

EXTRACT FROM ZONING ORDINANCE RE ILb (as of July 2014)

Sec. 14-236. Performance standards.

Uses in the I-L and I-Lb zones shall comply with the following standards:

(a) *Noise:*

1. *Definitions:*

- a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.
- b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

2. *Measurement:* Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).

3. *Maximum permissible sound levels:* The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

- a. Sixty (60) dBA between the hours of 7:00 a.m. and 10:00 p.m.

- b. Fifty (50) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

4. *Exemptions:*

- a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.
- b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:
 - i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
 - ii. Traffic noise on public roads or noise created by airplanes and railroads.
 - iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.
 - iv. Emergency construction or repair work by public utilities, at any hour.
 - v. Noise created by any recreational

activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, and fireworks displays.

- (b) *Electromagnetic interference:* There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.
- (c) *Vibrations:* Vibrations inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, heat:* Any use shall be in an enclosed structure in such a manner that glare and heat shall be imperceptible from neighboring properties.
- (e) *Discharge of toxic or noxious matter:* All discharges of toxic or noxious matter shall be made in accordance with all applicable state and federal regulations.
- (f) *Odor:* It shall be a violation of this chapter to create an odor nuisance.
 - 1. *Determination of odor nuisance:* An odor nuisance shall be considered to exist when ten (10) confirmed complaints occur in an area within two (2) separate twenty-four-hour periods. The ten (10) confirmed complaints must originate from ten (10) different households in an area zoned residential or from ten (10) different individuals in a commercial or industrial facility. The building authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the building authority or its designee shall first determine that an odor is detectable in the area of the complaint. The building authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of

the complaint, then the building authority shall notify the owner or operator of the alleged odor source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. In the event that the building authority is unable to contact the owner or operator of the alleged odor source in person or by telephone within one (1) working day, then the building authority shall send written notice to the operator within seven (7) working days of the complaint.

In the event that ten (10) complaints are confirmed as set forth in subsection (1) in two (2) separate twenty-four-hour periods within a ninety-day period, the building authority shall cause a certified odor inspector to investigate any odor complaints received in the next thirty (30) days following the receipt of the tenth confirmed complaint from the second twenty-four-hour period. If the odors remain under the ambient intensity standard as established in this subsection for the next thirty (30) days, then a new odor nuisance must be established after that time in accordance with the requirements of this section. The certified odor inspector shall do the following in response to a complaint under this section:

- a. Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint;
- b. Quantify the intensity of the odor on the eight-point n-butanol intensity scale as defined in regulations promulgated by the director of the planning authority to establish training and technical standards to support this section; and
- c. Track the odor to its source.

When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this section, the building authority

shall notify the owner or operator either by telephone or in person of the violation within one (1) working day of the violation. The building authority shall confirm this notification in writing within seven (7) working days of this initial notice. In the event that the building authority is unable to contact the owner or operator by telephone or in person within the required time period, then it will send written notification within seven (7) working days of the violation.

Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:

- a. Implement odor reduction procedures immediately upon notification by the building authority that the facility has violated this section wherever odor reduction can be achieved by operational or procedural changes at the facility;
- b. Submit to the building authority, within thirty (30) days of the written notice of violation, an odor reduction plan which is designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than thirty (30) days to develop the odor reduction plan, the owner or operator of the facility shall submit within the thirty-day time period a schedule for the development of the odor reduction plan. The building authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period; and
- c. Implement the plan in accordance with the schedule approved by the building authority.

2. *Ambient odor limits:* The maximum ambient intensity standard for odors generated by uses located in the I-L zone shall not exceed the following levels when the odor is measured in the zone indicated:

4.0 in any industrial or business zone for odors resulting from any industrial use.

3.0 in any residential zone for odors resulting from any industrial use.

- (g) *Smoke:* Discharges of smoke shall not exceed opacity percentage of forty (40) percent or number 2 on the Ringelmann chart.
- (h) *Emissions:* All emissions shall be made in accordance with all applicable state and federal regulations.
- (i) *Radiation:* Radiation at a site shall comply with all applicable state and federal regulations.
- (j) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.
- (k) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.