

ARTICLE X: ENVIRONMENTAL PROTECTION AND NUISANCE STANDARDS

DIVISION 100: ENVIRONMENTAL PROTECTION AND NUISANCE STANDARDS

Sec. 100-010. Erosion Control.

- A. The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to control sedimentation and soil erosion of lands and waters within Middle Smithfield Township .
- B. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- C. Except for agricultural activities, any earth disturbance over that as required by state regulations, as amended, shall require the submission of an erosion and sediment pollution control plan to the Monroe County Conservation District (MCCD). A copy of the approval from the MCCD as well as the approved copy of erosion and sediment pollution control plan and related documents/calculations shall be required to be submitted to the Township prior to the start of any earth disturbance.
- D. All earth disturbance activities shall be governed by state code and regulations, as amended.

Sec. 100-020. Nuisances and Hazards to Public Safety.

- A. No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
 - (1). Transmission of communicable disease, including but not limited to, conditions that may encourage the breeding of insects or rodents.
 - (2). A physical hazard to the public or a physical hazard that could be an attractive nuisance that would be accessible by others.
 - (3). Pollution to ground waters or surface waters, other than as authorized by a state or federal permit.
 - (4). Risks to public health and safety, such as but not limited to explosion, fire, or biological and/or chemical hazards.
 - (5). Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional information. If the Zoning Officer has reason to believe that the applicant for a proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards for review and approval by the Zoning Officer, and/or his/her designee, prior to the issuance of any zoning permits.

Sec. 100-030. Wetlands and Water Bodies.

- A. The Zoning Officer may require an applicant to prove that a suspect area proposed for alteration does or does not meet the state or federal definition of a wetland.
- B. A "wetland" shall be defined as provided under federal and state regulations, whichever is more inclusive. Wetlands shall be delineated by persons with professional training and experience in such delineations. The credentials of the person delineating the wetlands shall be submitted to the Township. The Township may require a wetland delineation whenever features are present

that may indicate the possible presence of wetlands. When wetlands are present, the applicant shall prove compliance with applicable federal, state and local regulations, as amended.

- C. See the provisions of the SALDO Chapter, as amended, which limits the amount of disturbance of certain natural features. Also see herein this Chapter, regulations for the minimum lot area based upon the presence of wetlands and other natural features.
- D. See also herein this Chapter, Storm water Management regulations, as amended from time to time, for required setbacks from certain wetlands, water bodies and other such natural features.

Sec. 100-040. Noise.

A. Sound Levels. No person shall operate, or cause to be operated, within the township, any source of continuous sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use when measured at the property boundary of the receiving land use, during the times specified in Table 1 set forth below.

B. Table 1: Continuous Sound Levels.

Receiving Land Use Category		Time	Sound Level Limit
I.	At a lot line of a residential use in a residential district	1) 7:00 a.m. - 9:00 p.m., other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter, Labor Day and Memorial Day.	60 dBA
		2) 9:00 p.m. - 7:00 a.m., plus Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter, Labor Day and Memorial Day.	55 dBA
II.	At a lot line of a residential use in a commercial or industrial district	1) Same as above	65 dBA
		2) Same as above	60 dBA
III.	At any lot line other than No. I or No. II above	At all times and days	80 dBA

Note: dBA means "A" weighted decibel

C. Exceptions. The maximum permissible sound levels by receiving land use established in Table 1 above do not apply to any of the following noise sources:

- (1). The emission of sound for the purpose of alerting persons to the existence of an emergency.

- (2). Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 8:00 p.m., except when public health or safety is involved. Such emergency repairs shall not be restricted by time.
- (3). Lawn mowers, snow blowers, leaf blowers and household power tools between the hours of 7:00 a.m. and 9:00 p.m.
- (4). Licensed game hunting activities on property where such activities are authorized.
- (5). Agricultural activities, including the raising of livestock, but not exempting a commercial kennel.
- (6). Motor vehicle operations on public streets (covered in Pennsylvania Department of Transportation Regulations, as amended).
- (7). Public celebrations, specifically authorized by the township.
- (8). Unamplified human voices.
- (9). Routine ringing of bells and chimes by a place of worship or a municipal clock.
- (10). Snow-making within a commercial resort.
- (11). Festivals and similar special events that involve a total maximum of 20 days per calendar year per lot.

Sec. 100-050. Smoke, Ash, Dust, Fumes, Vapors and Gases.

- A. There shall be no emission of smoke, ash, dust, dirt, fumes, vapors or gases which violate the Pennsylvania air pollution control laws or other regulations of the Pennsylvania Department of Environmental Protection (DEP) or the U.S. Environmental Protection Agency, as amended.
- B. The emission of smoke, ash, dust, dirt, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.

Sec. 100-060. Heat.

- A. No use shall produce heat perceptible beyond its lot lines.

Sec. 100-070. Odor.

- A. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines.
- B. Exception. Subsection A above shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off of the property shall be stockpiled unless processed to eliminate all offensive odors.

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Sec. 100-080. Control of Light and Glare.

- A. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines.
- B. The lights in and around parking areas shall provide for non-glare lights focused downward. The incident light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Lighting shall be provided by fixtures with a mounting height not more than twenty-five (25) feet or the height of the building; whichever is less.
- C. The objective of these specifications is to minimize undesirable off-premises effects. No use shall produce glare off the premises by illumination originating on the premises. No bare or direct light source shall be visible beyond the lot lines. Only diffused or reflected lights shall be visible beyond the lot line. Illumination from light originating on the site shall not exceed 0.5 foot-candle at the lot line. No light shall shine directly into windows or onto streets and driveways in such manner as to interfere with or distract driver's vision.
- D. No sodium vapor lights shall be permitted.
- E. Illumination Levels. Lighting, where required by this Chapter, or otherwise required or allowed by the Township, shall have luminance, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IES), as amended, unless otherwise directed by the township. A copy of the IES recommendations shall be submitted with the Subdivision/Land Development Plan application, as regulated by the Township SALDO.

Sec. 100-090. Vibrations.

- A. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines, with the exception of vibration produced as a result of temporary construction activity.

Sec. 100-100. Radioactivity.

- A. Any proposed activity in the Township shall not emit any dangerous radioactivity at any point on the site.

Sec. 100-110. Electricity.

- A. Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.

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