

ARTICLE 2300
Performance Standards

§ 208-2301. Purpose.

- A. Any USE established after the effective date of this chapter shall be so operated as to meet the performance standards established hereinafter. Any USE already established on the effective date of this chapter shall be permitted to continue, provided that no alteration, expansion, enlargement or modification shall be permitted which does not meet the performance standards herein or which effectively increases the degree of nonconformity which existed prior to any alteration, expansion, enlargement or modification.
- B. Points of measurement to determine compliance with the performance standards shall be the property line nearest the source which is the subject of measurement unless otherwise specified in this section.

§ 208-2302. NOISE.

- A. Sound levels shall be measured with a sound level meter or sound level meter with associated octave band analyzer that conforms to standards and specifications published by the American Standards Association. Impulsive-type NOISE shall be subject to the performance standards hereinafter prescribed, provided that such NOISE shall be capable of being accurately measured with such equipment. NOISE capable of being so measured, for the purpose of this chapter, shall be those NOISES which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus (+ or -) two (2) decibels. NOISE incapable of being so measured, such as those of an irregular intermittent nature, shall be controlled so as not to become a nuisance to adjacent USES. (American Standard Sound Levels for Measurement of NOISE and Other Sounds, 224, 3-1944, American Standards Association, Inc., New York, New York, shall be used.)
- B. No activity may transmit NOISE across any residential, commercial or industrial USE property boundary line in excess of levels established below:

Maximum Permitted Sound Level in Decibels
(Re .0002 microbar)

Within Following ZONING DISTRICT	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
CR, MDR, OSPC	55	50
TC, RB, HC, PORBP	65	60
PIP	70	65

OR

Maximum Permitted Sound Level in Decibels
(RE .0002 microbar)

Octave Band Cycles/Second (preferred center frequency)	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
31.5	79	73
63.0	74	68
125.0	68	62
250.0	60	54
500.00	55	49
1,000.0	50	44
2,000.0	46	40
4,000.0	41	35
8,000.0	38	32

- C. Impulsive type NOISES generated by sources that do not operate more than one (1) minute in any one-hour period are permissible up to a level of ten (10) dB(A) in excess of the figures listed in Subsection B except that this higher level of permissible NOISE shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent LOT is zoned residential. The NOISE shall be measured using the fast response of the sound level meter.
- D. NOISE resulting from alarms, sirens, emergency work, normal lawn and landscaping care, traffic and agricultural USE shall be exempt from the requirements of this section. NOISE resulting from temporary CONSTRUCTION activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section, except that such activity that occurs on Sundays shall be exempt from the requirements of this section from 9:00 a.m to 7:00 p.m.
- E. No NOISE from recordings, loudspeakers or public address systems shall be allowed which interferes with the reasonable enjoyment of adjacent residential properties.

§ 208-2303. Vibration.

- A. No USE in any permissible business zone may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupies by the enterprise generating the vibration if the enterprise is one (1) of several located on a LOT, or the LOT LINE if the enterprise is one (1) of several located on a LOT, or the LOT if the enterprise generating the vibration is the only enterprise located on a LOT.

- B. No USE may generate any ground-transmitted vibration in excess of the limits set for this in Subsection E. Vibration shall be measured at any adjacent LOT LINE or residential zone line as indicated in the table set forth in Subsection E.
- C. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
- D. The vibration maximums set forth in Subsection E are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 FxD$$

Where:

PV = Particle velocity (inches per second)

F = Vibration frequency (cycles per second)

D = Single amplitude replacement of the vibrations (inches)

The maximum velocity shall be the vector sum of the three (3) components recorded.

- E. The Table of Maximum Ground-Transmitted Vibration shall be as follows:

Table of Maximum Ground-Transmitted Vibration
 FIGURE III-3
 Particle Velocity (inches per second)

Zone	Adjacent LOT LINE	Residential Zone
Commercial DISTRICTS	0.15	0.02
Industrial DISTRICTS	0.15	0.02
Residential DISTRICTS	0.02	0.02

- F. The values stated in Subsection E may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses.
- G. Vibrations resulting from temporary CONSTRUCTION activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

§ 208-2304. Odors.

- A. For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of three (3) healthy observers appointed by the BOARD OF SUPERVISORS.
- B. No USE other than agricultural in any zone may generate any odor that reaches odor the threshold, measured at:
 1. The outside boundary of the immediate space occupied by the enterprise generating the odor.
 2. The LOT LINE if the enterprise generating the odor is the only enterprise located on a LOT.

- C. The release of odorous matter from any DISTRICT across residential or commercial DISTRICT boundary lines shall be so controlled that at ground level or at habitable elevation, the concentration shall not exceed the odor threshold. Further, the release of odorous matter across LOT LINES shall not become a nuisance or source of discomfort to neighboring USES. As a guide in determining qualities of offensive odors, Table III (Odor Threshold), Chapter 5, Air Pollution Abatement Manual, by Manufacturing Chemists Association, Inc. (as amended), may be used.

§ 208-2305. Air pollution.

- A. Any USE that emits any air contaminant, as defined in state air pollution law(s), shall comply with applicable state standards concerning air pollution.
- B. No ZONING PERMIT, BUILDING PERMIT or CONDITIONAL USE approval may be issued with respect to any DEVELOPMENT covered by Subsection A until the Allegheny County Health Department has certified to the permit-issuing authority that the appropriate state permits have been received by the DEVELOPER or that the DEVELOPER will be eligible to receive such permits and that the DEVELOPMENT is otherwise in compliance with applicable air pollution laws.

§ 208-2306 Disposal of liquid wastes.

- A. No USE in any zone may discharge any waste contrary to the provisions of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.
- B. No USE in any zone may discharge into the sanitary DISTRICT sewage treatment facilities any waste that cannot be adequately treated by biological means.

§ 208-2307. Electrical disturbance or interference.

No USE in any zone shall:

- A. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
- B. Otherwise cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

§ 208-2308. Lighting and GLARE.

- A. In any DISTRICT, any operation or activity producing intense GLARE shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (1/2) of one (1) footcandle above background when measured at any residence DISTRICT boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any LOT LINES.

- B. No USE shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its LOT LINES. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty (60) degrees from horizontal shall be utilized.
- C. All outside lighting, including SIGN lighting, shall be directed in such a way as not to create a nuisance to any adjacent USE and roadway. All luminaries and fixtures shall be equipped with a glareshielding device, cutoff downward cast in the case of freestanding area lighting, approved by the Township Engineer. The height of all luminaries must also be approved by the Township Engineer. Intensity of outdoor lighting shall be limited within usable areas of a SITE (i.e., parking, walkways, etc.) to an average intensity at the ground of twenty-five (25) footcandles with a maximum intensity at any given point on the ground of eighty (80) footcandles, unless otherwise approved by the BOARD OF SUPERVISORS.
- D. The height of a luminary shall be limited as follows:
 - 1. In any residential DISTRICT, the maximum height permitted shall be twenty (20) feet.
 - 2. In any other DISTRICT, the maximum height shall be twenty-five (25) feet, except where otherwise specified.
 - 3. Ball diamonds, playing fields and tennis courts having a unique requirement for nighttime visibility may be exempted from Subsections A and B if, in the judgment of the BOARD OF SUPERVISORS, their limited hours of operation and the location of the luminaries will adequately protect neighboring RESIDENTIAL USES.
 - 4. The BOARD OF SUPERVISORS may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

§ 208-2309. Manufacturing USES to be enclosed.

- A. All manufacturing USES shall be conducted in an enclosed BUILDING except for parking, LOADING or storage. All BUILDINGS shall be of fireproof CONSTRUCTION to meet the requirements of state and/or national fire codes and any building, plumbing or other codes for Marshall Township and the state then in effect or thereafter enacted or amended.

§ 208-2310. Vision OBSTRUCTIONS at Intersections.

- A. At all STREET intersections in all DISTRICTS, no OBSTRUCTIONS to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any LOT within the triangle formed by the STREET LINES of such LOT and a line drawn between points along such STREET LINES thirty (30) feet distant from their point of intersection.
- B. At all intersections of DRIVEWAYS and public RIGHTS-OF-WAY, no planting, FENCES or similar materials exceeding thirty (30) inches in height shall be permitted in the first twenty (20) feet from said RIGHT-OF-WAY.

§ 208-2311. Storage. [Amended 5/12/2008 by Ord. No. 389]

For all USES, the following regulations shall apply:

- A. No flammable or explosive liquids, solids or gases shall be stored in BULK above the ground; provided, however, that tanks or drums of fuel directly connecting energy devices, heating devices or appliances located on the same LOT as the tanks or drums of fuel shall be exempt from this provision, after review and approval of location, size and contents by established fire authorities.
- B. No caustic materials or HAZARDOUS WASTE in any form shall be deposited upon a LOT in such a manner that they may be transferred below the surface of the LOT by natural causes or forces.
- C. There shall be no OUTDOOR STORAGE or accumulation for a period in excess of seven (7) DAYS of any waste materials, materials which produce fumes detectable at the LOT LINE, inflammable material, edible material, material which would be a harborage or breeding place for rodents or insects or abandoned, wrecked or junked vehicles.
- D. All storage shall be in a completely enclosed BUILDING or at a minimum where permitted shall be enclosed by a FENCE adequate to conceal the facilities from any adjacent property or screened from view by an effective screen. Portable storage or CONSTRUCTION trailers shall not be used to meet these screening requirements.
- E. Portable Storage Units. The following regulations shall apply to portable storage units:
 - (1) There shall be no more than one (1) portable storage unit per LOT.
 - (2) A portable storage unit shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high.
 - (3) No portable storage unit shall remain in a residential zoning district in excess of fourteen (14) consecutive days, and portable storage units shall no be placed on a LOT in a residential zoning district in excess of thirty (30) days in any calendar year. The portable storage unit shall be removed from the lot by the expiration date on the permit.
 - (4) No portable storage unit shall remain on a lot in a non-residential zoning district in excess of thirty (30) consecutive days, and portable storage units shall not be placed on a lot in a non-residential zoning district in excess of forty-five (45) days in any calendar year. The portable storage unit shall be removed from the LOT by the expiration date on the permit.
 - (5) A portable storage unit shall be permitted during construction, reconstruction alteration or renovation of the PRINCIPAL BUILDING for an additional period of three (3) days before and after such activity, provided that a building permit has been issued by the TOWNSHIP. The portable storage unit shall be removed from the LOT before the Zoning Officer issues an occupancy permit, or if the construction activity ceases for a period of more than seven (7) consecutive days.
 - (6) A portable storage unit may be located on a lot during an emergency situation as declared by the appropriate Federal, State, County or Township agency pursuant to a temporary permit issued by the Zoning Officer. The portable storage unit shall be removed from the LOT within seven (7) days after the end of the emergency declaration.

- (7) It shall be unlawful for any person to place, or permit the placement of, a portable storage unit on property which he or she owns, rents, occupies or controls without first having obtained a permit therefore from the Zoning Officer.
- (8) Application for a permit shall be made to the Zoning Officer on a form provided by the TOWNSHIP. The issuance of a permit shall allow the applicant to place the portable storage unit on the subject lot on the condition that the location does not impair the public health, safety and welfare as determined by the Zoning Officer.

§ 208-2312. Compliance with other regulations required.

- A. The performance standards applicable to industrial USES will include all adopted air pollution, water pollution, NOISE, health or other relevant federal and state laws and regulations. In addition, the BOARD OF SUPERVISORS may affix other conditions upon applicants for industrial zoning, including but not limited to those conditions outlined in this chapter, so as to protect the public health, safety and welfare. No USE shall be established in an industrial DISTRICT after the effective date of this chapter which shall cause a violation of federal and state laws and regulations relating to air and water pollution, NOISE, health or other relevant laws and regulations.
- B. No USE shall be established in an industrial DISTRICT after the effective date of this chapter which shall cause a violation of the conditions and standards affixed by the BOARD OF SUPERVISORS either by this chapter or by vote of the BOARD OF SUPERVISORS pursuant to the objective of protecting the public health, safety and welfare. The applicant for a grading permit, sedimentation permit, BUILDING PERMIT or ZONING PERMIT for USES in an industrial zone or applicants for industrial zone exceptions to the zone or variances to the zone shall be required to submit proof that the USES proposed will not cause violations of federal, state, county and TOWNSHIP laws and regulations. For industrial USES which will produce emissions of pollutants to the waters and air of the TOWNSHIP, this proof shall include measurements of the ambient water and air quality as well as documentation in the form of figures that the additional planned and proposed industrial USE will not cause the violation of either ambient or source standards outlined by the laws and regulations of the federal, state and county governments. Any USE already established on the effective date of this chapter shall also be required to conform to the adopted federal and state laws and regulations mentioned above as well as the standards outlined in this chapter for industrial USES. Any industrial USE that does not conform to the adopted federal, state and county laws and regulations shall be considered a NONCONFORMING USE. Abatement action to bring such USES into conformance with adopted federal, state and county laws and regulations will commence immediately. If abatement actions have not been sufficient to meet these laws and regulations within twelve (12) months, the industrial USE will be required to cease operations to that extent necessary to reduce the pollution and other violations to the levels required by law and regulation. Once a violation of the standards of this chapter or state or federal laws and regulations have been documented, the operator of the industrial USE involved in the violation shall bear the cost of the monitoring program necessary to bring the USE into compliance with this chapter.