

BOROUGH OF CLARKS SUMMIT
FILE OF THE COUNCIL NO. 06 of 2013

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT TO AMEND THE BOROUGH OF CLARKS SUMMIT ZONING ORDINANCE OF JANUARY 30, 2002 (ORDINANCE 2002-01) TO

- ITEM 1 AMEND §701.6 – NOISE STANDARDS
- ITEM 2 AMEND §503.1.A – UNATTACHED ACCESSORY STRUCTURES
- ITEM 3 AMEND §503.2 – FENCES AND WALLS

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, NO. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the Pennsylvanial Municipalities Planning Code; that the Borough of Clarks Summit Zoning Ordinance of January 30, 2002 (Ordinance 2002-01) as amended, is hereby amended as follows:

ITEM 1 – ADD AND AMEND THE FOLLOWING:

701.6 Noise

The maximum sound pressure level radiated by any use or facility at any lot line shall not exceed the values in the designated octave bands listed in Table 1, or a single summative value of 51 dBa, after applying the corrections shown in Table 2. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., as designated by Borough Council.

A. Maximum Levels - Maximum permissible sound pressure levels at the lot line for noise radiated continuously from any facility or activity between the hours of 9:00 p.m. and 7:00 a.m. shall be as listed in Table 1.

B. Corrections - If the noise is not smooth and continuous, and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one (1) or more of the corrections in Table 2 shall be applied to the decibel levels in Table 1.

TABLE 1			
UNWEIGHTED SOUND PRESSURE LEVEL		A – WEIGHTED SOUND PRESSURE LEVEL	
Frequency Band (cycles/second) (Hz)	Sound Pressure Level (decibels re 0.0002 dyne/cm ²)	Center Frequency Octave Band (Cycles/second) (Hz)	Sound Pressure Level (decibels re 0.0002 dyne/cm ²)
20-75	69	63	43
76-150	60	125	44
151-300	56	250	45
301-600	51	500	48
601-1,200	42	1,000	42
1,201-2,400	40	2,000	41
2,401-4000	38	4,000	39
4,801-10,000	35	8,000	34

TABLE 2	
Type of Operation OR Character of Noise	Correction in Decibels
Day time operation only	+5
Noise source operation less than:	
a. 20% of any one-hour period	a. +5*
b. 5% of any one-hour period	b. +10*
c. 1% of any one-hour period	c. +15*
Noise of impulsive character	-5
Noise of periodic character	-5
*apply any one of these corrections	

C. Exemptions - The maximum permissible sound levels of this §701.6 shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
3. Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.
4. Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
5. Agricultural activities, but not exempting kennels.
6. Motor vehicles when used on public streets in accord with state regulations.
7. Railroads and aircraft.
8. Public celebrations, specifically authorized by the Borough, the County, state or federal government body or agency.
9. Unamplified human voices.
10. Routine ringing of bells or chimes by a place of worship or municipal clock.

D. Professional Studies and Costs - If the Borough determines that professional analysis is required to enforce this §701.6 for a particular situation, the owner shall reimburse the Borough for such reasonable costs of such analysis. In addition, the Zoning Officer may base a determination under this §701.6 on a written study prepared and certified by a qualified professional and submitted by an affected party. Any such study state the methods used and the credentials of the involved professional(s).

ITEM 2 AMEND §503.1.A – UNATTACHED ACCESSORY STRUCTURES

503.1.A

Unattached Accessory Structures – All unattached accessory structures shall comply with yard requirements for principal structures, except that the accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred twenty (120) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than five (5) feet. This is only available for one (1) unattached accessory structure. All additional structures must comply with the setbacks for that zone. In the case of corner lots, the full yard as specified in §502.2 shall be maintained.

ITEM 3 AMEND §503.2 – FENCES AND WALLS

503.2

The erection of any fence or wall in all Districts shall require a zoning permit, and shall be subject to the following provisions:

A. Clear Sight Triangles - All fences and walls shall comply with §502.3 of this Ordinance for clear sight triangles.

B. Not More Than Six Feet in Height

1. Fences and walls not more than six (6) feet in height may be erected in front setback areas; however, no such fence or wall shall encroach upon any public right-of-way.
2. Fences and walls not more than six (6) feet in height may be erected up to the property line of adjoining properties.

C. More Than Six Feet in Height - Fences and walls more than six (6) feet in height may be erected on a side or rear property line provided said property line is clearly located and physically marked on the lots by lot line markers placed in accord with a survey conducted by a Registered Land Surveyor, and the owners of said lots present to the Borough a written document executed between said owners establishing agreement for erection of the subject fence or wall.

D. Not Located on the Property Line - Fences or walls which are not located on the property line in accord with Sub-section C above shall maintain the required front yard setback (for the front end of the fence) and shall be set back from side and rear lot lines by at least fifty (50) percent of the height of the fence or wall, but in no case less than five (5) feet. In the event of a dispute concerning the location of a boundary line between properties, the requirement of a setback in this Ordinance and the placement of a fence in accordance with this section should not be deemed evidence that the placement of the subject fence is evidence of the location of the boundary.

E. Posts/Supports - All fence posts and other structural supports shall be located on the side of said fence towards the interior of the property owned by the person erecting the subject fence.

F. Prohibitions - The following fences and fencing materials are prohibited:

1. Barbed wire except that surmounting a "man-proof" fence and said barbed wire is at least six (6) feet above ground level.
2. Electrically charged fences.
3. Broken glass surmounting a wall.
4. Fabric, junk, junk vehicles, sheet metal, appliances, tanks, barrels or similar material.
5. Fences which exceed District maximum height requirements.

SEVERABILITY


Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

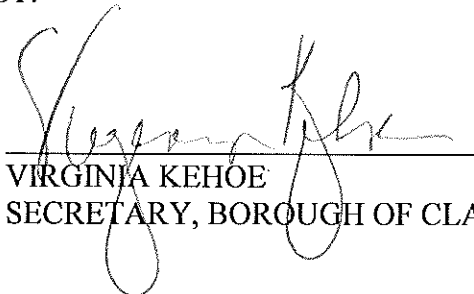
This Ordinance shall become effective immediately upon adoption.

ORDAINED AND ENACTED this 6th day of November, 2013.

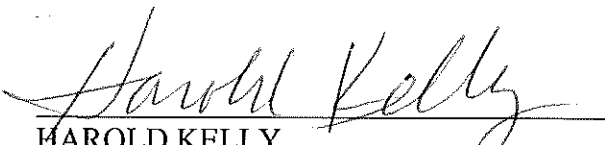
BOROUGH OF CLARK'S SUMMIT

BY: 
GERMAINE CAREY
PRESIDENT, BOROUGH COUNCIL

ATTEST:


VIRGINIA KEHOE
SECRETARY, BOROUGH OF CLARK'S SUMMIT

APPROVED this 6th day of November, 2013.

BY: 
HAROLD KELLY
MAYOR, BOROUGH OF CLARK'S SUMMIT

