

## **CHAPTER 1143**

### **Performance Standards**

- 1143.01 Conformance required.
- 1143.02 Enforcement.
- 1143.03 Definitions.
- 1143.04 Smoke.
- 1143.05 Particular matter.
- 1143.06 Odor.
- 1143.07 Fumes and gases.
- 1143.08 Heat and glare.
- 1143.09 Vibration.
- 1143.10 Noise.
- 1143.11 Fire hazards; flammable liquid storage.
- 1143.12 Liquid and solid waste.
- 1143.13 Radiation.
- 1143.14 Dust.
- 1143.15 Electromagnetic interference.

#### **1143.01 CONFORMANCE REQUIRED.**

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard, including potential hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element (referred to herein as "dangerous or objectionable elements"); in such a manner or in such amount as to adversely affect the adjoining lots or surrounding area. However, any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the provisions of this chapter.

(Ord. A-2248. Passed 4-9-01.)

#### **1143.02 ENFORCEMENT.**

Whenever it is alleged by a person aggrieved, or, in the opinion of the City Manager, an existing or proposed new use of land or a structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Board of Appeals shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence, to the City Council. In the event that the Board concurs in the allegation or opinion that there exist or are likely to be created such dangerous or objectionable elements, it shall request the City Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of such dangerous or objectionable elements and practicable means of assuring compliance with the provisions of this chapter. Upon receipt of the findings and recommendations of such specialist or laboratory, the Board may approve, partially approve or disapprove the measures recommended therein and

instruct the City Manager to proceed with the enforcement of such measures in accordance with the provisions of Chapter 1155. The City shall bear the costs of the various tests, consultant fees or other investigations which are required herein. However, the owner of the property under investigation shall reimburse the City for all such expenses in the case of a proposed new use or in the event that the existing operation or use of the property is found to be in violation of the provisions of this chapter by the Board, or, if contested, by a court of competent jurisdiction. Such reimbursement shall be made within thirty days from the date of the final Board ruling or court judgment.

(Ord. A-2248. Passed 4-9-01.)

### **1143.03 DEFINITIONS.**

As used in this chapter:

- (a) "Decibel" means a unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.
- (b) "Flash point" means the lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.
- (c) "Free burning" means a rate of combustion described by a material which burns actively and easily supports combustion.
- (d) "Intense burning" means a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
- (e) "Moderate burning" means a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.
- (f) "Octave band" means a narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer, the audible sound spectrum is divided into eight octave bands.
- (g) "Octave band analyzer" means an electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.
- (h) "Particulate matter" means a finely divided liquid or solid material which is discharged and carried along in the air. This does not include water commonly called steam.
- (i) "Ringelmann number" means the number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann O.
- (j) "Slow burning" or "incombustible" means materials which do not in themselves constitute an active fuel for the spread of combustion during an exposure for five minutes to a temperature of 1,200 degrees Fahrenheit.
- (k) "Smoke" means a suspension of fine particles, excluding water droplets, in a gaseous plume, which obscures more or less the transmission of light.
- (l) "Smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during

the period of observation, and each reading shall then be multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

- (m) "Vibration" means oscillatory motion transmitted through the ground.

(Ord. A-2248. Passed 4-9-01.)

#### **1143.04 SMOKE.**

For new use, the emission of more than seventy smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one hour during any twenty-four hour period this rate may be increased to eighty smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning. For a use existing at the time of the adoption of this chapter, the emission of more than ninety smoke units per hour per stack and emission in excess of Ringelmann No. 3 are prohibited, except that for a one-hour period during the twenty-four, this rate may be increased 120 smoke units per hour per stack, still at Ringelmann No. 3, for purposes of process purging, soot blowing and fire cleaning.

(Ord. A-2248. Passed 4-9-01.)

#### **1143.05 PARTICULAR MATTER.**

The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas for a new use, or 0.20 pounds per 1,000 pounds of effluent gas for a use existing at the time of the adoption of this chapter. For both such new and existing uses, not more than fifty percent by weight of particles larger than forty-four microns (325 mesh) shall be allowed.

(Ord. A-2248. Passed 4-9-01.)

#### **1143.06 ODOR.**

Any use, activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest lot line.

(Ord. A-2248. Passed 4-9-01.)

#### **1143.07 FUMES AND GASES.**

The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

- (a) The emission from any source shall not cause, at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of the recommended standards of the American Conference of Governmental Hygienists;
- (b) The emission of any toxic gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety and welfare or which shall cause injury or damage to property or business is prohibited.

(Ord. A-2248. Passed 4-9-01.)

**1143.08 HEAT AND GLARE.**

No use, operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond the lot line.

(Ord. A-2248. Passed 4-9-01.)

**1143.09 VIBRATION.**

Any use creating intense earth-shaking vibration such as are created by heavy drop forge shall be set back from any R District boundary at least 250 feet, and at least 150 feet from any B District boundary. Earth-shaking vibrations at the lot line shall not be in violation of this chapter as long as the vibration is not perceptible without the aid of instruments.

(Ord. A-2248. Passed 4-9-01.)

**1143.10 NOISE.**

All uses shall be operated or used in such a way as to comply with the City's noise ordinance (see Chapter 531 of the General Offenses Code.)

(Ord. A-2248. Passed 4-9-01.)

**1143.11 FIRE HAZARDS; FLAMMABLE LIQUID STORAGE.**

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following conditions are met:

- (a) Such materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the State Fire Marshal.
- (b) The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with the Ohio Fire Code, as published in Division 1301:7 of the Ohio Administrative Code.

(Ord. A-2248. Passed 4-9-01.)

**1143.12 LIQUID AND SOLID WASTE.**

All uses shall be subject to the Ohio Environmental Protection Agency's Hazardous Waste Management Rules governing the storage, management, treatment and disposal of liquid and solid wastes.

(Ord. A-2248. Passed 4-9-01.)

**1143.13 RADIATION.**

All uses shall be subject to Title 10 of the Code of Federal Regulations governing the storage, packaging, control, licensing and disposal of nuclear materials and radioactive waste.

(Ord. A-2248. Passed 4-9-01.)

**1143.14 DUST.**

Dust shall be so controlled as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust matter is produced.

(Ord. A-2248. Passed 4-9-01.)

**1143.15 ELECTROMAGNETIC INTERFERENCE.**

No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable Federal or State regulations.

(Ord. A-2248. Passed 4-9-01.)

THIS PAGE INTENTIONALLY LEFT BLANK