cases where bordering properties are located in different zoning districts, the sound limit at the real property line for either parcel becomes the arithmetic average of the respective limits for either district, (e.g., a nighttime limit of 55 dBA would apply for both properties located along a commercial/residential zoning district line.)
 $65 \text{ dBA Commercial District Limit} + 50 \text{ dBA Residential District Limit} / 2 = 57.5 \text{ dBA}$.
- d. Pure-tones produced by any sound source when measured within residential zoning districts are prohibited. A pure tone occurs if the one-third octave band sound pressure level in the band with the tones exceeds the arithmetic average of the two adjacent bands by 5 decibels (dB) for center frequencies of 500 Hz and above, or by 8 dB for center frequencies between 160 Hz and 400 Hz, or by 15 dB for center frequencies less than or equal to 125 Hz. One-third octave bands are defined by the latest revision of ANSI S1.1 1, (*Specification for Octave-Band and Fractional Octave Band Analog and Digital Filters.*)
- e. Compliance with this section, which is an Amendment to the Zoning Ordinance, is effective at the date of adoption, and does not apply to permitted or approved uses established before the adoption date.
- f. These limits do not apply to any siren, horn, whistle, or other sound producing device, either fixed or mobile, when used as an emergency warning system for the public in any zone district, or where such limits are contrary to any state or federal statute.

2. The prior Section 6.430 as originally enacted and stated is repealed in its entirety.

3. All remaining provisions of Jessup Borough Ordinance Number 3 of 1991, as amended, shall remain in full force and effect.

THIS ORDINANCE was duly enacted into law at a public meeting duly advertised held on the 5th day of August, 2013, by a vote of 6 in favor 0 against and 1 abstentions.

Jessup Borough Council

By: *Janet Brunzell*
 President

Sharon Marek
 Attest: Secretary

Examined and Approved:

Beverly Valvano Merkel
 Beverly Valvano Merkel
 Mayor of Jessup Borough