

## **Chapter 23 - INDUSTRIAL PERFORMANCE STANDARDS**

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#### **Sec. 23.1 SCOPE.**

After the effective date of this Ordinance any use established or changed to, and any building, structure, or tract of land developed, constructed, or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth for the Industrial Districts.

- (A) If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged, or moved, the performance standards for the district involved shall apply to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.
- (B) Within two (2) years after the effective date of this regulation, all existing uses, building, or structures shall comply with the performance standards herein set forth of the district involved, provided, however, that if the Board of Appeals finds that because of the nature of the corrective action required, the two (2) year period is inadequate, it may, as a special exception, grant not more than two extensions for periods of not more than one (1) year each. All new installations shall comply when put into operation.

#### **Sec. 23.2 PROCEDURE FOR DETERMINATION OF COMPLIANCE.**

The purpose of these performance standards procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual use or group of uses comply with the Industrial Performance Standards of this Ordinance, and to formulate practical ways for the alleviation of such non-compliance.

- (A) Subsequent to a preliminary study of the performance characteristics of an existing or proposed use, the Zoning Administrator shall make a determination as to whether there exist reasonable grounds to believe that the use in question may violate the performance standards set forth in this Chapter and may initiate an official investigation. Following the initiation of an official investigation, the Zoning Administrator is hereby empowered to require the owner or operator of the use in question to submit such data and evidence as he may deem essential to his making an objective determination. Failure to submit data required by the Zoning Administrator shall constitute grounds for denying a zoning permit for that use of that land. The evidence may include, but is not limited to, the following items:
  - (1) Plans of the existing or proposed construction and development,
  - (2) A description of the existing or proposed machinery, process and products,
  - (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Chapter.
  - (4) Measurements of the amount or rate of emission of said objectionable elements.

- (B) Where determinations can reasonably be made by the Zoning Administrator or other Township official, using equipment and personnel normally available to the Township or obtainable without extraordinary expense, such determinations shall be made before notice of violation is issued. Where determination of a violation is made, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this Ordinance.
- (C) Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the Township and when, in the considered judgment of the Zoning Administrator a violation exists, the procedure will be as follows:
- (1) **Notice.** The Zoning Administrator shall give written notice, by certified mail (return receipt requested or other means insuring a signed receipt for such notice) to those owners or operators of subject use deemed responsible for the alleged violations. Such notice shall require an answer or a correction of the alleged violation to his satisfaction within a reasonable time limit set by him. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of this Ordinance will be made, and that if the violation as alleged is found to exist in fact, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then the costs of this determination will be paid by the Township.
  - (2) **Correction of Violation Within Time Limit.** If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Zoning Administrator he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking such other action as may be warranted by the circumstances of the case.
  - (3) **No Correction, No Reply.** If there is no reply within the time limits set (thus establishing admission of violation as provided in (1) above), and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease.
  - (4) **Reply Requesting Extension of Time.** If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the administrative official, but that more time is required than was granted by the original notice, the Zoning Administrator may grant an extension of time, if he deems such extension warranted in the circumstances of the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, he shall in writing state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail (return receipt requested or other means insuring a signed receipt for such notice) as provided in Subsection (1) above, to those to whom the original notice was sent.

- (5) **Reply Requesting Technical Determination.** If a reply is received within the time limit set requesting technical determination as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determination. If expert findings indicate violation of the performance standards do exist in fact, the cost of the determinations shall be paid by persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of this Ordinance. If no substantive violation is found, costs of the determination shall be paid by Georgetown Township.
- (D) **Light.** Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground into a residential district. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed foot-candles.
- (E) **Gases.** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulfur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m., H<sup>2</sup>S likewise shall not exceed one (1) p.p.m., Fluorine shall not exceed 0.1 p.p.m., Nitrous Fumes shall not exceed 5 p.p.m., and Carbon Monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any 24-hour sampling period.
- (F) **Electromagnetic Radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- (G) **Drifted and Airborne Matter, General.** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.
- (H) **Automatic Screw Machine.** These machines shall not be located nearer than three hundred (300) feet to a Residentially Zoned District.
- (I) **Stamping Machines, Punch Press and Press Brakes.** This machinery shall be mounted on shock absorbing materials and on reinforced concrete. These machines shall not be located nearer than four hundred (400) feet to a Residentially Zoned District.

### **Sec. 23.3 APPEALS.**

The Zoning Administrator's action with respect to the performance standards procedure may be appealed to the Board of Appeals within sixty (60) days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final.

### **Sec. 23.4 PERFORMANCE STANDARDS.**

Any use established in an Industrial District shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.

- (A) **Noise.** No operation or activity shall be carried out in the Industrial District which cause or create measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of said Districts.

<b>MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS</b> (Pre-1960 Octave Bands - American Standards Association, Z24)		
<b>Octave Band Cycles Per Second</b>	<b>I</b>	
	<b>Day</b>	<b>Night</b>
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered by day and/or by night. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in the Tables by no more than five (5) decibels. For purpose of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

For some post-1960 manufactured instruments, the octave bands mentioned above have been converted to the new Preferred Frequencies as established by the American Standards Association. To accommodate the possible use of either type of instrumentation, the preceding table is repeated below, again in decibels, with the conversion to Preferred Frequencies already accomplished. Care must be exercised to assure the proper correlation between instruments and tables used in measuring performance.

<b>MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS</b> (Post-1960 Preferred Frequencies)		
<b>Cycles Per Second</b>	<b>I</b>	
	<b>Day</b>	<b>Night</b>
31.5	77	72
63	73	68
125	67	62
250	62	57
500	55	50
1,000	51	46
2,000	44	39
4,000	37	32
8,000	33	28

Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises.

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Zoning Administrator deems to be objectionable in adjacent Districts, shall be controlled so as not to generate a nuisance in adjacent Districts, **even if the decibel measurement does not exceed that specified in those tables.**

- (B) **Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion.** No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, a furnace, or combustion device for the burning of coal and/or other natural or synthetic fuels without maintaining recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gas-borne or airborne solids carried in fumes emitted, directly or indirectly, into the open air, to a concentration level (per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit), not exceeding 0.20 grains. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent of full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that

adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

- (C) **Smoke.** It shall be unlawful to discharge into the atmosphere from any single source of emission, any smoke density or equivalent opacity which exceeds the following standards: For any period or periods of time, smoke, the shade or appearance of which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Umbrascopes readings of smoke densities may be used when correlated with the Ringelmann Chart.
- (D) **Vibration.** Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

MAXIMUM PERMITTED STEADY STATE VIBRATIONS IN INCHES	
Frequency (Cycles Per Second)	Industrial
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

MAXIMUM PERMITTED IMPACT VIBRATIONS IN INCHES	
Frequency (Cycles Per Second)	Industrial
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

Between the hour of 8:00 p.m. and 6:00 a.m., all the above maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to an Industrial District, shall be reduced to one-half (½) the indicated permissible levels.

- (E) **Odor.** The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- (F) **Glare and Heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied. Bare bulbs used in signs in or near a residentially used area shall be no greater than ten (10) watts. Within five hundred (500) feet of a residentially used area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts.
- (G) **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the County, and with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further all storage tanks of flammable liquid materials above ground shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located no closer to the property line than the greatest depth to the bottom of the buried tank. Such tank design and placement shall also meet applicable State requirements.
- (H) **Sewage Wastes.** No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structure; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety or cause obnoxious conditions inimical to the public interest. The disposal of sewage wastes shall further be subject to the restrictions of the Georgetown Charter Township Sewer Ordinance. Specific conditions controlling sewage wastes are as follows:
  - (1) The acidity or alkalinity shall be neutralized within an average pH range of between five (5) and five and one-half (5½) to seven and one-half (7½) as a daily average on volumetric basis, with a permissible temporary variation in pH of 4.50 to 10.0.
  - (2) The wastes shall contain no Cyanides. Wastes shall contain no Chlorinated solvents in excess of 0.1 p.p.m.; no Fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of Hydrogen Sulfide; and shall contain no more than 10 p.p.m. of Chromates.
  - (3) The wastes shall not contain any insoluble substance in excess of 10,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 Standard Sieve; or have a dimension greater than one-half (½) inch.
  - (4) The wastes shall not have a Chlorine demand greater than fifteen (15) p.p.m.
  - (5) The wastes shall not contain Phenols in excess of 0.05 p.p.m.