

**TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 06-2021-640

AN ORDINANCE

**OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY,
LEHIGH COUNTY, PENNSYLVANIA, AMENDING PART 5, “ENVIRONMENT
PROTECTION”, OF CHAPTER 27 (ZONING ORDINANCE) OF THE SALISBURY
TOWNSHIP CODE OF ORDINANCES**

WHEREAS, the Township’s Department of Community Development has proposed changes to Part 5, “Environmental Protection”, of the Township’s Zoning Ordinance; and

WHEREAS, the Planning Commission recommended approval of the proposed changes to Part 5, “Environmental Protection” of the Zoning Ordinance at their meeting held on May 11, 2021; and

WHEREAS, a public hearing was held on June 24, 2021 for input from the public on the proposed changes to Part 5, “Environmental Protection” of the Zoning Ordinance; and

WHEREAS, the Board of Commissioners has carefully reviewed and considered the proposed changes to Part 5, “Environmental Protection”, of the Township’s Zoning Ordinance.

Now, THEREFORE, be it ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that Part 5, “Environmental Protection” of Chapter 27 of the Salisbury Township Code of Ordinances shall be amended in its entirety as follows:

ARTICLE I.

Part 5, “Environmental Protection” of Chapter 27 shall be amended, to read as follows:

**Part 5
ENVIRONMENTAL PROTECTION**

§27-501 - Performance Standards.

If the Zoning Officer has reason to believe that the proposed use may have difficulty complying

with the standards of this Part, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

§27-502 - Nuisances and Hazards to Public Safety.

1. No landowner, tenant nor lessee shall use or allow to be used land or structures in a way that threatens to or creates any of the following conditions:
 - A. Activities that encourage the breeding of rodents or disease-prone insects.
 - B. Activity that creates a hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. (See §27-506, "Storage of Explosive and Hazardous Substances.")
 - C. Activity that causes or may cause pollution to groundwaters or surface waters. Activities covered include, but are not limited to, earth disturbance without Township or County Conservation District approved erosion control plan, storage of erodible materials such as soil or mulch, illegal dumping or discharge of non-potable fluids to surface waters or sub-surface aquifers, and storage of materials in a manner that might cause pollution of the surface or groundwater in storm conditions.
2. Township Removal of Hazards. If the Zoning Officer becomes aware of a serious threat to the public health and safety, the Zoning Officer may, but is not required to, order the property owner to resolve the hazard. If the hazard is not resolved within a reasonable specified period of time after such notice, the Township may remove the hazard or contract for its removal. In such case, the property owner shall be required to compensate the Township for all such expenses for such work and any reasonable accompanying legal and administrative costs. However, the Township does not take responsibility for identifying or removing all hazards.

§27-503 - Wetlands, Seeps, Vernal Pools and Springs.

1. All permits of the Township are issued on the condition that the applicant complies with federal and state wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for noncompliance with such regulations.
2. Seeps, Vernal Pools, Wetlands, and Springs. In any area suspected of possibly including a spring, vernal pool, wetland, or seep, the Zoning Officer may request the applicant to have

field research conducted on the property to identify and map any seeps, vernal pools, wetlands, or springs.

3. Setbacks. A minimum setback of 50 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Chapter and any identified seep, vernal pool, or spring and any delineated "wetland." A minimum fifty-foot setback shall also apply between the cartway of a proposed street and any seep, vernal pool, spring or wetland.

§27-504 - Floodplain Areas and Setbacks from Surface Waterways.

1. Floodplains. All uses and structures shall comply with the Salisbury Township Floodplain Ordinance (Chapter 8) as a condition of this chapter.
2. Setbacks from Surface Waterways. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of the primary bank of a major surface waterway and 75 feet of the top edge of a minor surface waterway. Current field generated topography for the site, including the top of embankment and the normal water surface elevations, shall be provided when requested by the Township to determine the actual setback locations. Major surface waters are defined as the Lehigh River. Minor surface waters are defined as the Little Lehigh Creek, Trout Run Creek and Cedar Creek.
3. Exemption. The setbacks of this section shall not apply to public utility facilities or publicly owned recreational facilities.
4. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed, except at approved approximately perpendicular crossings.

§27-506 - Storage of Explosive and Hazardous Substances.

1. See the requirements of the State Fire Code, as amended.
2. Waterways.
 - A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could contaminate groundwater

or surface water or seriously harm aquatic life of a waterway.

- B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded, if needed, by a berm that would drain any spilled substance to an engineered collection area, or other method approved under Subsection 4 below.
3. Contingency Plans. Any use that will involve the manufacture, storage or handling of hazardous substances (as defined in Part 2) or that will involve the use of toxic substances shall only be allowed if the applicant files a copy of a current emergency preparedness, prevention and contingency plan (EPPC) with the Township Zoning Officer and Emergency Management Coordinator. The EPPC shall meet all state requirements for EPPC plan preparation and shall, at a minimum, protect the tributary waterway from uncontrolled discharges during the 100 year storm. The Township Zoning Officer may request the EPPC be reviewed by the Township Engineer for design adequacy if necessary.
4. All hazardous substances shall be properly labeled.
5. All manufacture and/or storage of hazardous materials (current State of Pennsylvania definition) shall meet all State and Federal requirements.

§27-507 - Noise.

1. No use shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/District

Land Use or Zoning District Receiving the Noise	Hours/Days	Maximum Sound Level
At the lot line of a dwelling in a residential district	1) 7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July, Labor Day and Memorial Day	65 dBA

Sound Level Limits by Receiving Land Use/District

Land Use or Zoning

District Receiving the Noise	Hours/Days	Maximum Sound Level
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2)	9:00 p.m. to 7:00 a.m., plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July, Labor Day and Memorial Day	55 dBA
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10 feet inside an industrially zoned lot	All times and days	75 dBA
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10 feet inside any lot line not listed above	All times and days	70 dBA
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Note — dBA means A-weighted decibel.

2. 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 5 dBA.
3. Noise Exceptions. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
 - A. Sound needed to alert people about an emergency.
 - B. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.
 - C. Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.

- D. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
- E. Railroads and aircraft.
- F. Public celebrations specifically authorized by the Board of Commissioners or a county, state or federal government agency or body.
- G. Unamplified human voices.
- H. Routine ringing of bells and chimes by a place of worship or municipal clock.

§27-508 - Vibration.

No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional nonroutine blasting or the use of construction equipment that may be necessary during construction of streets, structures, utilities, excavation and grading.

§27-509 - Odors, Dust and Air and Water Pollution.

1. Odors and Dust. No use shall generate odors or dust that is significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using normal farming practices within: (A) Act 133 of 1982, as amended, the State Right to Farm Act, 3 P.S. § 951 et seq.; or (B) an official agricultural security area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those state laws, such as if manure is not plowed under within a reasonable period of time.
2. Air and Water Pollution. All uses shall comply with federal and state air and water pollution regulations as a condition of any Township permit.

§27-510 - Light, Glare and Heat Control.

1. Streetlighting exempted. This section shall not apply to streetlighting that is owned, financed or maintained by the Township or the state.

2. All streets, off-street parking areas and driveways, except a driveway and off-street parking area accessory to a single-family detached dwelling, a semidetached dwelling (twin) or a single-family attached dwelling (townhouse), shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Such minimum lighting on all parking spaces shall be one footcandle. A higher level of illumination may be required by the Township, based upon the most-current I.E.S. Lighting Handbook.
3. Adequate shielding on the luminaire or buffer planting shall be provided to protect adjacent residential properties from the glare of such illumination and from that of automobile headlights using such streets, off-street parking areas and driveways.
4. Parking lot and streetlighting standards luminaires that are within 300 feet of a residential lot line shall have a mounting height of 20 feet or less above finished grade. Elsewhere, lighting standards shall have a mounting height of 30 feet or less above finished grade.
5. Definitions. "Mounting height" is hereby defined as the distance that the bottom of the luminaire is above the finished grade. "Luminaire" is defined as the light unit on a lighting standard. The vertical dimension of the luminaire shall not exceed 36 inches.
6. At any property boundary which abuts a residential lot line, the illumination level from the luminaire shall not exceed 1/2 footcandle. No light source shall be visible at a point 50 feet from the lot line at a height of more than four feet above grade.
7. It shall be noted that additional approval by PPL is required for PPL installation, but Township approval shall not be contingent upon approval by PPL.
8. Spotlights shall not be directed from one property into an abutting dwelling or onto the porches of an abutting dwelling.

§27-511 - Placement and Screening of Waste Containers and Outdoor Machinery and Fencing of Storage.

1. Placement. Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school or other noise-sensitive use.
2. Safety. General types of toxic, biological, electrical and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.

3. Solid Waste Containers.

- A. Screening. All trash dumpsters shall be screened on at least three of four sides (not necessarily including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.
 - B. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from a dwelling unit on an abutting lot.
 - C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain adequate outdoor solid waste receptacles at convenient locations on the property for customer use.
4. Fencing of Outdoor Storage and Machinery. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of nine to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer that such fencing or walls are not needed:
- A. Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land.
 - B. Stationary hazardous machinery and equipment that are outdoors.
 - C. Outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases or substances.

§27-512 - Radioactivity and Electrical Disturbances.

- 1. No use shall routinely cause electrical, radio or electromagnetic disturbances to equipment on other lots, except for overhead electric lines that comply with Pennsylvania Public Utility Commission standards.
- 2. No radioactive wastes shall be disposed of in any district, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also

§27-513 - Stripping of Topsoil.

The permanent stripping and removal of more than 50% of the topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This section shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop farming practices. This 50% restriction shall apply to any individual action, as well as to the total removal of topsoil from the lot over any length of time (such as 25% one year, and 25% the next year).

§27-514 - Woodland Preservation

1. Cutting Trees Prior to Construction.

- A. When a zoning permit is issued for a building, structure or use, it shall be lawful to cut down any trees which exist in the space to be occupied by such building, structure or use, any space within 15 feet of any such building or structure, any space to be occupied by, and all space within 10 feet of, all sides of any driveway, parking areas, water system or sewage disposal system, utilities, basins, berms or other areas of earthwork, including areas for erosion and sedimentation control or post-construction stormwater management.
- B. In such case, the construction area of all buildings or structures, driveways, parking areas, water systems and sewage disposal systems shall be properly surveyed and staked, and no such trees shall be cut down until the Zoning Officer has issued a permit.
- C. If trees are cut down as stated in Subsection 1A above, either the permitted construction or the replanting of the same density of trees must be completed within four years of the issuance date of the permit.
- D. During the construction or installation of any structure, driveways, parking area, water systems or sewage disposal systems, or in the process of landscaping or grading the lot, the fill generated by such construction, installation, landscaping or grading shall not be temporarily placed or stored in a manner which, as determined by the Zoning Officer, will potentially kill or seriously damage trees on the tract of land.

- E. Temporary fencing shall be required by the Township to be placed by the applicant in an area five feet beyond the dripline of any trees intended to be preserved, during activities that may result in damage to the trees or compaction of the root system. Vehicles shall not drive under the dripline and materials shall not be stored under the dripline during construction or tree harvesting operations.
- 2. Tree Harvesting. Tree harvesting shall be permitted in all zoning districts in accordance with the provisions of the Salisbury Township Tree Maintenance, Removal, and Replacement Ordinance (Chapter 25) and all other provisions of this Chapter.

§27-515 - Groundwater or Springwater Withdrawal.

- 1. This §27-515 shall regulate new or increased groundwater or spring water withdrawals averaging more than 10,000 gallons per day from a lot for off-site consumption.
- 2. The regulations of this §27-515 shall not apply to any of the following:
 - A. Water used by a principal agricultural use within the Township or to on-site consumption; or
 - B. Water is being utilized for uses on adjacent lots or as part of a public water system.
- 3. If the water will be trucked off site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated.
- 4. If the water will be trucked off site, any area used for loading or unloading of tractor-trailer trucks shall be set back a minimum of 150 feet from any adjacent residential lot.
- 5. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "food or beverage manufacturing" is an allowed use under §27-306.
- 6. Any zoning permit is conditioned upon receiving approval, as applicable, from the Delaware River Basin Commission.

ARTICLE II.

This Ordinance shall be effective immediately.

DULY ORDAINED and ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania this 24th day of June, 2021, in lawful session duly assembled.

Attested:

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

Cathy Bonaskiewich
Township Secretary

By: _____
Debra Brinton
President, Board of Commissioners