

Submitted by: ASSEMBLY MEMBER JOHNSTON

Prepared by: Assembly Counsel

For reading: April 12, 2011

Postponed Indefinitely 5/24/11

ANCHORAGE, ALASKA

AO NO. 2011-49

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 15.70 TO CLARIFY PROPERTY LINE NOISE EMISSION STANDARDS, EXTEND THE ARITHMETIC MEAN STANDARD TO THE CONSTRUCTION SEASON, AND PROVIDE FOR MEASUREMENT SITE ON THE PROPERTY LINE.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 15.70.080, Property line noise emission standards, is hereby amended to read as follows (*ordinance language indicating no amendment is included for context only; other subsections not affected are not set out*):

15.70.080 Property line noise emission standards.

- A. Except as otherwise provided in subsections B and C of this section, no person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level that exceeds the limits set forth for the receiving land use category in table 1 when measured at or within the property boundary of the receiving land use.

TABLE 1. SOUND LEVELS BY RECEIVING LAND USE

TABLE INSET:

Receiving Land Use Category	Time	Sound Level Limit (dB(A))
Residential area	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	50
Commercial area	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	60
Industrial area	At all times	80

1 B. No person shall operate or cause to be operated any source of sound in such a
2 manner as to create a sound level measured at any location on a boundary
3 between two receiving land use categories that exceeds the arithmetic mean of
4 the respective sound level limits set forth for such receiving land use categories in
5 table 1. Where an industrial area abuts a residential area, and operation of the
6 industrial use is subject to seasonal weather or correlates with the construction
7 season, the sound level measured at any location on a boundary between the two
8 areas during the period from May 15 through October 15 shall not exceed the
9 arithmetic mean set forth for the two land use categories in table 1. The
10 measurement site shall be on the property line.

11 *** **

12
13 (GAAB 16.85; AO No. 78-48; AO No. 2001-97, § 3, 5-22-01)

14
15
16 **Section 2.** This ordinance shall become effective immediately upon passage and approval by
17 the Assembly.

18
19 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
20 _____, 2011.

21
22
23
24
25 _____
26 Chair

27 ATTEST:

28
29
30
31 _____
32 Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 206-2011

Meeting Date: April 12, 2011

From: Assembly Member Johnston
Subject: AO 2011-49 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 15.70 TO CLARIFY PROPERTY LINE NOISE EMISSION STANDARDS, EXTEND THE ARITHMETIC MEAN STANDARD TO THE CONSTRUCTION SEASON, AND PROVIDE FOR MEASUREMENT SITE ON THE PROPERTY LINE.

Anchorage is blessed and cursed with an active but short construction season, important to the general welfare of our community. Noise emission standards under AMC 15.70.060 accommodate the construction season by setting the noise emission limit for operation of tools or equipment used in construction at 80 dB(A)(Leq) within a residential real property boundary, or within a noise-sensitive zone, between the hours of 6:00 a.m. to 10:00 p.m. during the construction season, defined under AMC 15.70.030 as running from April 1 through October 31. The referenced 80 dB(A)(Leq) construction season standard is essentially an 'averaging' of sound intensity over a period of time, in this case one hour.

Of equal and collateral concern are the smaller industrial enterprises, subject to seasonal weather temperatures or with operations correlated to the construction season. Maintaining industrial enterprise requires a balance akin to the balance required in recognition of the construction season. In terms of noise emission, this means reaching a general welfare accommodation that recognizes the challenges when an industrial area dependent on seasonal enterprise shares a property line with a residential area.

AMC 15.70.080 governs property line noise emission standards. Current code uses the arithmetic mean as the standard along the property line between differing noise receiving areas. When a seasonally sensitive industrial operation shares a property line with a residential area, this ordinance will extend the principle of arithmetic mean and provide for measurement site along the property line between the emitting property (source of the noise) and the receiving property. The intent is that the same arithmetic mean principle for measurement on the property line between two different receiving areas be used on the property line between the emitting area and the receiving area, in the limited circumstance described in the ordinance. Specifically, when a seasonal industrial enterprise shares a property line with a residential area, the arithmetic mean is a sound level limit of 70 dB(A), during the period from May 15 through October 15. By way of comparison, this sound level limit has a shorter seasonal duration, commences an hour later in the morning, and is 10 dB(A) below the noise emission limit in place now (and unaffected by this ordinance) under the parallel accommodation for seasonal construction under AMC 15.70.060.

Respectfully submitted: Jennifer Johnston, Assembly Member, Section 6