

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Proposed Ordinance to Amend Chapter 105, Article II, Noise

Prepared by: Ernest Pendleton, Assistant Director, Building and Planning
Christopher Leswing, Director, Building and Planning

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I. Action To Be Considered By The Board:

Authorize advertisement of an Ordinance to amend the Code of the Township of Lower Merion, Chapter 105, Noise And Exterior Lighting, by adding definitions for Continuous Sound and Impulsive Sound and to apply those definitions to the chart providing maximum a-weighted sound pressure levels in residential and nonresidential zoning districts.

II. Why This Issue Requires Board Consideration:

An amendment to the Township Code is subject to the approval of the Board of Commissioners.

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

IV. Other Relevant Background Information:

Sections of the code related to noise were last updated in April 2024. In the year since the regulations were adopted, staff has continued to evaluate the effectiveness of the provisions. The proposed amendments will enhance enforcement capabilities, refine sound level metrics, and update maximum permissible sound levels. These changes aim to provide clearer guidelines to improve enforcement effectiveness and better protect the community from excessive noise.

As part of an effort to evaluate the effectiveness of the Township's noise regulations, staff consulted with the Rutgers University Noise Technical Assistance Center. Members of staff completed a course and received the Community Noise Enforcement certification. The Center's director Eric M. Zwerling reviewed the Township's code in partnership with Township staff. Which resulted in the following changes aimed to better align Township noise regulations with best practices and recognized standards:

Proposed Amendments to Chapter 105:

- Background Noise Level (5 dBA Metric). This proposed amendment maintains the neighborhood residual sound (background noise) as the baseline, while permitting a maximum increase of 5 dBA above this background level provided it does not exceed the newly proposed maximum A-Weighted Sound Pressure Levels (SPL). This metric provides a flexible yet controlled approach to noise limits, allowing for minor fluctuations above ambient sound while preventing significant disturbances.
- Maximum A-Weighted Sound Pressure Levels (SPL). The proposed amendment slightly lowers maximum sound levels and clarifies wording for limits, categorized by zoning district and time of day.

The proposed amendments also include the addition of the following definitions:

- **Impulsive Sound:** Sound lasting less than 1 second.
- **Continuous Sound:** Sound lasting 1 second or longer, or an impulsive sound that occurs 5 or more times an hour.

The redlined chart below from Township Code §105.3 reflects the proposed changes detailed above.

Maximum A-Weighted Sound Pressure Levels (SPL) 8:00 a.m. - 8:00 p.m., Daytime/8:00 p.m. - 8:00 a.m., Nighttime			
Zoning District of Receiving Property	Time of Day	Maximum <u>Impulsive</u> SPL (dBA)	LEQ <u>Average Continuous</u> SPL (dBA)
Residential (R)	Daytime	75	70 <u>65</u>
	Nighttime	60	50
Nonresidential (C)	Daytime	75	70
	Nighttime	65	55

These adjustments aim to reduce overall noise pollution, particularly during sensitive nighttime hours, and provide clearer, more enforceable thresholds for different types of sound. The specific rules for frequent impulsive sounds address a common source of disturbance. In addition, clarified wording and specific definitions for continuous and impulsive sounds will reduce ambiguity, making the Code easier to interpret and enforce.

In addition to the proposed amendments, specific training for staff will enhance enforcement. The Assistant Director for the Building Division and a Building Regulations Inspector have successfully completed the Community Noise Enforcement Certification through Rutgers University. This certification equips enforcement staff with a thorough understanding of applicable Code, proper enforcement techniques, and strategies for real-world situations. The certification of enforcement staff ensures they possess the necessary expertise and legal

understanding to effectively apply and enforce the Code. This certification is recognized nationwide, ensuring professional and consistent enforcement of noise regulations. The certification will be recommended for the Township's Code Enforcement Officers moving forward.

Anticipated benefits for residents include a quieter environment, particularly at night, and more effective resolution of noise complaints. Nonresidential entities will need to be aware of the slightly reduced nighttime continuous and impulsive sound limits. Compliance may require adjustments to operations or equipment in some cases.

These proposed amendments and enhanced training represent a significant step towards more effective noise regulations. By investing in enforcement training, refining measurement metrics, and adjusting sound level limits, the community can expect a more peaceful environment and a more robust framework for addressing noise concerns.

V. Impact on Township Finances:

The cost of the recommended changes as well as the intent of Township staff to receive enhanced training would result in a training cost of \$750 per certified individual.

VI. Staff Recommendation

Staff recommends authorizing the ordinance for advertisement.