

ARTICLE IX PERFORMANCE STANDARDS

SECTION 9-1 STANDARDS ESTABLISHED

In any district no land shall be used in any manner other than in compliance with the performance standards herein set forth. Where appropriate all other applicable local, State and Federal regulations shall apply to the characteristics of the use.

- 1) Fire and explosion hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fire is prohibited at any point.
- 2) Radioactivity or electric disturbance. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical or electronic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 3) Noise. At the points of measurement specified in Section 9-2, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table II after applying the correction as shown in Table III. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for measurement of noise and other sounds, Z 24, 3-1944 American Standards Association, Inc., New York, N. Y., and American Standard Specification for an Octave-Band Filter Set for the analysis of Noise and Other Sounds, Z24-10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N. Y. shall be used).
- 4) Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in Section 9-2.
- 5) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart or the standard Ringlemann Chart as issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for 4 minutes in any 30 minutes.

- 6) Odors. No emission shall be permitted of odorous gasses or other odorous matter in such quantities as is readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in Section 9-2 or at the point of greatest concentration. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors in Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D. C. and said manual and/or table as subsequently amended.
- 7) Fly Ash, Dust, Fumes, Vapors, Gases, and other forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point. No emissions shall be permitted in excess of the standards specified in Table I, Chapter 5, "Industrial Hygiene Standards, Maximum Allowable Concentrations", of the "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. and said manual and/or table as subsequently amended. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceed 0.3 grains per cubic foot of the conveying case of any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50) percent excess air.
- 8) Glare. No direct or sky-reflected glare whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, shall be visible at the points of measurement specified in Section 9-2. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.
- 9) Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the State Department of Health or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements.

TABLE II

PERMITTED SOUND PRESSURE LEVELS

Frequency ranges containing Standard Octave Bands in Cycles per second	Allowable Sound Pressure Level In Decibels
20-300	60
300-2400	40
Above 2400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10 p.m. and 7 a.m. one or more of the corrections in Table III shall be applied to the octave band levels given in Table II.

TABLE III

ALLOWABLE INCREASES IN SOUND PRESSURE LEVELS FOR SPECIFIC NOISE CONDITIONS

Type or Location of Operation or Character of Noise	Correction in Decibels
1. Daytime operation only	5
2. Noise source operates less than *	
a. 20% of any one-hour period	5
b. 5% of any one-hour period	10
3. Noise of impulsive character (hammering, etc.)	5
4. Noise of periodic character (hum, screech, etc.)	5
5. Property is located in one of the following zoning districts and is not within 500 feet of any Residential or Special Purpose District	
a. Any Commercial District	5
b. Any Industrial District	10

* Apply one of these corrections only.

SECTION 9-2 ENFORCEMENT

A. Measuring Violations

In order to determine if actual violations are involved, certain measurements are necessary for the enforcement of performance standards herein set forth pertaining to noise, vibration, odors, and glare. These measurements are as follows:

- 1) Twenty-five (25) feet from the source of origin or at the closest lot line in any district except an industrial district.
- 2) In an industrial district five hundred (500) feet from the source of origin or at the closest District boundary, or anywhere within an adjacent district other than an industrial district.

B. Administrative Responsibility

The Zoning Official shall have the power to refuse a Building Permit when insufficient information is provided to determine the likelihood and compliance with these performance standards.

Information to be supplied the Zoning Official shall include the proposed feature of development, with all details pertaining to the proposed processes and products and all necessary specifications to judge the proposed measurers against the emission of dangerous and objectionable elements as herein elaborated. Fees for any required special reports shall be included in the application.

Qualified expert consultants may be employed for analysis, if in the opinion of the Zoning Official the proposed uses may cause dangerous or objectionable emissions. These reports shall be presented in due process and without delay with a copy for the applicant.

C. Council Responsibility

Within thirty (30) days of receipt of application, or in case of a required expert consultant report, within a reasonable and mutually agreed upon period, the application shall be reviewed by the Council, after which the Building Permit shall be issued, refused, or granted subject to modification of plans.

In case of alleged violations, of performance standards, the Zoning Official shall investigate and report to the Council on any deviations from the performance standards. The Council shall analyze the report with the help of qualified experts, and after public hearing shall determine whether or not a violation exists. Costs for a qualified expert shall be paid for by a violator if a violation is established, otherwise by the City.