

**TOWNSHIP OF LOWER MERION**  
***Building and Planning Committee***  
**Issue Briefing**

**Topic:** Noise Ordinance Amendments

**Prepared By:** Robert Duncan, Assistant Township Manager

**Date:** March 17, 2017

**I. Action to Be Considered by The Board:**

There is no action being requested by the Board at this time. This updated ordinance has been included on the special March Building & Planning Committee (B&P Committee) agenda to continue the discussion to create appropriate sound level regulations.

**II. Why This Issue Requires Board Consideration:**

No action to be considered at this time.

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

**IV. Other Relevant Background Information:**

A draft noise ordinance was last presented to the B&P Committee in January 2017. Although the B&P Committee did not provide specific feedback and direction to staff on every amendment to the noise regulations, staff has updated the ordinance to reflect feedback received with amendments that may be appropriate for the Board to consider. This current draft continues to include several amendments with ranges for the Board to consider after receiving public comment. Staff suggests including these ranges in the advertised draft to provide the Board with as much flexibility as possible up until the time you are prepared to adopt the ordinance.

The current draft was distributed to anyone that has expressed an interest in this topic. A copy of this draft was also distributed by email to the Civic Association Presidents and the Federation of Civic Associations approximately 30 days prior to the March 22<sup>nd</sup> special B&P Committee meeting.

Since the distribution of this current draft ordinance, staff has received feedback and comments from the group representing the commercial property owners and a few residential property owners. Staff has not made any further amendments to the current draft ordinance since public distribution leading up to the March 22<sup>nd</sup> B&P Committee meeting. We did inform anyone that offered subsequent comments that we would include their comments/concerns in the Issues Briefing memo submitted to the B&P Committee.

The current draft ordinance establishes lower decibel level limits and provides a greater level of protection to the residential neighborhoods in the Township. Whatever levels are ultimately

adopted; staff will monitor the impact and provide the Board of Commissioners with regular updates. The feedback/concerns presented to staff in the last 30 days are summarized below.

1. Section 105-3 Decibel limit chart - A suggestion was made to change the residential/non-residential districts to uses so the dBA limits apply to the use of the property, not the zoning district. There was no suggestion as to how this would apply with mixed use properties.
2. Section 105-3 Decibel limit chart - There is a concern that the Leq Average SPL for night time hours is too low. The suggestion is to raise the residential from 45 to 50 dBA and the non-residential from 55 to 60 dBA.
3. Section 105-3 Decibel limit chart - There may be some conditions, especially where commercial properties abut residential properties where the existing background noise may already exceed the dBA limits above. The question is how can a commercial property comply if the background sound levels already exceed these limits? The suggestion is to establish an additional standard where the existing background conditions are within 5 dBA of the code limits or are already over the limits in this chart, to increase the noise limits to 5 dBA above the existing sound level conditions.
4. Section 105-6 Exemptions A (2)(b) – The current draft includes a range for the morning delivery hours between 6:00 and 7:00 am. Commercial property owners have expressed a desire for earlier delivery times to accommodate businesses with early operating hours but if the 6:00 to 7:00 range is the preference of the Board; they are requesting the 6:00 am limit.
5. Section 105-6 Exemptions A (2)(c) – Should this exemption be authorized as an annual exemption?
6. Section 105-6 Exemptions A (2)(c) – Should there be language added to require the B&P Director to provide the Commissioners with an annual report of requests for exemptions to help the Commissioners determine whether this exemption language should be amended in the future?
7. Section 105-6 Exemptions A (4)(a) – Change Monday to Thursday to Monday to Friday and delete Friday from the weekend days.
8. Section 105-6 Exemptions A (4)(a)(i) – Add Monday through Thursday to this section. There is no reason to extend these hours during the weekend evenings.
9. Section 105-6 Exemptions A (8) – This language does not allow for any of the work associated with preparation for snow removal. The large property owners and schools perform a lot of work to prepare vehicles for snow removal. They also perform salt spreading work prior to a storm. This work is likely to exceed the decibel limits if performed anywhere near a property line. The exception should allow for work associated for storm preparation. In addition, this section should include language for snow removal work during the storm.
10. Section 105-6 Exemptions A (8) – A concern was raised about blowing snow more than 24 hours after a storm. If snow is blown onto a driveway, any attempt to plow after 24 hours would violate the code.
11. General concern- A resident communicated the following general concern. “Not having sufficient background to evaluate the decibel levels recommended in the new Ordinance, I cannot comment on most of the recommendations. I want to inquire whether there are residential units in the commercial areas that will be affected by the longer hours and noise levels permitted in the recommended ordinance. Will restaurants with outdoor dining be affected by the heightened noise? More important, will neighboring residents

to commercial streets be disturbed? Furthermore, I am concerned about the exceptions permitted in #5. It seems that the list of events, both public and private, could include virtually any noisy private party or "activity" that anyone wanted to host. Finally, I wonder if you have polled young families and elderly residents to determine whether children and infirmed will be repeatedly awakened or disturbed by the longer hours.”

Staff is seeking direction from the B&P Committee after considering each of the possible amendments. Once we have some direction, a final draft of the ordinance will be prepared and brought back to the B&P Committee to authorize the advertisement and consideration for adoption of the ordinance.

**V. Impact on Township Finances: N/A**

**VI. Staff Recommendation:**

The draft ordinance, along with any amendments suggested by the B&P Committee at the special B&P Committee meeting, should be brought forward for authorization to advertise and consider for adoption sometime in the coming months.

If this draft, or some modified version of this draft is ultimately adopted, staff is committed to report any enforcement problems to the B&P Committee for further discussion.