

## ARTICLE 12

### PERFORMANCE STANDARDS

#### 1200 Purpose

The purpose of this Article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes or activities applicable to all districts but particularly the LI-Limited Industrial district.

#### 1201 Administration

1. Interpretation and Application of Standards
  - a. The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Ordinance. Standards established by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency shall apply where those standards are more restrictive than the standards set forth below.
  - b. If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein shall only apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.
2. Application Submittal
  - a. Applications for industrial uses shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this Ordinance. All applications shall include, but shall not be limited to, the following informational items:
    - (1) Plans of existing or proposed construction and development;
    - (2) A description of existing or proposed machinery, processes and products;
    - (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible

dangerous or objectionable conditions as set forth in this Ordinance; and

- (4) Measurement or estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this Ordinance.

3. Application Review

All applications for industrial use shall be reviewed by the Borough Engineer for compliance with these performance standards. No application for industrial use shall be approved until it is certified in writing by the Borough Engineer that the proposed use can meet these performance standards.

4. Enforcement and Costs

- a. The Zoning Officer shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Article 13.
- b. If violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate. If, however, it is determined that no violation exists, the costs of the determination shall be paid by the Borough.

Performance Standards

1. Air Quality

There shall be no emission of smoke, ash, dust, fumes, vapors, gases or other matter, toxic or noxious, to air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article 111, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations.

2. Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, adequate fire fighting and fire suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the latest BOCA Building Code, the National Fire Code and other applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Resources, for storing, handling and use of explosives.

3. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas. There shall be no emission or transmission of heat or heated air discernible at the lot line.

4. Liquid and Solid Waste

There shall be no discharge at any point into any public or private sewage system or watercourses or into the ground of any materials in such a way or such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of Sharon Hill Borough and the Commonwealth of Pennsylvania, and specifically of Chapters 73, 75, 95 and 97, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations.

5. Noise

No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

| <u>Receiving Land<br/>Use Category</u> | <u>Time</u>   | <u>Sound Level<br/>Limit</u> |
|--|---|------------------------------|
| Residential or<br>Institutional        | 1) 7:00 a.m.-10:00 p.m.                                       | 60 dBA                       |
|  | 2) 10:00 p.m.-7:00 a.m.<br>plus Sundays and legal<br>holidays | 50 dBA                       |
| Commercial or<br>Business              | 1) 7:00 a.m.-10:00 p.m.                                       | 65 dBA                       |
|  | 2) 10:00 p.m.-7:00 a.m.<br>plus Sundays and legal<br>holidays | 60 dBA                       |
| Industrial                             | At all times  | 70 dBA                       |

- a. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval), the sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the "fast" meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4.-1971.
- b. The maximum permissible sound levels as listed in the above table shall 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 or associated practice drills.
  - (2) Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
  - (3) Public celebrations specifically authorized by the Borough.

- c. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

6. Odors

No uses shall emit odorous gases or other odorous matter in such quantities so as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), "Research of Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

7. Vibration

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 line.

8. Radioactivity or Electrical Disturbances

There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Resources, Rules and Regulations.

9. Public Health and Safety

No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the public use of the surrounding area.