

** DRAFT 6-10-04 **

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE
PROVISIONS DEALING WITH NOISE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-163, Noise, of the Carrboro Land Use Ordinance is amended by adding a new subsection (h) that reads as follows:

(h) The operation of dry cleaning machinery in the B-3 zoning district, including but not limited to steam boilers, vacuum units, steamers, dry cleaning machines, pressing machines and air compressors, shall not be permissible outside of the hours between 7:00 a.m. and 7:00 p.m. *Monday through Friday, 9:00 a.m. and 5:00 p.m. on Saturday, and noon and 5:00 p.m. on Sunday*, if and to the extent that such operation results in noise that is audible at the property line of the lot on which the business operating such machinery is located. Any business that is not in compliance with this provision shall be required to bring their dry cleaning operations into compliance within 90 days of the effective date of this ordinance.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

May 3, 2004
119 Fidelity Street #C1
Carrboro, North Carolina

Mayor Nelson and the Board of Aldermen
Town of Carrboro

Dear Mayor Nelson and Aldermen,

We urge you to appeal the Superior Court decision which overturned the October 15 Board of Adjustment ruling in favor of Village Square.

If the Town chooses to not appeal, then as of May 17 there will be no remaining zoning or legal impediments to the planned intensification of Hangers' central dry cleaning activities on Fidelity Street. Not only will Hangers then be able to invest the \$50,000 (as approved by the Town's May 2003 building permit) to install their 10 ton dry cleaning machine, they will be able to noisily operate it and its associated machinery 24 hours a day with absolutely no existing relevant Land Use Ordinance restrictions. Judge Barber's ruling has effectively rezoned the 127 Fidelity Street B-3 Neighborhood Business tract to M-1 Light Manufacturing (but without the minimal M-1 performance standards), so long as the industrial activity is concerned with dry cleaning.

We have accumulated overwhelming evidence (including several statements from Hangers' two top officers) that Hangers will open new counters in Durham and extend their machinery processing hours on Fidelity Street to evenings and weekends. Any changes in the LUO made to address this issue must be made before these developments become the new status quo. Judge Barber's ruling indicates that any LUO changes must be completely explicit.

Most importantly: **We urgently request that you approve the enclosed statement of intent in the form of a Board resolution as soon as possible.** This resolution would indicate that your Board intends to give our neighborhood a minimal amount of protection by adding a specific provision to the LUO restricting the regular processing hours of dry cleaning plants in B-3 districts to weekday business hours. (No business at this location has ever regularly operated outside weekday business hours, including Hangers since 2000.) Since time is short, we are asking for as little as possible: Even with an amortization clause, this change would probably not take effect for several years. It would never constrain the current level of Hangers' operations. But if Hangers is explicitly informed of your Board's willingness to see that the intent of the B-3 district is eventually enforced, then hopefully they will use their Chapel Hill building permit and move their Raleigh machine to their equally large (and

commercially zoned) Elliott Road location as part of their 15 year plan. It is unfair enough that we will have to continue to endure the higher and longer noise levels during weekday hours needed to clean clothes from parts of 3 other counties. For our long-standing evening and weekend quietude to be ruined by further increased operations would be unconscionable.

When we approached your Board for help nearly a year ago, we were told that we had to go to the Board of Adjustment first. We spent over 500 hours and nearly \$3000 preparing our case last year. The Town spent far more than the \$400 we paid in fees. The situation regarding the B-3 district, the history of this tract, and Hangers Cleaners' current and future operations is complex. Before any decision discussions began, the most basic factual and legal testimony and questioning on October 15 totalled nearly 3 hours. Therefore we urge you to give a great deal of weight to the will of our community as expressed by the sober 4 - 1 vote of the Board of Adjustment. Their proposed ban on excessive importation has been thrown out by Judge Barber. However, their determination that the *current* level of activity alone already exceeds the intent of two 1980-81 provisions of the B-3 district led to their ruling.

Last summer we warned Hangers that we would pursue amendments of the LUO if necessary. Hangers has repeatedly rejected or broken off negotiations. The critical issue has always been their insistence on retaining the right to operate on a 24/7 basis: On October 15 they risked the curtailment of their importation rights in order to preserve their 24/7 operating rights.

This week we request that discussions focus on the proposed resolution. Pending the results of tonight's meeting and discussions amongst ourselves later this week, on Tuesday May 11 we may request a roll call vote by your Board on the decision to appeal (or not). Therefore we ask that you instruct the Town Attorney tonight to begin to prepare an appeal, so that it can be filed by the Friday May 14 deadline if it is approved on Tuesday May 11.

Supporting details are contained in an accompanying letter from Professor Robert Proctor. The tight timeframe has not permitted a meeting by the Board of Directors of our homeowner's association for the consideration of this letter, since some of the members of our Board are out of town..

The signatures of the owners and/or residents of Village Square which we could obtain on short notice appear on the next page to this letter.

Enclosure: Proposed Board of Aldermen Resolution

Signature Page for May 4, 2004 Letter to the Board of Aldermen
from Village Square Owners and/or Residents:

Bob Procter, #C1, former member VSTHA Board
Lori Hoyt #C3, former board member

Lillian #E2, homeowner, board member

Loisita R. Villani A-3 Home owner

Randy McMan G-3 Homeowner

Jennie Capparella F-1 Fidelity St

Laura Foyen, G-1

Neil Richard, G-1

Jaqueline Dale 119 Fidelity, E-4

Ellen Perry 119A-S-

Please Add a New Section * to Part II of Article XI
(Miscellaneous Supplementary Use Provisions)

Section *:

Dry Cleaning in a Neighborhood Business District:

On all but twelve days of each year, the operation of any machinery associated to the cleaning or the pressing of garments for hire in any fashion under use category 16.000 in a B-3 district shall be limited to the hours of 7:00am to 5:00pm Monday through Friday.

Please Add an Amortization Provision to Article VIII
(Nonconforming Situations)

Section **:

Effective Date for Section *:

For an existing 16.000 dry cleaning special use permit in a B-3 district, Section * shall come into force after a period of time following May 5, 2005. The length of this period of time shall depend only upon the capital investments made in the property prior to May 5, 2005 by the dry cleaning business which was operating on the permitted tract on May 5, 2005.

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 Occupational Safety & Health Administration
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Regulations (Standards - 29 CFR)
 Occupational noise exposure. - 1910.95

Regulations (Standards - 29 CFR) - Table of Contents

- Part Number:1910
- Part Title:Occupational Safety and Health Standards
- Subpart:G
- Subpart Title:Occupational Health and Environment Control
- Standard Number:1910.95
- Title:Occupational noise exposure.

- Appendix:A , B , C , D , E , F , G , H , I

1910.95(a)

Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table G-16 when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:

FIGURE G-9 - Equivalent A-weighted Sound Level
 (For Figure G-9, Click Here)

Equivalent sound level contours. Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on this graph and noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, is used to determine exposure limits from Table 1.G-16.

1910.95(b)

1910.95(b)(1)

When employees are subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table G-16, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

1910.95(b)(2)

If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

TABLE G-16 - PERMISSIBLE NOISE EXPOSURES (1)

| Duration per day, hours | Sound level dBA slow response |
|-------------------------|-------------------------------|
| 8..... | 90 |
| 6..... | 92 |
| 4..... | 95 |
| 3..... | 97 |
| 2..... | 100 |
| 1 1/2 | 102 |

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| | |
|------------------|-----|
| 1..... | 105 |
| 1/2 | 110 |
| 1/4 or less..... | 115 |

Footnote(1) when the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C(1)/T(1) + C(2)/T(2) + \dots + C(n)/T(n)$ exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level. Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

..1910.95(c)

1910.95(c)
 "Hearing conservation program."

1910.95(c)(1)
 The employer shall administer a continuing, effective hearing conservation program, as described in paragraphs (c) through (o) of this section, whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response) or, equivalently, a dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with appendix A and Table G-16a, and without regard to any attenuation provided by the use of personal protective equipment.

1910.95(c)(2)
 For purposes of paragraphs (c) through (n) of this section, an 8-hour time-weighted average of 85 decibels or a dose of fifty percent shall also be referred to as the action level.

1910.95(d)
 "Monitoring."

1910.95(d)(1)
 When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall develop and implement a monitoring program.

1910.95(d)(1)(i)
 The sampling strategy shall be designed to identify employees for inclusion in the hearing conservation program and to enable the proper selection of hearing protectors.

1910.95(d)(1)(ii)
 Where circumstances such as high worker mobility, significant variations in sound level, or a significant component of impulse noise make area monitoring generally inappropriate, the employer shall use representative personal sampling to comply with the monitoring requirements of this paragraph unless the employer can show that area sampling produces equivalent results.

..1910.95(d)(2)

1910.95(d)(2)
 1910.95(d)(2)(i)
 All continuous, intermittent and impulsive sound levels from 80 decibels to 130 decibels shall be integrated into the noise measurements.

1910.95(d)(2)(ii)
 Instruments used to measure employee noise exposure shall be calibrated to ensure measurement accuracy.

1910.95(d)(3)
 Monitoring shall be repeated whenever a change in production, process, equipment or controls increases noise exposures to the extent that:

1910.95(d)(3)(i)
 Additional employees may be exposed at or above the action level; or

1910.95(d)(3)(ii)
 The attenuation provided by hearing protectors being used by employees may be rendered inadequate to meet the requirements of paragraph (j) of this

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section.

1910.95(e)

"Employee notification." The employer shall notify each employee exposed at or above an 8-hour time-weighted average of 85 decibels of the results of the monitoring.

1910.95(f)

"Observation of monitoring." The employer shall provide affected employees or their representatives with an opportunity to observe any noise measurements conducted pursuant to this section.

..1910.95(g)

1910.95(g)

"Audiometric testing program."

1910.95(g)(1)

The employer shall establish and maintain an audiometric testing program as provided in this paragraph by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels.

1910.95(g)(2)

The program shall be provided at no cost to employees.

1910.95(g)(3)

Audiometric tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and checking calibration and proper functioning of the audiometers being used. A technician who operates microprocessor audiometers does not need to be certified. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or physician.

1910.95(g)(4)

All audiograms obtained pursuant to this section shall meet the requirements of Appendix C: "Audiometric Measuring Instruments."

1910.95(g)(5)

"Baseline audiogram."

1910.95(g)(5)(i)

within 6 months of an employee's first exposure at or above the action level, the employer shall establish a valid baseline audiogram against which subsequent audiograms can be compared.

..1910.95(g)(5)(ii)

1910.95(g)(5)(ii)

"Mobile test van exception." Where mobile test vans are used to meet the audiometric testing obligation, the employer shall obtain a valid baseline audiogram within 1 year of an employee's first exposure at or above the action level. Where baseline audiograms are obtained more than 6 months after the employee's first exposure at or above the action level, employees shall wearing hearing protectors for any period exceeding six months after first exposure until the baseline audiogram is obtained.

1910.95(g)(5)(iii)

Testing to establish a baseline audiogram shall be preceded by at least 14 hours without exposure to workplace noise. Hearing protectors may be used as a substitute for the requirement that baseline audiograms be preceded by 14 hours without exposure to workplace noise.

1910.95(g)(5)(iv)

The employer shall notify employees of the need to avoid high levels of non-occupational noise exposure during the 14-hour period immediately preceding the audiometric examination.

1910.95(g)(6)

"Annual audiogram." At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels.

1910.95(g)(7)

"Evaluation of audiogram."

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1910.95(g)(7)(i)

Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift as defined in paragraph (g)(10) of this section has occurred. This comparison may be done by a technician.

..1910.95(g)(7)(ii)

1910.95(g)(7)(ii)

If the annual audiogram shows that an employee has suffered a standard threshold shift, the employer may obtain a retest within 30 days and consider the results of the retest as the annual audiogram.

1910.95(g)(7)(iii)

The audiologist, otolaryngologist, or physician shall review problem audiograms and shall determine whether there is a need for further evaluation. The employer shall provide to the person performing this evaluation the following information:

1910.95(g)(7)(iii)(A)

A copy of the requirements for hearing conservation as set forth in paragraphs (c) through (n) of this section;

1910.95(g)(7)(iii)(B)

The baseline audiogram and most recent audiogram of the employee to be evaluated;

1910.95(g)(7)(iii)(C)

Measurements of background sound pressure levels in the audiometric test room as required in Appendix D: Audiometric Test Rooms.

1910.95(g)(7)(iii)(D)

Records of audiometer calibrations required by paragraph (h)(5) of this section.

..1910.95(g)(8)

1910.95(g)(8)

"Follow-up procedures."

1910.95(g)(8)(i)

If a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift as defined in paragraph (g)(10) of this section has occurred, the employee shall be informed of this fact in writing, within 21 days of the determination.

1910.95(g)(8)(ii)

Unless a physician determines that the standard threshold shift is not work related or aggravated by occupational noise exposure, the employer shall ensure that the following steps are taken when a standard threshold shift occurs:

1910.95(g)(8)(ii)(A)

Employees not using hearing protectors shall be fitted with hearing protectors, trained in their use and care, and required to use them.

1910.95(g)(8)(ii)(B)

Employees already using hearing protectors shall be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary.

1910.95(g)(8)(ii)(C)

The employee shall be referred for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary or if the employer suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors.

1910.95(g)(8)(ii)(D)

The employee is informed of the need for an otological examination if a medical pathology of the ear that is unrelated to the use of hearing protectors is suspected.

..1910.95(g)(8)(iii)

1910.95(g)(8)(iii)

If subsequent audiometric testing of an employee whose exposure to noise is less than an 8-hour TWA of 90 decibels indicates that a standard threshold shift is not persistent, the employer:

1910.95(g)(8)(iii)(A)

shall inform the employee of the new audiometric interpretation; and

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1910.95(g)(8)(iii)(B)

May discontinue the required use of hearing protectors for that employee.

1910.95(g)(9)

"Revised baseline." An annual audiogram may be substituted for the baseline audiogram when, in the judgment of the audiologist, otolaryngologist or physician who is evaluating the audiogram:

1910.95(g)(9)(i)

The standard threshold shift revealed by the audiogram is persistent; or

1910.95(g)(9)(ii)

The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

1910.95(g)(10)

"Standard threshold shift."

1910.95(g)(10)(i)

As used in this section, a standard threshold shift is a change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

..1910.95(g)(10)(ii)

1910.95(g)(10)(ii)

In determining whether a standard threshold shift has occurred, allowance may be made for the contribution of aging (presbycusis) to the change in hearing level by correcting the annual audiogram according to the procedure described in Appendix F: "Calculation and Application of Age Correction to Audiograms."

1910.95(h)

"Audiometric test requirements."

1910.95(h)(1)

Audiometric tests shall be pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear.

1910.95(h)(2)

Audiometric tests shall be conducted with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used in accordance with, American National Standard Specification for Audiometers, S3.6-1969, which is incorporated by reference as specified in Sec. 1910.6.

1910.95(h)(3)

Pulsed-tone and self-recording audiometers, if used, shall meet the requirements specified in Appendix C: "Audiometric Measuring Instruments."

1910.95(h)(4)

Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: "Audiometric Test Rooms."

..1910.95(h)(5)

1910.95(h)(5)

"Audiometer calibration."

1910.95(h)(5)(i)

The functional operation of the audiometer shall be checked before each day's use by testing a person with known, stable hearing thresholds, and by listening to the audiometer's output to make sure that the output is free from distorted or unwanted sounds. Deviations of 10 decibels or greater require an acoustic calibration.

1910.95(h)(5)(ii)

Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: "Acoustic Calibration of Audiometers." Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check. Deviations of 15 decibels or greater require an exhaustive calibration.

1910.95(h)(5)(iii)

An exhaustive calibration shall be performed at least every two years in accordance with sections 4.1.2; 4.1.3.; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this calibration.

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1910.95(i)

"Hearing protectors."

1910.95(i)(1)

Employers shall make hearing protectors available to all employees exposed to an 8-hour time-weighted average of 85 decibels or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

1910.95(i)(2)

Employers shall ensure that hearing protectors are worn:

1910.95(i)(2)(i)

By an employee who is required by paragraph (b)(1) of this section to wear personal protective equipment; and

..1910.95(i)(2)(ii)

1910.95(i)(2)(ii)

By any employee who is exposed to an 8-hour time-weighted average of 85 decibels or greater, and who:

1910.95(i)(2)(ii)(A)

Has not yet had a baseline audiogram established pursuant to paragraph (g)(5)(ii); or

1910.95(i)(2)(ii)(B)

Has experienced a standard threshold shift.

1910.95(i)(3)

Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

1910.95(i)(4)

The employer shall provide training in the use and care of all hearing protectors provided to employees.

1910.95(i)(5)

The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

1910.95(j)

"Hearing protector attenuation."

1910.95(j)(1)

The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. The employer shall use one of the evaluation methods described in Appendix B: "Methods for Estimating the Adequacy of Hearing Protection Attenuation."

..1910.95(j)(2)

1910.95(j)(2)

Hearing protectors must attenuate employee exposure at least to an 8-hour time-weighted average of 90 decibels as required by paragraph (b) of this section.

1910.95(j)(3)

For employees who have experienced a standard threshold shift, hearing protectors must attenuate employee exposure to an 8-hour time-weighted average of 85 decibels or below.

1910.95(j)(4)

The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employer shall provide more effective hearing protectors where necessary.

1910.95(k)

"Training program."

1910.95(k)(1)

The employer shall institute a training program for all employees who are exposed to noise at or above an 8-hour time-weighted average of 85 decibels, and shall ensure employee participation in such program.

1910.95(k)(2)

The training program shall be repeated annually for each employee included in the hearing conservation program. Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.

1910.95(k)(3)

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The employer shall ensure that each employee is informed of the following:

..1910.95(k)(3)(i)

1910.95(k)(3)(i)

The effects of noise on hearing;

1910.95(k)(3)(ii)

The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and

1910.95(k)(3)(iii)

The purpose of audiometric testing, and an explanation of the test procedures.

1910.95(l)

"Access to information and training materials."

1910.95(l)(1)

The employer shall make available to affected employees or their representatives copies of this standard and shall also post a copy in the workplace.

1910.95(l)(2)

The employer shall provide to affected employees any informational materials pertaining to the standard that are supplied to the employer by the Assistant Secretary.

1910.95(l)(3)

The employer shall provide, upon request, all materials related to the employer's training and education program pertaining to this standard to the Assistant Secretary and the Director.

..1910.95(m)

1910.95(m)

"Recordkeeping" -

1910.95(m)(1)

"Exposure measurements." The employer shall maintain an accurate record of all employee exposure measurements required by paragraph (d) of this section.

1910.95(m)(2)

"Audiometric tests."

1910.95(m)(2)(i)

The employer shall retain all employee audiometric test records obtained pursuant to paragraph (g) of this section:

1910.95(m)(2)(ii)

This record shall include:

1910.95(m)(2)(ii)(A)

Name and job classification of the employee;

1910.95(m)(2)(ii)(B)

Date of the audiogram;

1910.95(m)(2)(ii)(C)

The examiner's name;

1910.95(m)(2)(ii)(D)

Date of the last acoustic or exhaustive calibration of the audiometer; and

1910.95(m)(2)(ii)(E)

Employee's most recent noise exposure assessment.

1910.95(m)(2)(ii)(F)

The employer shall maintain accurate records of the measurements of the background sound pressure levels in audiometric test rooms.

1910.95(m)(3)

"Record retention." The employer shall retain records required in this paragraph (m) for at least the following periods.

..1910.95(m)(3)(i)

1910.95(m)(3)(i)

Noise exposure measurement records shall be retained for two years.

1910.95(m)(3)(ii)

Audiometric test records shall be retained for the duration of the affected employee's employment.

1910.95(m)(4)

"Access to records." All records required by this section shall be

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provided upon request to employees, former employees, representatives designated by the individual employee, and the Assistant Secretary. The provisions of 29 CFR 1910.20 (a)-(e) and (g)-1910.95(m)(4)(i)

apply to access to records under this section.

1910.95(m)(5)

"Transfer of records." If the employer ceases to do business, the employer shall transfer to the successor employer all records required to be maintained by this section, and the successor employer shall retain them for the remainder of the period prescribed in paragraph (m)(3) of this section.

1910.95(n)

"Appendices."

1910.95(n)(1)

Appendices A, B, C, D, and E to this section are incorporated as part of this section and the contents of these appendices are mandatory.

..1910.95(n)(2)

1910.95(n)(2)

Appendices F and G to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

1910.95(o)

"Exemptions." Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing

operations.

1910.95(p)

"Startup date." Baseline audiograms required by paragraph (g) of this section shall be completed by March 1, 1984.

[39 FR 23502, June 27, 1974, as amended at 46 FR 4161, Jan. 16, 1981; 46 FR 62845, Dec. 29, 1981; 48 FR 9776, Mar. 8, 1983; 48 FR 29687, June 28, 1983; 54 FR 24333, June 7, 1989; 61 FR 5507, Feb. 13, 1996; 61 FR 9227, March 7, 1996]

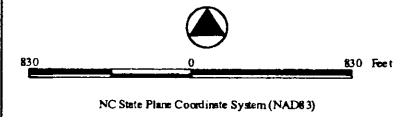
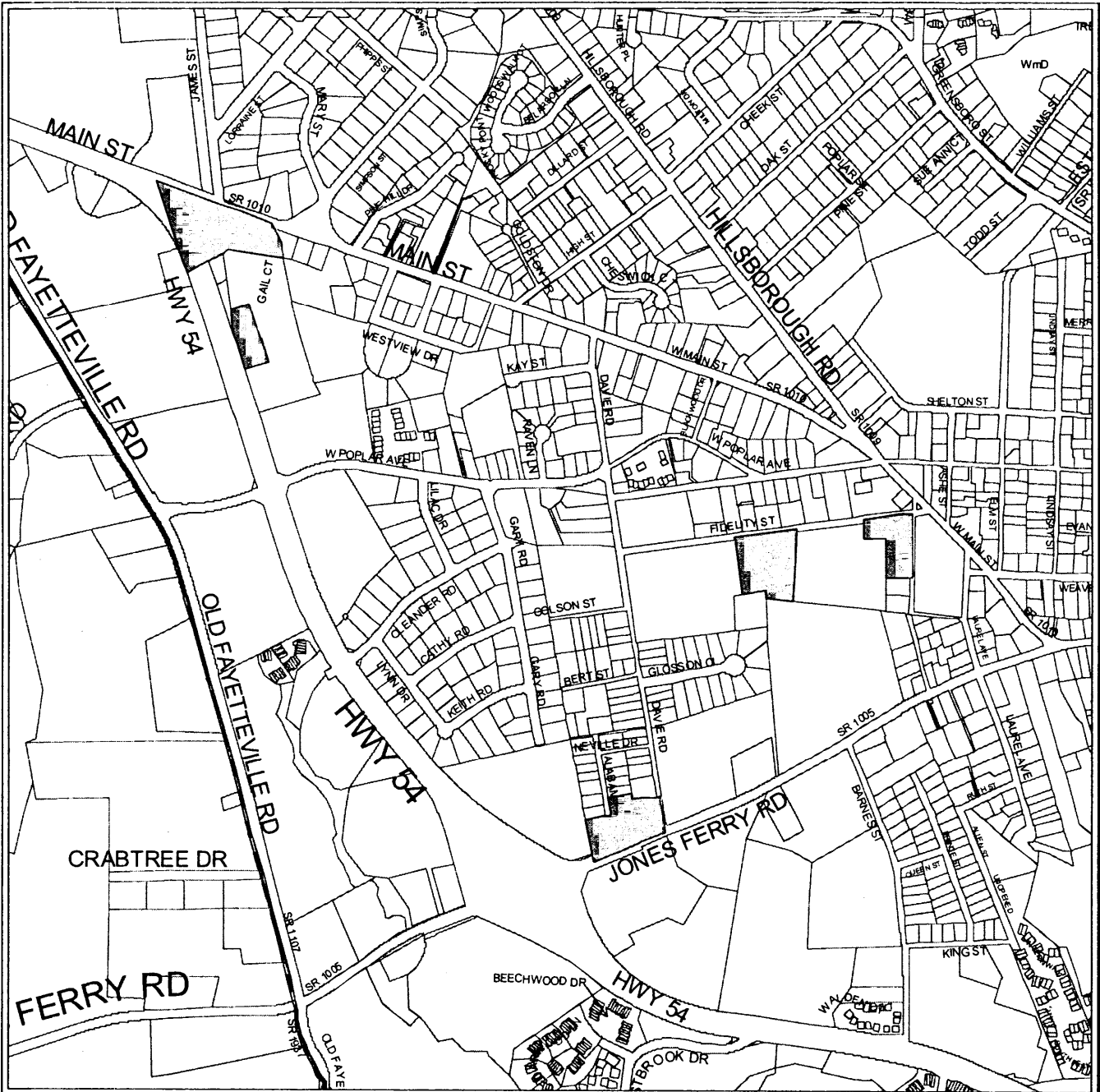
Next Standard (1910.95 App A)

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200 Constitution Avenue, NW
Washington, DC 20210



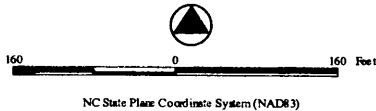
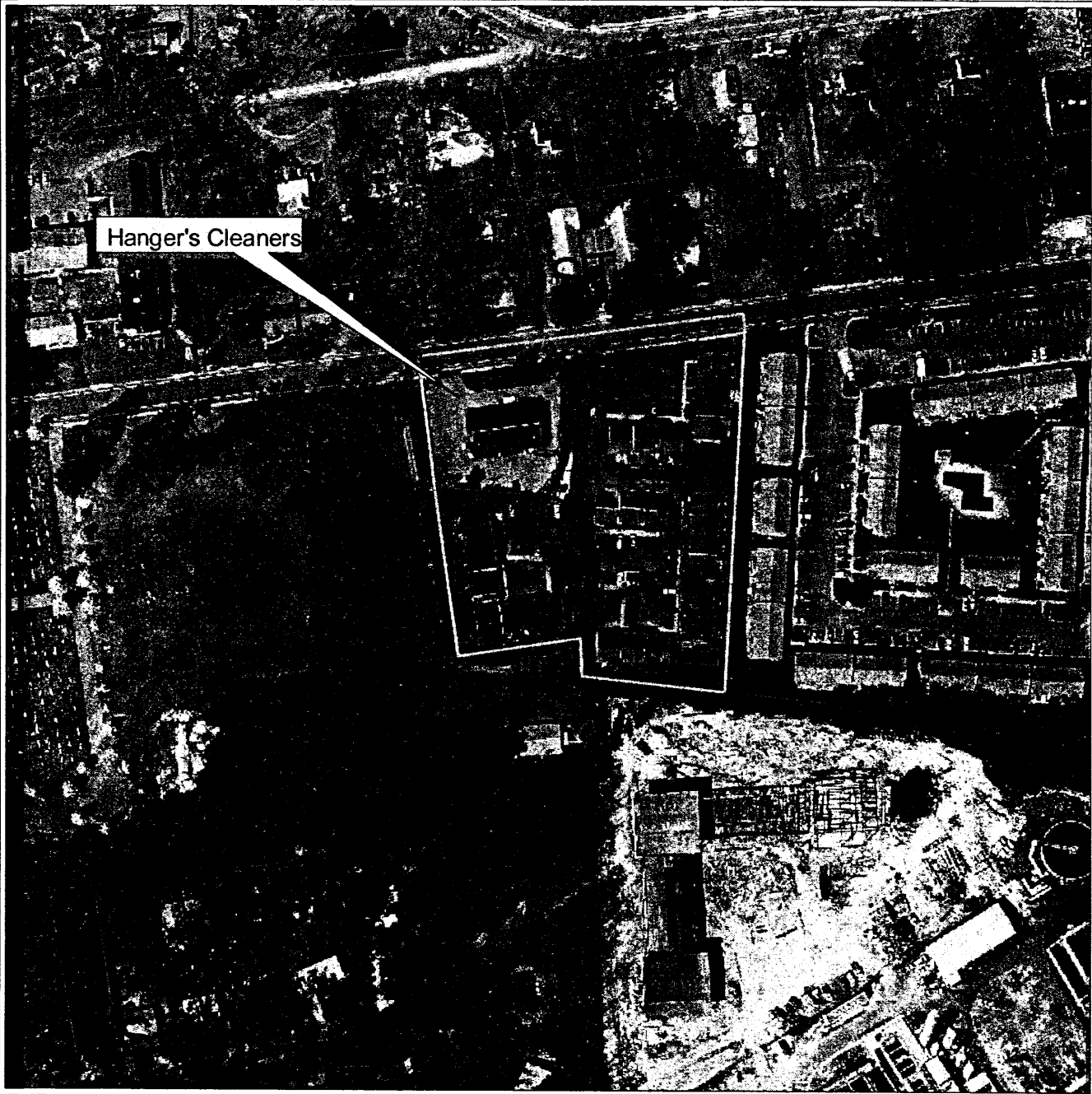
Location of B-3 Zoning Districts



TOWN OF CARRBORO
 301 W. Main St
 Carrboro, NC 27510
 17 June 2004
 Ruth Heaton, Planning Department
 905-771-4

- Zoning83.shp
- B3
- Text Street Names
- Mirezoning.shp
- Brightwhfowlshp.shp
- Properties
- Carrboro City Limits

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 The requestor must be aware of data conditions and ultimately bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to the data.



Location of Hanger's Cleaners



TOWN OF CARRBORO
 301 W. Main St.
 Carrboro, NC 27510
 13 July 2004
 Tech Services Planning Department
 919-771-4141

- Carrboro Zoning
- B3
 - 8816 old nc 86.shp
 - Streams
 - Carrboro City Limits
 - Properties
 - Text Street Names

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PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

JUNE 3, 2004

Land Use Ordinance Text Amendment – Hours of Operation of Dry Cleaning Machinery

Motion was made by Susan Poulton and James Carnahan and seconded by Frank Hammill to adopt the draft ordinance with the following changes:

- 1) Rather than the “audible” standard included in the draft ordinance, use of a reasonable, specified decibel level developed by town staff.
- 2) In keeping with other noise provisions in town regulations, noise restrictions on the hours of operation for dry cleaning machinery should also apply on Sundays from noon to 7 p.m.

VOTE: AYES (6) (Poulton, Carnahan, Hammill, Clinton, Ludwig, Marshall); NOES (3) (Haven-O'Donnell, West, and Babiss); ABSENT/EXCUSED (2) Hogan, Paulsen; ABSTENTIONS (0).

John Marshall / JEP 6/4/04
John Marshall, Chair (date)

June 15, 2004

Mayor Michael Nelson and the Board of Aldermen
Town of Carrboro

RE: Hours of Operation of Dry Cleaning Equipment in B-3 Zones

Dear Mayor Nelson and Aldermen,

We are pleased to inform you that Hangers Cleaners, property owner Doug Mitchell, and Village Square Homeowners Association have directly negotiated an agreement regarding which hours dry cleaning machinery should be operable in a B-3 neighborhood business district. We hope you will consider the following proposal at the June 22 public hearing for the proposed LUO text amendment.

The three parties jointly propose that this text amendment read as follows:

- (h) The operation of dry cleaning machinery in the B-3 zoning district, including but not limited to steam boilers, vacuum units, steamers, dry cleaning machines, pressing machines and air compressors, shall not be permissible outside of the hours between 7:00 a.m. and 6:00 p.m. Monday through Friday if and to the extent that such operation results in the noise that is audible at the property line of the lot on which the business operating such machinery is located. Any business that is not in compliance with this provision shall be required to bring their dry cleaning operations into compliance within 90 days of the effective date of this ordinance.*

Except for the details regarding the times of week, this language is exactly that proposed by the Town staff. (Since 127 Fidelity Street is only partially air conditioned, it is important for Hangers to begin operations by 7:00 am. Village Square's highest priority has been to keep the weekend days free of regularly scheduled processing operations.)

Hangers Cleaners is signing onto this compromise under the understanding that Village Square will adopt a "live and let live" stance regarding future operations by Hangers Cleaners which are roughly comparable to the level and the weekly duration of their operations in recent years, and that Village Square will not complain about occasional operation of machinery slightly outside of the hours specified above.

Doug Mitchell is signing onto this compromise under the understanding that Village Square is committed to helping him seek a change in the LUO Table of Permissible Uses which would permit low intensity neighborhood offices to be located in this unexpanded B-3 building if Hangers were to decide to move to a more central and more suitable location at some point in the future.

Village Square is signing onto this compromise under the understanding that Doug Mitchell will explore the possibility of converting this unexpanded building to neighborhood offices if Hangers leaves.

We hope that this direct agreement will save your Board and the Town staff some time. Each of our parties now plans to have at most a minimal presence at the June 22 hearing for this text amendment.

Enclosed are copies of a press release and of a side letter from VSHOA to Hangers.

Sincerely yours,


Danielle Mitchell
President, Village Square Homeowners Association


Robert Proctor
Chair, VSHOA Zoning Committee


W. Douglas Mitchell
Property Owner, 127 Fidelity Street


Tad Samulski
~~Manager~~, Hangers Cleaners
Co-Owner,

Press Release
Village Square Homeowners Association
119 Fidelity Street, Carrboro
June 17, 2004

Village Square Homeowners Association, Hangers Cleaners, and property owner Doug Mitchell are pleased to announce an agreement regarding the hours of operation of processing machinery at 127 Fidelity Street. These parties will propose to the Carrboro Board of Aldermen that the operation of processing machinery in a neighborhood business district should be limited to the historic hours of 7:00am to 6:00pm Monday through Friday.

Daniel Amoni (the member of the VSHOA Board responsible for zoning matters) says that "We are pleased by Hangers' consideration to our neighborhood. We encourage area residents to patronize this environmentally responsible dry cleaner that is also conscious of its duties as a good neighbor."

Bob Proctor (the chair of the VSHOA Zoning Committee) says that "We're happy that the property owner Doug Mitchell has agreed to work closely with our Association regarding possible future uses of this property, if Hangers decides to leave at some point in the future. It's good to hear that he would then be willing to consider re-using this building for neighborhood offices."

VSHOA Contacts

Lori Hoyt, 968-1888

Jennie Capparella, 929-7288

(not-in-town after Saturday June 19: Bob Proctor, 929-9021)

Daniel Amoni, 619-3958

Property Owner of 127 Fidelity Street

Doug Mitchell, 624-6241

Co-Owner of Hangers Cleaners

Thad Samulski, 929-6463

6-4

Village Square Homeowners Association
119 Fidelity Street, Carrboro

June 15, 2004

Mr. Tad Samulski
Manager, Hangers Cleaners
127 Fidelity Street
Carrboro, NC 27510

Dear Mr. Samulski,

We are grateful to Hangers co-owner Thad Samulski for offering to agree to limit the hours of audible machinery operation in the future to the historic times of 7:00am to 6:00pm Monday through Friday. The purpose of this letter is to reassure Hangers that we will not complain to the zoning administrator if you occasionally find it essential to operate your machinery slightly outside of the prescribed times on weekdays or for a few hours on an odd Saturday.

Our principal concern has always been to avoid the introduction of new recurrent evening and weekend noise from the *regularly scheduled* operation of pressing, dry cleaning, and ancillary machinery. Our original proposed zoning law amendment provided for 12 days per year with unregulated machinery operating hours. For reasons which were not explained, the Town staff removed this provision from their draft amendment. Because of procedural considerations, reinstating this provision at this point could be difficult. We hope this letter will provide you with sufficient reassurance as you plan for unusual events such as extended power outages.

Sincerely yours,



Danielle Mitchell
President, Village Square Homeowners Association



Robert Proctor
Chair, VSHOA Zoning Committee

cc: Doug Mitchell, Carrboro Zoning Administrator Marty Roupe,
Carrboro Mayor Mike Nelson and Carrboro Aldermen