

CHAPTER 10. PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

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7-10-1. Purpose.

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past. (Ord. 83-05, 04-20-83)

7-10-2. General provisions.

No land or building in any district 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 wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the district in which such use is situated. (Ord. 83-05, 04-20-83)

7-10-3. Performance standards procedures.

The City Engineer may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter. (Ord. 83-05, 04-20-83)

7-10-4. Enforcement provisions applicable to all uses.

Initial and continued compliance with performance standards is required to every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the City Engineer against any use if there are reasonable grounds to believe that

performance standards are being violated by such use. (Ord. 83-05, 04-20-83)

7-10-5. Nonconforming uses.

For purposes of this Title, any use established before the effective date of this Title and nonconforming as to performance standards shall have five (5) years in which to conform therewith. (Ord. 83-05, 04-20-83)

7-10-6. Locations where determinations are to be made for enforcement of performance standards.

(1) The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

(a) In any district, except an M-District, at the lot line of the establishment or use.

(b) In an M-District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than an M-District. (Ord. 83-05, 04-20-83)

7-10-7. Dangerous and objectionable elements.

(1) Repealed. (Ord. 91-26, 12-12-91)

(2) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified herein.

(3) Odors. No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ration of one volume of odorous air to four of clean air at points of measurement specified herein, or at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system so 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 Table III, "Odor Thresholds", in Chap. 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)

(4) 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 herein. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions

of this Title.

(5) Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

(6) Radioactivity or Electrical Disturbances. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance.

(7) Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

(8) Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards equivalent to those approved by such Department. 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. (Ord. 91-26, 12-12-91; Ord. 83-05, 04-20-83)