

CHAPTER 12-32 PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

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12-32-101. Purpose and Objectives.

The following performance standards are intended to ensure that all industrial businesses and uses will provide appropriate and state of the art control methods to protect the City from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary regulation or exclusion or based solely on the characteristics of that type of industry's past uncontrolled operation.

12-32-102. General.

No land or building devoted to uses authorized by this Chapter shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area, adjoining premises or the environment. The foregoing are hereinafter referred to as "dangerous or objectionable elements."

12-32-103. State Agency Notification.

The Director shall notify the State Department of Environmental Quality of all applicants for conditional use permits for industrial uses that may involve the dangerous and objectionable elements described herein. The Director shall advise the Planning Commission of all such communications and issues.

12-32-104. Performance Standards Review.

In addition to meeting other application requirements for a conditional use permit, parties seeking a conditional use permit for an industrial use shall include in the application a description of the proposed machinery, products, and processes to be located within any part of the development. If the Planning Commission or the State Department of Environmental Quality believes the proposed use may create or cause the emission of dangerous or objectionable elements, the Planning Commission may require the applicant to retain an expert consultant, approved by the City, to conduct an investigation and prepare a written report addressing whether a proposed use or process will conform to the applicable performance standards specified in this Chapter and to all standards required by State or Federal regulation. If a referral is made for an investigation and report, all proceedings for consideration of an applicant's proposal shall be stayed until a complete report is presented to the City. All costs of an investigation and report shall be borne by the applicant. Such consultant shall report as promptly as reasonably possible.

A copy of such report shall be promptly furnished to the City. The City shall be entitled to employ a consultant to perform a peer review of the expert consultant's report, conclusions and recommendations.

(a) Ruling By Planning Commission. Within 45 days after the Planning Commission has received a complete application, which shall, as applicable include the above mentioned report on dangerous or objectionable elements and any peer review report, , the Planning Commission shall determine whether reasonable measures are or will be employed to assure compliance with the applicable performance standards and may approve or disapprove a Conditional Use Permit or may condition approval based on appropriate modifications of the proposed plans, construction specifications, devices or operations.

(b) Conditional Compliance. Any permit so authorized and issued shall require that reasonable measures are or will be taken and/or that reasonable conditions will be met. The permit shall not relieve the applicant of the responsibility of strict compliance with such standards when the facility is actually in operation. In the event of an applicant's failure to perform in accordance with the standards and conditions of the permit, the applicant shall bear sole responsibility to ensure that any and all additional devices, modifications or protocols as shall be necessary to achieve full compliance with the standards are implemented.

(c) Continued Enforcement. The Director shall investigate or cause to be investigated any purported violation of performance standards or conditions; and, if necessary for such investigation, may employ qualified experts to conduct an investigation and prepare a written report. Should the violation of performance standards or conditions present an imminent threat to the public health, safety, or welfare, the Director may order that the offending facility immediately cease operation until proper steps are taken to correct the conditions which cause the violation; any such decision by the Director may be appealed to the hearing officer under the provisions of Chapter 4 of this Title. If a violation is established, the services of any qualified experts employed by the City to investigate, report and advise on an alleged violation, shall be paid by the violator. Operation of a facility ordered to cease operation pursuant to this paragraph shall be a Class "B" misdemeanor for each day of such use.

12-32-105. Locations Where Determinations Are to Be Made for Enforcement of Performance Standards.

The evaluation of the existence of dangerous and objectionable elements may be made at any location, provided however, that the measures dealing with noise, vibration, odors, or glare, shall be taken at the property line of the establishment.

12-32-106. Dangerous and Objectionable Elements.

(a) Noise. At the locations of measurement stated in Section 12-23-105 of this Chapter, 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 I, after applying the corrections shown in Table II. 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 Standards Sound Level Meters for Measurement of Noise and Other Sounds, 224.3 - 1944, American Standards Association, Inc., New York, N.Y., and American Standards Specification for an Octave-Bank Filter Set for the Analysis of Noise and

Other Sounds, 224.10 - 1953, or latest approved revision thereof, American Standards Association, Inc., N.Y., N.Y., shall be used).

TABLE I

Frequency Ranges Containing Standards Octave Band in Cycles Per Second and Octave Bands Sound Pressure Level Limits in Decibels re 0.0002 dyne/cm₂.

0 to 74, 69
75 to 149, 54
150 to 299, 47
300 to 599, 41
600 to 1,199, 37
1,200 to 2,399, 34
4,800 and above, 28

TABLE II

Type or Location of Operation Character of Noise.

1. Emission only between 7:00 a.m. and 7:00 p.m.
2. Noise source operated less than 5% of any one-hour period. +5a
3. Property is not located in one of the Residential Districts and is not within 500 feet of any Residential-District. +5a
4. Noise of Impulsive character, (hammering, etc.) +5a
5. Noise of periodic character (hum, screech, etc.). -5b

Correction in Decibels.

- a. Apply one plus correction only.
- b. Apply one minus correction only.

(b) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the point of measurement specified in Section 12-32-105 of this Chapter.

(c) Odors. No emission of odorous gasses or other matter shall be permitted in such quantities as to readily be detectable when diluted in the ratio of one volume of odorous air to four of clean air at point of measurement specified in Section 12-32-105 of this Chapter, or at points of greatest concentration, any process involving creation or emission of any odors shall be maintained if primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odor, Table III, "Odor Thresholds," in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)

(d) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in Section 12-32-105 of this chapter. This restriction shall not apply to approved signs or lighting of buildings or grounds as otherwise permitted by the provisions of this Ordinance.

(e) Fire and Explosion Hazards. All safety devices employed, activities involving, and all storage of flammable and explosive materials, shall be installed or provided at any point or location as may be required to ensure protection of adjacent areas against the hazard of fire and explosion.

(f) Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

(g) Smoke. No emission shall be permitted of smoke or gasses except in accordance with air pollution provisions of the Utah State Department of Environmental Quality or any successor agency.

(h) Fly Ash, Dust, Fumes, Vapors, Gasses, and Other Forms of Air Pollution. No emission shall be permitted except in accordance with air pollution provisions of the Utah State Department of Environmental Quality.

(i) Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, storm drains, or stream or into the ground shall be permitted, except in accordance with the standards approved by the Utah State Department of Environmental Quality or standards equivalent to those approved by such Department, or by other ordinances of the City. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.