

EATON TOWNSHIP AND MONROE TOWNSHIP
WYOMING COUNTY, PENNSYLVANIA

EATON TOWNSHIP ORDINANCE NO. _____
MONROE TOWNSHIP ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EATON-MONROE ZONING ORDINANCE OF 2006, AS AMENDED, TO:

ITEM 1 - ADD DEFINITIONS	1
ITEM 2 - MAKE CHANGES TO THE SCHEDULES OF USES AND THE TABLE OF USES PERMITTED BY DISTRICT	2
ITEM 3 - MAKE CHANGES TO THE CI-E SCHEDULES OF USES	3
ITEM 4 - ADD A CONDITIONAL USE NOTE TO RA-E, RA-M, VC-E, VC-M AND CI-E DISTRICTS	3
ITEM 5 - ADD A CONDITIONAL USE NOTE TO THE TABLE OF USES PERMITTED BY DISTRICT ...	3
ITEM 6 - ADD STANDARDS FOR HYDRAULIC FRACTURING WATER TREATMENT FACILITIES AND HYDRAULIC FRACTURING WATER WITHDRAWAL FACILITIES	3
ITEM 7 - UPDATE STANDARDS FOR MINERAL EXTRACTION	5
ITEM 8 - ADD STANDARDS FOR MINERAL PROCESSING	7
ITEM 9 - ADD STANDARDS FOR NATURAL GAS COMPRESSOR STATIONS	8
ITEM 10 - DELETE §853 - TREATMENT CENTERS/CLINICS, MEDICAL OFFICES, AND HEALTH FACILITIES	10
ITEM 11 - ADD STANDARDS FOR EXTERIOR BUILDING ACCENT LIGHTING	10
ITEM 12 - INCREASE HEIGHT LIMITATIONS FOR NONRESIDENTIAL STRUCTURES	11
ITEM 13 - UPDATE NOISE STANDARDS	11
ITEM 14 - UPDATE NOISE STANDARDS FOR WIND FARMS	15

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Eaton Township and the Board of Supervisors of Monroe Township, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Eaton-Monroe Zoning Ordinance of 2006, as amended, is hereby amended as follows:

☛ ITEM 1 - Add and delete the following definitions in Article III:

Add:

Assisted Living Facility: Residences that provide rooms, meals, personal care, and supervision of prescribed medication and which may provide other services such as recreational activities, financial services, and transportation, and which is licensed as an assisted living facility by the Commonwealth of Pennsylvania.

Hydraulic Fracturing Water Treatment Facility: A facility used for treating the flow back water and solutions used in the process of hydraulic fracturing in order to extract natural gas and remove any harmful chemicals, compounds and radionuclides prior to being transported off-site for reuse or discharge into a stream. Such a facility typically includes a multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

Hydraulic Fracturing Water Withdrawal Facility: A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to a natural gas well for the purpose of hydraulic fracturing.

Natural Gas Compressor Station: A facility at which natural gas passing through a pipeline is pressurized by a turbine, motor, or engine. In addition to compressing natural gas, compressor stations usually contain some type of liquid

separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the natural gas in the pipeline.

Oil or Gas Well: A type of *mineral extraction* involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term *well* does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam.

Delete:

Treatment Center/Clinic: A use (other than a detention facility or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one (1) year and who need such facilities because of:

- A. Chronic abuse of or addiction to alcohol and/or a controlled substance, or
- B. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

☞ ITEM 2 - Make the following changes in the noted Schedule of Uses in Article IV and make the associated changes in the Table of Uses Permitted by District in Article IV:

Add *assisted living facilities* to the list of principal permitted uses in the following Districts:

- VC-E District
- VC-M District

Add *assisted living facilities** and *nursing homes** to the list of principal permitted uses in the following Districts:

- RA-E District
- RA-M District

Add *oil and gas wells* to the list of principal permitted uses in the following Districts:

- RA-E District
- RA-M District

Add *oil and gas wells on a minimum of 5 acres* to the list of principal permitted uses in the following Districts:

- R-E District
- R-M District
- VC-E District
- VC-M District
- CI-E District

Add *hydraulic fracturing water treatment facilities* to the list of conditional uses in the following districts:

- RA-E District
- RA-M District
- CI-E District

Add *hydraulic fracturing water withdrawal facilities* to the list of principal permitted uses in the following Districts:

- RA-E District
- RA-M District
- CI-E District

Add *natural gas compressor stations* to the list of conditional uses in the following districts:

- RA-E District
- RA-M District
- CI-E District

Add *retail businesses with more than 10,000 sq. ft. of gross floor area* to the list of conditional uses in the CI-E District.

Delete *treatment centers/clinics* from the list of conditional uses in the CI-E District.

☞ ITEM 3 - Make the following changes in the CI-E District Schedule of Uses in Article IV

Amend *all principal permitted uses in the VC District* in the list of principal permitted uses to read as follows: *all principal permitted uses in the VC-E District.*

Amend *all conditional uses in the VC District if not a principal permitted use in CI District* in the list of conditional uses to read as follows: *All conditional uses in the VC-E District if not a principal permitted use in CI-E District.*

☞ ITEM 4 - Add the following note to the Principal Permitted Use category in the RA-E District, RA-M District, VC-E District, VC-M District and CI-E District:

CONDITIONAL USE - Any use with 5,000 sq. ft. or more of gross floor area of building shall be considered a conditional use.

☞ ITEM 5 - Add the following note to the Codes Block of the Table of Uses Permitted by District for Eaton Township and Monroe Township:

CONDITIONAL USE - Any use in the RA-E District, RA-M District, VC-E District, VC-M District or CI-E District with 5,000 sq. ft. or more of gross floor area of building shall be considered a conditional use.

☞ ITEM 6 - Add the following §817:

817 Hydraulic Fracturing Water Treatment/Withdrawal Facilities

Hydraulic fracturing water treatment facilities and hydraulic fracturing water withdrawal facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §817 shall apply.

817.1 Requirements for Hydraulic Fracturing Water Treatment Facilities

Hydraulic fracturing water treatment facilities shall comply with the following requirements:

A. Setbacks - The following setbacks shall be maintained for the hydraulic fracturing water treatment facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements in §817.1.B.

1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.

B. Buffer

1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
4. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

817.2 Parking and Staging Areas

Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

817.3 Local, State and Federal Regulations

Hydraulic fracturing water treatment facilities and hydraulic fracturing water withdrawal facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

817.4 Informational Requirements

- A. Application Information - The applicant and/or operator for all hydraulic fracturing water treatment facilities and hydraulic fracturing water withdrawal facilities shall provide the information required by this §817.4, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.
- C. Conditions - In the case of hydraulic fracturing water treatment facilities, the findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1108.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

817.5 Reporting Requirements

For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document

or report.

☛ **ITEM 7 - Add the following §825:**

825 Mineral Extraction

In addition to other applicable standards of this Ordinance, this §825 shall apply to mineral extraction and oil and gas well operations.

825.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code Section 603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

825.2 Intent and Exemption

- A. Intent - The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare.
- B. Oil and Gas Wells; Horizontal Capture of Natural Gas - Oil and gas wells shall comply with this §825 and the other applicable requirements of this Ordinance. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

825.3 Use Classification; Mineral Extraction, Minor; Mineral Processing a Separate Use

- A. Use Classification - Mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. Mineral Extraction, Minor - The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations.
 - 1. Extent of Operation - Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*.
 - 2. Duration - The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit.
 - 3. Subdivision - The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted.

4. Plan Exemption - Mineral extraction, minor uses shall be exempt from the plan submission requirements of this §825; however, said operations shall comply with the operational and rehabilitation standards.

C. Mineral Processing (See also §826.)

1. Separate and Distinct Use; Conditional Use in Specified District - Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated as *manufacturing* by this Zoning Ordinance.
2. Incidental with Extraction Operation - This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.

825.4 Standards

In addition to the performance standards in §701 and all other applicable standards of this Ordinance which are not preempted by state statute, mineral extraction operations shall comply with the following:

- A. Oil and Gas Wells in Certain Districts - A minimum parcel size of five (5) acres shall be required for oil and gas wells in R-E, R-M, VC-E, VC-M and CI-E Districts.
- B. Setback - A setback of one hundred (100) feet shall be maintained between any disturbed area associated with any mineral extraction, mineral extraction, minor or oil and gas well operation and adjoining properties and public road rights-of-way.
- C. Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other mineral extraction purpose except landscaping and crossing of access roads.
- D. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 2. Buffers shall be designed in accord with §701.1 of this Ordinance and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Township Subdivision and Land Development Ordinance.
 3. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- E. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.
- F. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are

preempted by state statute. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

825.5 Local, State and Federal Regulations

Mineral extraction, mineral extraction, minor and oil and gas well operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

825.6 Informational Requirements

The applicant shall provide:

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

825.7 Reporting Requirements

For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

825.8 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §825.

☛ ITEM 8 - Add the following §826:

826 Mineral Processing

Mineral processing is considered a conditional use. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §826 shall apply.

826.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

- A. Setbacks - The following setbacks shall be maintained for any mineral processing operation:
 1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

B. Buffer

1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

826.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

826.3 Informational Requirements

The applicant shall provide the information required by this §826.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §826, §1202.3,C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

826.4 Reporting Requirements

For any mineral processing operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

☛ ITEM 9 - Add the following §827:**827 Natural Gas Compressor Stations**

Natural gas compressor stations (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §827 shall apply.

827.1 Location Requirements

The facilities shall comply with the following location requirements:

- A. Building; Noise - All compressors and associated mechanical equipment shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise levels established by §701.6. The standards in §701.6. or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.
- B. Setbacks - The following setbacks shall be maintained:
1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- C. Buffer
1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

827.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

827.3 Informational Requirements

The applicant shall provide the information required by this §827.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1108.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §827, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

827.4 Reporting Requirements

For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

☞ **ITEM 10 - Delete §853 - Treatment Centers/Clinics, Medical Offices, and Health Facilities in its entirety and mark §853 *Reserved*.**

☞ **ITEM 11 - Amend §701.8 to read as follows:**

701.8 Lighting and Glare

The standards of this §701.8 shall apply to all uses including residential and agricultural. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- A. Exemption - This §7.108 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
- B. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Townships.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising holiday ~~seasonal~~ lights between October 25th and January 10th.
- H. Building Lighting - The exterior accent lighting of commercial, industrial, institutional and other nonresidential buildings shall be permitted in accord with the following:
 1. The lighting accentuates an architectural or aesthetic element of the building, not the entire building.

2. The light shall only be directed onto the building facade and shall not spillover beyond the plane of the building.
3. Upward aimed lighting is prohibited. The lighting shall be aimed downward, shall be fully shielded and shall be mounted as flush to the wall as possible.
4. Lights that outline property lines, sales areas or any portion of a structure, or any other lighting which has the effect of advertising or drawing attention to the property or a particular business or commercial activity, shall not be permitted except in accord with §708.1.G.

☛ **ITEM 12 - Amend the Maximum Height Section of the Schedule of Development Standards to read as follows:**

SCHEDULE OF DEVELOPMENT STANDARDS	
Maximum building height (feet) -- see §501.4 for exceptions	
residential	35
commercial and institutional	50
light manufacturing; manufacturing and industry	60

☛ **ITEM 13 - Amend Section 701.6 to read as follows:**

701.6 Noise

- A. Legislative Intent - Most rural communities are noted for their low levels of environmental noise. Environmental noise is part of the character of a community, and as such is a legitimate object for municipalities to regulate under a zoning ordinance. Previous standards were based on EPA guidelines designed to protect against adverse impact on human health and activities. However, those environmental noise level limits greatly exceed the typical rural noise levels, and those limits would allow land use activities that would destroy the quiet, rural character of the community. This standard is designed to prevent the noise produced from any single property from dominating the environmental noise at any point in the Township, thereby preserving the character of the community.
- B. Definitions - The following definitions shall apply to this section:
 1. A-weighted Noise Level - A single number measurement of a noise level that approximates the human ear’s response to an equal-loudness contour of 40 phons. (A *phon* is a unit of apparent loudness, equal in number to the intensity in decibels of a 1,000-hertz tone judged to be as loud as the sound being measured.)
 2. Background Environmental Noise Level - The environmental noise level without the suspected offending noise source.
 3. Environmental Noise Level - The equivalent continuous noise level measured at any specified point which is representative of the noise level of that environment.
 4. Equivalent Continuous Noise Level (ECNL) - The constant A-weighted noise level that would produce the same energy density exposure as a continuously varying noise level. ECNL is calculated from a series of measurements by the following formula:

$$ECNL = 10 \log \left(\frac{\sum \Delta t_i 10^{L_i/10}}{\sum \Delta t_i} \right)$$

where L_i is an A-weighted noise level, and t_i is the time over which that level occurs, or, for measurements taken over an equal, fixed time interval:

$$ECNL = 10 \log \left(\sum 10^{L_i/10} \right)$$

5. Intentional Radiator - A source of sound, or noise source, which is designed or operated to produce sound, as its primary function. For example, sirens, air horns, and loud speaker systems are all intentional radiators.
6. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity, that produces noise as a consequence of its operation. A collection of equipment may not necessarily be connected or related, if they may be operated simultaneously.
7. Radiated Noise Level - The noise produced by a single radiator, measured under controlled conditions, at a fixed distance from the radiator. Radiated noise level measurements characterize the acoustic performance of that radiator. Radiated noise levels are the subject of state and federal regulations. For example, radiated noise levels from boats are regulated by the Pennsylvania Fish and Boat Commission using SAE Standards J2005 and J34.
8. Suspect Source - A noise source that may be in violation of this chapter, identified by the nature of sound or a correlation with the times of operation and the alleged violation.
9. Unintentional Radiator - A source of sound, or noise source, which is not designed or operated as its primary function to produce sound, but produces sound as an unintentional byproduct of its operation. For example, chain saws, rock crushers, wood chippers, vacuum cleaners, and lawn mowers are all unintentional radiators.

C. Limits

1. Between the hours of 10 PM and 7 AM (local time), no intentional or unintentional radiator shall raise the ECNL at any point in the township outside the boundaries of the property on which it is located by more than 3 dB.
2. Between the hours of 7 PM and 10 PM (local time), no intentional or unintentional radiator shall raise the ECNL at any point in the township outside the boundaries of the property on which it is located by more than 5 dB.
3. Between the hours of 7 AM and 7 PM (local time), no intentional or unintentional radiator shall raise the ECNL at any point in the township outside the boundaries of the property on which it is located by more than 10 dB.

D. Measurement Equipment - All noise level measurements shall be made using a sound level meter meeting American National Standard Specification for Sound Level Meters (ANSI S1.4-1983 (R2001)/ANSI S1.4A-1985 or the current revision of that standard) for Type 1 or Type 2 instruments. The instrument shall have been field calibrated according to the manufacturer's directions within the periodicity required by the manufacturer prior to the measurements. All measurements shall be taken using the FAST response time and A-weighting. For automatic recording instruments, a calibration mark shall be recorded before the start of any measurements, and reported with the other data.

E. Investigation of Complaints

1. The Zoning Officer shall first determine that the complaint is valid by visiting the site of the complaint and the site of the suspect source. If the nature of the sound at the site of the complaint is not similar to the nature

of the sound produced by the suspect source, and if the subjective noise levels do not correlate with the operation of the suspect source, then the Zoning Officer shall file a report noting those observations, and shall notify the complainant and the operator of the suspect source that the complaint has not been validated.

2. If, by the nature of the sound, or correlation with the operation of the suspect noise source, the Zoning Officer determines a complaint to be valid, the Zoning Officer shall arrange a date and time with the complainant and the owner/operator of the suspect source to conduct a test. The test should be close to the time of day and day of week of the complaint, but shall not represent an unreasonable burden on the complainant or the owner/operator of the suspect source.
3. The Zoning Officer shall conduct a background noise level measurement before and after the operation of the suspect source. At the direction of the Zoning Officer, the owner/operator of the suspect source shall operate the equipment according to normal operating procedures according to design limits, or the maximum approved limits of the conditional use approval, whichever is lower, for the duration of the test. The owner/operator may be required to operate the equipment in any mode or for any use that the equipment is normally or occasionally used. The owner/operator shall not be required to operate the equipment in any manner inconsistent with the design or normal use, nor in any unsafe manner.

The background noise level shall be the power weighted average of the two background level measurements, calculated using the formula:

$$L_{background} = 10 \log \left(\frac{10^{L_{before}/10} + 10^{L_{after}/10}}{2} \right)$$

- F. Measurement of Background Environmental Noise Levels - The background environmental noise level shall be measured without the suspect source in operation. The weather conditions at the time of measurement shall be as near the weather conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.). Background activities shall be representative of those expected in the neighborhood for the time of day and day of the week.

Measurements of the background environmental noise level shall be made for the length of time the suspected offending source will be in operation, but need not be any longer than 15 minutes. If manual measurements are being taken, the measurements shall be recorded every 15 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

- G. Operation of Intentional Radiators for Test - The environmental noise level with an intentional radiator shall be measured with the suspect source in operation according to the following options:
1. Mechanical or pneumatic sources shall be operated at the design speed, amplitude or pressure, and with all units in operation (depending on the equipment specification), or the approved speed, amplitude or pressure, and with the maximum number of units allowed from the conditional use approval.
 2. Electrical powered sources shall be operated from the normal power supply at the design voltage, or the approved supply voltage from the conditional use approval.
 3. Electronic sources shall be operated from the normal power supply, at the design power output, into the design load, with all normally connected speakers in operation. If the system is subject to a conditional use approval, the system shall be operated at the approved power output, not the design power output. If the program is selectable, a 1000 Hz tone or the closest available constant level signal shall be selected for the

test.

- H. Measurement of Intentional Radiators - The weather conditions at the time of measurement should be as near as possible to the weather conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.). Background activities should be representative of those expected in the neighborhood for the time of day and day of the week. These measurements should be conducted within a few minutes of obtaining the background noise level measurements.

Measurements of the equivalent continuous noise level with the suspect source in operation shall be made for the length of time the suspect source will normally be in operation, but in any case shall not be less than 2 minutes, and need not be longer than 10 minutes. If manual measurements are being taken, the measurements shall be recorded every 10 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

- I. Operation of Unintentional Radiators for Test - The environmental noise level with an unintentional radiator shall be measured with the suspect source in operation at its design or approved conditional use capacity (tons per hour, cubic feet per minute, etc.), with design supply conditions (voltage, current, pressure, speed, etc.).
- J. Measurement of Unintentional Radiators - The weather conditions at the time of measurement should be as near as possible to the weather conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.). Background activities should be representative of those expected in the neighborhood for the time of day and day of the week. These measurements should be conducted within a few minutes of obtaining the background noise level measurements.

Measurements of the equivalent continuous noise level with the suspect source in operation shall be made for the length of time the source will normally be in operation, but in any case shall not be less than 5 minutes, and need not be any longer than 15 minutes. If manual measurements are being taken, the measurements shall be recorded every 15 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

- K. Report. The Zoning Officer's report shall include:

1. The instrument type, serial number, field calibration date, time, background noise level, calibration level and any adjustments made during the most recent field calibration of the sound level meter.
2. The type and serial number of the field calibrator used at the last field calibration of the sound level meter.
3. The location of the environmental noise level measurements, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
4. The location of the suspect source, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
5. A description of the suspect source in operation, sufficient to allow someone to recreate the conditions of the test.
6. The weather conditions at the time of measurement, including, temperature, relative humidity, wind speed and direction, cloud cover, and an impression of the temperature gradient.
7. The time at which background environmental noise level measurements were started and stopped.

8. The time at which the operation of the suspect source was started and stopped, and when measurements were started and stopped.
 9. For manual measurements:
 - a table of times and sound levels as reported on the meter
 - the calculated ECNL for each set of measurements
 10. For automatic measurements:
 - a notation of the time the instrument was started and the time stopped
 - the reported ECNL
 - if the instrument can report each data point, an electronic form of the data, including each measurement time and level, and a description of the data format shall be retained as a supplement to the report
 - a calibration mark using the field calibrator
 11. A list of witnesses or other persons present during the measurements.
 12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.
- L. Studies for Proposed Use - Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §701.4 by providing documentary evidence as follows:
1. Engineering studies which estimate the environmental noise levels from the proposed equipment operations and the impact of mitigation measures applied to the equipment and/or site.
 2. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).
- Given the inherent vagaries of acoustic predictions and the variability of acoustic measurements, the Board of Supervisors may apply conditions which are more conservative than would be indicated by the studies. In any case, the acceptance of proposed control or mitigation measures does not relieve the applicant from complying with the standards provided in this chapter and/or a conditional use approval.
- M. Exceptions - These standards do not apply to:
1. Radiated noise levels for vehicles or other operations subject to state or federal preemption, however, the operators of violating sources may offer modifications to radiated noise levels of equipment as a curative means.
 2. The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between 8 AM and 6 PM local time.
 3. Emergency equipment and signals.
 4. Emergency operations of any kind, including, but not limited to, road repairs, utility repairs, response to accidents, injuries, fires, flooding, or hazardous material spills.
 5. Short duration activities such as construction or repair of facilities or infrastructure.

☞ ITEM 14 - Amend §858.3.Q (related to wind farm noise) to read as follows:

- Q. Noise: Wind farms shall comply with the standards in §701.6 of this Ordinance.

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 Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

EATON ADOPTION

This Ordinance ordained and enacted this ____ Day of _____, 2010, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.

Chairman

Supervisor

Supervisor

ATTEST:

Township Secretary

MONROE ADOPTION

This Ordinance ordained and enacted this ____ Day of _____, 2010, by the Board of Supervisors of Eaton Township, Wyoming County, Pennsylvania, to be effective immediately.

Chairman

Supervisor

Supervisor

ATTEST:
