

15-06-02 General Non-Residential Development Standards

T. Industrial Environmental Standards

1. General. No land or building devoted to industrial uses 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 or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements."
 - a. State Agency Notification. The Director of Community Development shall confirm that the Environmental Health Services Section of the State Health Division is informed of applicants with uses that pose a potential risk.
 - b. Performance Standards Review. In addition to meeting other application requirements for potential dangerous or objectionable elements, parties seeking a permitted or conditional use permit for an industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development.

If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Planning Commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable environmental and performance standards specified in this Code. The cost of such expert report shall be borne by the applicant.

- c. Ruling by Planning Commission. Within twenty days after the Commission has received the aforesaid application or report, if a report was required, the Commission shall determine whether reasonable measures are proposed to be employed to assure compliance with the applicable environmental performance standards. On such basis, the Commission may authorize or refuse to authorize issuance of a Conditional Use Permit or may require a modification of the proposed plans, construction specifications, device or operation, and shall so inform the Chief Building Official.
- d. Continued Compliance. Any permit so authorized and issued shall evidence only that reasonable measures are proposed to be taken. It shall not relieve the applicant of the responsibility of meeting all performance and environmental standards when the plant is actually in operation; and, in case of a failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards are required to be made and shall be the sole responsibility of the applicant.
- e. Continued Enforcement. The Director shall investigate any purported violation of environmental or performance standards; and if necessary for such investigation, may request that the Department of Community Development employ qualified experts.

The Director may serve notice that compliance with the environmental or performance standards must be achieved within a specified period of time or the plant will be shut down or the Director may institute criminal or civil action.

Should the violation of environmental or performance standards pose an immediate threat to

public health, convenience, or welfare, the Mayor may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation.

The services of any qualified experts employed by the Planning Commission to advise in establishing a violation shall be paid by the violator if said violation is established.

- f. **Locations Where Determinations Are to be Made for Enforcement of Environmental and Performance Standards.** The determination of the existence of dangerous and objectionable elements shall be made at any point; provided, however, that the measurements having to do with noise, vibration, odors, or glare, shall be taken at the lot line of the establishment or use.

(1) Dangerous and Objectionable Elements.

- (a) Noise. No use shall emit or cause the emission of sound from a stationary source such that one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by 6 dBA or more, the one-hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 Highway Traffic Noise Prediction Mode, or by other techniques at least as accurate as those set out in FHWA-RD-77-108.

The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1977, with the following adjustments:

1. **Adjustment for Temporal and Tonal Characteristics of Sound.** If the sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, 5 dBA shall be added to the measured sound level to allow for increased subjective response to the sound.
2. **Quasi-Steady Impulsive Sound.** Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then 10 DBA shall be added to the measured value to allow for the increased subjective response to the sound.
3. **An adjustment may be made under only one of the Sub-paragraphs A and B.** In a case where both paragraphs apply, then paragraph A takes precedence.

No use shall emit or cause or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of measurement in excess of 80 dBA or in a one-hour equivalent level (Leq) exceeding that one hour equivalent (Leq) level caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 or equivalent method.

- (b) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.
 - (c) Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the property line of the industrial use or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
 - (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 property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise regulated by the provisions of this Code.
 - (e) 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 and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.
 - (f) Air Pollution. No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.
 - (g) Liquid or Solid Wastes. No discharge at any point into a public sewer, private sewage system, stream, ditch, canal, or into the ground shall be allowed contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code on Solid Waste Disposal Regulations.
- (2) All uses must meet any other applicable city, county, state or federal regulations.