TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 11
PERFORMANCE STANDARDS

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ARTICLE 11. PERFORMANCE STANDARDS

11.01. PERFORMANCE STANDARDS

11.01.A. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, objectionable fire, explosive, or other hazards including possible potential hazards, noise or vibration, some, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such manner or in such amount as to adversely affect the surrounding area or adjoining premises.

11.01.B. The standards of performance under this resolution shall apply uniformly to all uses even though non-industrial uses are unlikely to be in conflict therewith. Standards of performance imposed by any other township regulations or federal or state law, which are not expressly mentioned herein, shall also govern. All standards covered within this section or imposed otherwise which refer to federal or state law or regulations include said standards as exist at the time of adoption of this article, and as may be amended by federal or state action in the future.

11.01.C. The determination of the existence of any dangerous and/or 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 more apparent.

11.01.D. The following provisions, standards, and specifications shall apply.

11.01.D.1. **Fire and Explosive Hazards**

All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate firefighting and fire suppression equipment and devices in compliance with Federal, State, and local regulations and industry standards. Burning of waste materials and open fire shall be prohibited at any point.

11.01.D.2. **Radio Activity or Electrical Disturbance**

No activity shall be permitted which violates the requirements and standards of Federal and State radiation protection regulations; and no electrical disturbance or any disturbance resulting from radio or television transmission shall be tolerated which adversely affects the operation at any point of any equipment other than that of the creator of such disturbance.

11.01.D.3. **Noise**

Table 11.01-1: Maximum Permitted Sound Levels identifies the maximum permitted sound levels within Tate Township.

Table 11.01-1: Maximum Permitted Sound Levels		
Source Property		Residential District Receiving Property [2][3]
Noise Source Use	Time [1]	
Commercial / Industrial	Day	75 dBA
	Night	55 dBA

Notes:
dBA = decibels
[1] Day = Between the hours of 7:00 A.M. and 10:00 P.M.
Night = Between the hours of 10:00 P.M. and 7:00 A.M.
[2] Landscaping, walls, mounding, or any combination may be used on the source property to reduce the noise levels on the receiving property.
[3] Noise levels will be measured on the property line of the receiving property.

11.01.D.4. Vibration

Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.

11.01.D.5. Odor

Every use, except for agricultural uses, shall be operated so that no noxious odor is perceptible at any point on the lot line of the lot on which the use is located.

11.01.D.6. Smoke

Every use, except for agricultural uses, shall be operated so that no smoke from any source shall be emitted in excess of 20% opacity, as established by the U.S. Environmental Protection Agency (EPA) Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources (40CFR Part. 60, Appendix. A, Method 9), or, in case of an amendment to this method by the amended method.

11.01.D.7. Toxic Gases

Every use shall be operated so that there is no emissions of toxic, noxious, or corrosive fumes or gases in excess of applicable state and federal regulations.

11.01.D.8. Emission of Dirt, Dust, Fly Ash, and Other Forms of Particulate Matter

No emission shall be permitted that can cause any damage to human health or to animals, vegetation, or other forms of property, or which can cause excessive soiling at any point. Any emission must comply with applicable federal and state regulations.

11.01.D.9. Glare and Heat

Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.

11.01.D.10. Chemicals

The storage, use, and manufacture of solid, liquid, and gaseous chemicals, and other materials shall be permitted subject to the following conditions:

11.01.D.10.a. No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards

approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.

11.01.D.10.b. The storage, use, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

11.01.D.10.c. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage, except for agricultural uses, shall be enclosed in fireproof vaults.

11.01.D.10.d. The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."

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