

ARTICLE VI. PERFORMANCE STANDARDS

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Sec. 150.601 Purpose.

It is the intent of these regulations to prevent land or structures, including those permitted by right or special use permit, from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid refuse or wastes; or other substance, condition or elements in a manner or amount as to adversely affect the surrounding area.

Sec. 150.602 Other Regulations.

Compliance with the requirements of this Article shall not be interpreted as authorizing any practice or operation which would constitute a violation of any other applicable statute, ordinance, rule, or regulation.

Sec. 150.603 Application.

All uses established in all districts shall conform in operation, location and construction to the performance standards herein specified; provided, however, that uses in the PA District shall comply with the performance standards set forth in this Article for residential districts, unless the City Council, by ordinance duly adopted, provides otherwise. (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

Sec. 150.604 Electromagnetic Radiation.

(A) It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.

(1) Such operation, even when in compliance with Federal Communications Commission regulations, shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and property design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines.

(2) The determination of "abnormal degradation in performance" and "of quality and property design" shall be made in accordance with good engineering practices as defined in the latest principals and standards of American Institute of Electrical Engineers, the Institute of Radio Engineers and Electronic Industries Association.

(3) In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply:

- (a) American Institute of Electrical Engineers;
- (b) Institute of Radio Engineers; and
- (c) Electronic Industries Association.

(B) It shall be unlawful to operate or to cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the maximum values tabulated below:

RADIATED:

Section of Electromagnetic Spectrum (from-to)	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
10 Kilocycles - 100Kc.	Communications Service	500 Microvolts/Meter
100 Kc. - 535 Kc.	Navigational Aids	300 Microvolts/Meter
535 Kc. - 1605 Kc.	AM Broadcasting	200 Microvolts/Meter
1605 Kc. - 44 Megacycles	Various Communications Service	200 Microvolts/Meter
44 Mc. - 88 Mc.	VHF Television Airport Control	150 Microvolts/Meter
88 Mc. - 174 Mc.	FM Broadcasting	200 Microvolts/Meter
174 Mc. - 216 Mc.	VHF Television	150 Microvolts/Meter
216 Mc. - 580 Mc.	Navigational Aids Citizens Radio	250 Microvolts/Meter
580 Mc. - 920 Mc.	UHF Television	300 Microvolts/Meter
920 Mc. - 30,000 Mc.	Various	500 Microvolts/Meter

BY TRANSMISSION OR CONDUCTION:

Section of Electromagnetic Spectrum (from-to)	Primary Intended Service	Maximum Voltage Measured Line to Line to Ground Where Power or Telephone Lines Cross Edge of Property-Containing Interference Source
10 Kilocycles - 100 Kc.	Communications Service	2.5 Millivolts
100 Kc. - 535 Kc.	Navigational Aids	1.5 Millivolts
535 Kc. - 1605 Kc.	AM Broadcasting	1.0 Millivolts
1605 Kc. - 44 Megacycles	Various Communica- tions Services	0.5 Millivolts
44 Mc. - 88 Mc.	VHF Television	0.25 Millivolts
88 Mc. - 174 Mc.	FM Broadcasting Airport Control	1.5 Millivolts
174 Mc. - 216 Mc.	VHF Television	0.15 Millivolts
216 Mc. - 580 Mc.	Navigational Aids	5.0 Millivolts

580 Mc. - 920 Mc.	Citizens Radio	20.0 Millivolts
920 Mc. - 30,000 Mc.	UHF Television	150 Millivolts
	Various	

(1) For the purpose of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having exceeded if, at any frequency in the section of the spectrum being measured, the measured field strength exceeds the maximum value tabulated for this spectrum section.

(2) For purposes of determining the level of electromagnetic interference transmitted or conducted by power or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall, by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded if, at any frequency in the section of the spectrum being measured, the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

Sec. 150.605 Lighting.

(A) No use in any zoning district shall be operated so as to produce direct sky-reflected glare or direct illumination across the adjacent property line from a visible source of illumination in violation of the following:

		Maximum Foot-Candle Level at Property Line	Average Foot Candles	Foot-Candle Average / Minimum Uniformity Ratio	Minimum Foot Candles for Parking	Minimum Foot Candles for Walkways	Light Source Shielding Requirements	Maximum Light Pole Height from Grade	Maximum Exterior Fixture Height on Principal Structures	Maximum Exterior Fixture Height on Accessory Structures	Maximum Fixture Height in Trees
Low Density (Single Family) Residential Districts	All Lighting	0.5 foot candles within front yard setback. 0.25 foot candles behind front yard setback.	Not Applicable	Not Applicable	Not Applicable	Not Applicable	>890 lumens per fixture fully shielded when viewed from property line(1)(7)	7'6"	20'	18'	Maximum building height allowed (2)
High Density (Multi-Family) Residential Districts	Parking Lots	0.5 foot candles within front yard setback. 0.25 foot candles behind front yard setback.	Not to Exceed 1.5	4:1	0.2 foot candles	Not Applicable	Full cutoff (5)	16'	Not Applicable	15'	Not Allowed
	All Other Lighting		Not Applicable	4:1 for walkways only	Not Applicable	0.6 foot candles	>1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1)(7). At individual units on upper levels >890 lumens per fixture fully shielded	14'	Not Applicable	15'	Maximum building height allowed (2)
Commercial, Industrial, Public Activity and Health Care Districts	Parking Lots	0.25 foot candles if adjacent residential 1.0 all other times(6)	Not to Exceed 1.5	4:1	0.2 foot candles	Not Applicable	Full cutoff (5)	22' in B3 & I zone. 16' other zones	Not Applicable	15'	Not Allowed
	All Other Lighting		I.E.S. Standards Shall Apply	I.E.S. Standards Shall Apply	Not Applicable	0.6 foot candles	>1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1)	14'	Not Applicable	15'	Maximum building height allowed(2)

The Following Standards Supersede Those Listed above only for the Specific Use Noted

		Maximum Foot-Candle Level at Property Line	Average Foot Candles	Foot-Candle Average / Minimum Uniformity Ratio	Minimum Foot Candles for Parking	Minimum Foot Candles for Walkways	Light Source Shielding Requirements	Maximum Light Pole Height from Grade	Maximum Exterior Fixture Height / Accessory Structure	Maximum Fixture Height in Trees
Outdoor Recreation Uses	All Lighting	0.25 foot candles if adjacent residential 1.0 all other times	I.E.S. Standards Shall Apply	I.E.S. Standards Shall Apply	Not Applicable	0.6 foot candles	See footnote 4	I.E.S. Standards Shall Apply	15'	Not Allowed
Gasoline &/or Diesel Fuel Stations	Parking Areas and Approach	0.25 foot candles if adjacent to residential. All other times 2.0	Not to exceed 15	4:1	0.2 foot candles	Not Applicable	Full cutoff (5)	22'	15'	Not Allowed
	Pump Area		Not to exceed 30	3:1	Not Applicable	Not Applicable	Full cutoff (5)	22'	15'	
	All Other Lighting	at property line and 1.0 at 15 feet beyond property line(6)	I.E.S. Standards Shall Apply	4:1 for walkways only	Not Applicable	0.6 foot candles	>1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1)	14'	15'	

The Following Standards Supersede Those Listed above only for the Specific Use Noted

		Maximum Foot-Candle Level at Property Line	Average Foot Candles	Foot-Candle Average / Minimum Uniformity Ratio	Minimum Foot Candles for Parking	Minimum Foot Candles for Walkways	Light Source Shielding Requirements	Maximum Light Pole Height from Grade	Maximum Exterior Fixture Height / Accessory Structure	Maximum Fixture Height in Trees
Motor Vehicle Sales	Front Row Feature Stands	0.25 foot candles if adjacent to residential. All other times 2.0 at property line and 1.0 at 15 feet beyond property line(6)	Not to exceed 50	Average/ Minimum Ratio Not Applicable Maximum to Minimum Uniformity Ratio 5:1	Not Applicable	Not Applicable	Full cutoff (3)(5)	22'	15'	Not Allowed
	General Sales Area		Not to exceed 30	Average/ Minimum Ratio Not Applicable Maximum to Minimum Uniformity Ratio 10:1	Not Applicable	Not Applicable	Full cutoff (5)			
	Within 100 feet of adjacent residential		Not to exceed 7	Average/ Minimum Ratio Not Applicable Maximum to Minimum Uniformity Ratio 12:1	.2 foot candles	.6 foot candles	Full cutoff (5)			

The Following Standards Supersede Those Listed above only for the Specific Use Noted										
		Maximum Foot-Candle Level at Property Line	Average Foot Candles	Foot-Candle Average / Minimum Uniformity Ratio	Minimum Foot Candles for Parking	Minimum Foot Candles for Walkways	Light Source Shielding Requirements	Maximum Light Pole Height from Grade	Maximum Exterior Fixture Height / Accessory Structure	Maximum Fixture Height in Trees
Religious and Educational Institutions in Single Family Residential Districts	Parking Lots	0.25 foot candles if adjacent to residential	Not to Exceed 1.5	4:1	0.2 foot candles	Not Applicable	Full cutoff (5)	16'	15'	Not Allowed
	All Other Lighting	1.0 all other times (6)	I.E.S. Standards Shall Apply	I.E.S. Standards Shall Apply	Not Applicable	0.6 foot candles	>1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1)	14'	15'	Maximum building height allowed (2)

Footnotes:

- (1) Incandescent lamp - 890 lumens = 60 watts, 1800 lumens = 100 watts, 3000 lumens = 150 watts, halogen lamp - 890 lumens = 52 watts, 1800 lumens = 90 watts, 3000 lumens = 150 watts, compact fluorescent lamp - 890 lumens = 13 watts, 1800 lumens = 26 watts, 3000 lumens = 42 watts, HID lamp - 890 lumens = N/A, 1800 lumens = N/A, 3000 lumens = 39 watts
- (2) Fixtures shall be aimed directly downward and shall not to exceed 2.0 maximum foot candles measured 6 feet above ground immediately below lighting fixture.
- (3) Secondary flood lights may be added to front row poles provided mounting height

does not exceed 14 feet and aiming angle does not exceed 35 degrees (measured vertically from nadir).

- (4) Fixtures must be aimed toward interior of the property.
- (5) Written documentation must be submitted in addition to the other requirements of this section that demonstrates that the location, type, and aiming of all light fixtures will focus light on the playing fields and minimize glare and visibility from adjoining properties.
- (6) Fixtures located within 20 feet of a residential property line shall be directed toward the interior of the property and fully shielded from view of the adjacent residential property.
- (7) Where a driveway serving as ingress and/or egress bisects the property line, illumination levels at the property line shall not exceed 3 foot candles.
- (8) All flood or spot directional lights regardless of wattage shall be shielded to prevent glare from being visible at the property line.
- (9) I.E.S. standards will apply when items such as definitions, standards, measurement protocol and methodology are not addressed in this Code.

(B) Additional Requirements in single-family districts. The following requirements and provisions shall be applicable in all single-family residential districts:

1. Lighting levels at exterior building walls shall not exceed 40 foot candles at any one point and no more than 15% of foot candle readings, taken at 20-foot intervals along an exterior building wall shall exceed 5 foot candles.
2. A motion controlled fixture shall only be setoff by movement occurring on the property on which such a fixture is located. Motion occurring from off of the property on which a motion controlled fixture is located shall not cause that motion controlled fixture to illuminate.

(C) Additional Requirements in all zoning districts. The following requirements and provisions shall be applicable in all zoning districts, except that they shall not apply to streetlights or to any lighting located within a public right-of-way:

1. Use or installation of high and low pressure sodium lights or mercury vapor lights is prohibited.
2. All lighting, except for emergency and security lighting, shall not exceed seven average foot candles within 100 feet of adjacent residential land except for 24-hour gasoline service stations.
3. Exterior lights that blink or shine with an intermittent phase are prohibited; provided, however, outdoor holiday decorations are exempt from these requirements for a period of forty-five (45) days before and fifteen (15) days after the holiday for which such outdoor holiday decorations are installed.
4. Light poles in a parking lot shall be protected from vehicles by curbed landscape islands or elevated concrete pedestals.
5. Light levels shall be measured in the horizontal plane, at ground level unless I.E.S. standards dictate otherwise.
6. Lighting of outdoor recreational uses shall cease at midnight.
7. The installation of all exterior lights and fixtures operating on 120 volts or greater AC shall require a permit prior to installation. Each application for such exterior lights shall include a photometric plan demonstrating compliance with the requirements of Article VI (Performance Standards) of this chapter and shall include the following:
 - (a) All property lines, building locations, dimensions of paved areas, and location of all curbs relative to the proposed exterior light(s) and fixture(s).
 - (b) Proposed exterior light and fixture location(s)
 - (c) Details and height specifications of all proposed exterior lights and fixtures
 - (d) Photometric data at all property lines and within all parking lots at a spacing

of not greater than ten feet (10') measured at the ground. When possible, photometric data shall extend 15' beyond the property line. Photometric data shall be generated by a recognized computer program and shall include calculation of maximum foot candles, minimum foot candles, average foot candles, and average to minimum uniformity ratio.

- (e) Photometric data shall be calculated by using maintained light levels as calculated by I.E.S. standards.
- (f) Plans at a scale of not less than one inch to fifty feet (1":50').
- (g) Details of all proposed light poles and associated foundations.
- (h) Other information as required.

8. Any abandoned, non-functional exterior light or fixture, as well as all associated hardware including, without limitation, poles, bases, and wiring shall be immediately removed.

(D) Specific Authorized Variations by the Zoning Board of Appeals. Notwithstanding any other provision of this Chapter, the Zoning Board of Appeals shall have the right to grant or deny a variance for the following specific purposes, but only with respect to single-family residential land uses, and only pursuant to the procedures set forth in Section 150.605(G):

- a. To permit legal non-conforming uses, homeowners associations, community based services, recreational clubs, and similar facilities to be subject to the lighting requirements set forth in this Section 150.605 for high density residential districts.
- b. To allow an increase in maximum lighting levels and uniformity standards when needed for security purposes provided that no greater impact on the surrounding property is found. Variations may be granted in average foot candles or maximum lumens if related to an increase in foot candles.
- c. To increase the maximum light pole height from grade, provided that such an increased height provides a better alternative to meet operational requirements and does not increase the impact on surrounding property.

(E) Specific Authorized Variations by the Design Review Commission. Notwithstanding any other provision of this Chapter, the Design Review Commission shall have the right to grant or deny a variance for the following specific purposes, but only with respect to non-single-family residential land uses, and only pursuant to the procedures set forth in Section 150.605(G):

- a. To permit legal non-conforming uses, homeowners associations, community based services, recreational clubs, and similar facilities to be subject to the lighting requirements set forth in this Section 150.605 for high density residential districts.

- b. To allow an increase in maximum lighting levels and uniformity standards when needed for security purposes provided that no greater impact on the surrounding property is found. Variations may be granted in average foot candles or maximum lumens if related to an increase in foot candles.
- c. To increase the maximum light pole height from grade, provided that such an increased height provides a better alternative to meet operational requirements and does not increase the impact on surrounding property.

(F) Variations Authorized by the City Council. The City Council shall have the right to either (a) grant any variance to this Section 150.605 or (b) authorize the Zoning Board of Appeals or the Design Review Commission, as the case may be, to consider and recommend to the City Council any variance to this Section 150.605; provided that the granting of any such variance shall be in accordance with the procedures and standards set forth in Section 150.605(G).

(G) Procedures and Standards for Variations.

1. Application. If a variation is requested pursuant to Sections 150.605(D), (E), or (F), upon submittal of a completed application for such variation, the Director of Community Development shall refer the application and all other relevant documents to the Zoning Board of Appeals, the Design Review Commission, or the City Council, as the case may be, for consideration and decision in accordance with this Section 150.605(G). The application shall include sketches, drawings, or photographs of the Lot on which the proposed variation is requested; sketches, drawings, or photographs of the proposed exterior light or fixture; sketches, drawings, or photographs of the proposed location of the proposed exterior light or fixture on the Lot on which the proposed variation is requested; and a written petition explaining (i) in what manner the proposed exterior light or fixture varies from the provisions of this Section 150.605, and (ii) why a variation is requested.
2. Notice. Notice of a public meeting concerning a variation to be considered by the Zoning Board of Appeals or the City Council shall be provided in accordance with Section 150.1203 of this Code. Notice of a public meeting concerning a variation to be considered by the Design Review Commission shall be provided in accordance with Subsection 176.045(D) of this Code.
3. Meeting. The Zoning Board of Appeals, the Design Review Commission, or the City Council, as the case may be, shall consider the variation application at a public meeting commenced within 90 days after the completed application for variation is submitted to the Director of Community Development.
4. Standards. No variation from the requirements of this Section 150.605 shall be granted unless the Zoning Board of Appeals, the Design Review Commission, or the City Council, as the case may be, determines that (i) the requested variance is appropriate due to a particular hardship or special unique circumstance, and (ii) the requested variance will not defeat the fundamental purposes and intent of this Section 150.605, and (iii) the requested variation will not be detrimental

to the public welfare or injurious to property in the vicinity of the Lot for which a variance is granted.

(H) APPEALS.

1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, APPEALS FROM ANY DECISION UNDER THIS SECTION 150.605 SHALL BE PERMITTED ONLY PURSUANT TO THE PROCEDURES CONTAINED IN THIS SECTION 150.605(H).
2. Appeals from any decision of the Zoning Board of Appeals or Design Review Commission, as the case may be, granting or denying a variance pursuant to this Section 150.605 may be taken by the applicant or any other Person adversely affected by any such decision within 30 days after the decision. If no appeal is filed within 30 days after a decision by the Zoning Board of Appeals or Design Review Commission, as the case may be, such decision shall be final. All such appeals shall be taken to the City Council by filing a written notice of appeal with the Director of Community Development within five days following receipt or notice of the decision from which the appeal is taken. The City Council shall review the relevant variation application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence. Within 45 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the City Council shall render its written decision at a regularly scheduled meeting. The action taken by the City Council shall be final.

(I) Continuation of Legal Nonconforming Exterior Lights and Fixtures.

1. Authority to Continue. Any nonconforming exterior light or fixture may be continued so long as it otherwise remains lawful, and shall be maintained in good condition, subject to the regulations contained in this Subsection 150.605(I).

2. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement may be performed on any nonconforming exterior light or fixture; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced; and, provided further that this Subsection 150.605(I) shall not be deemed to authorize any violation of this Section 150.605. Maintenance shall include the replacing, repairing, or repainting of any portion of an exterior light or fixture, including, without limitation, the renewing of any part that has been made unusable by ordinary wear and tear, weather, or accident. The replacing or repairing of an exterior light or fixture that has been damaged to an extent exceeding 50 percent of the appraised replacement cost (as determined by the Director of Community Development) shall be considered maintenance only when the exterior light or fixture conforms to all of the applicable provisions of this Article and when the damage has been caused by an act of God or violent accident.

3. Alteration; Enlargement; Moving. No nonconforming exterior light or fixture shall be:

- (a) changed or altered in any manner that would increase the degree of its

nonconformity;

(b) enlarged or expanded;

(c) structurally altered to prolong its useful life;

(d) moved in whole or in part to any other location where it would remain nonconforming; or

(e) changed to another nonconforming exterior light or fixture.

4. Change of Exterior Light or Fixture. A nonconforming exterior light or fixture that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be changed to restore such nonconformity or nonconforming element.

5. Damage or Destruction. Any nonconforming exterior light or fixture damaged or destroyed, by any means, to an extent of 50 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Article.

6. Termination by Abandonment. Any nonconforming exterior light or fixture, the use of which is discontinued for a period of 90 days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not be reestablished or resumed. Every such nonconforming sign or fixture shall be immediately removed or brought into conformity with the provisions of this Section.

(J) COMPLIANCE OR REMOVAL.

Any nonconforming exterior light or fixture that loses its status as a legal nonconforming exterior light or fixture pursuant to this Section 150.605 shall be brought immediately into compliance with the provisions of this Section, or shall be immediately removed.

(K) VIOLATIONS.

1. It shall be unlawful and a violation of this Article for any Person to maintain any prohibited exterior light or fixture, to perform or order the performance of any act prohibited by this Section 150.605, or to fail to perform any act that is required by the provisions of this Article.
2. Any exterior light or fixture erected, altered, or maintained in violation of any of the clauses or provisions of this Section 150.605, or in violation of any of the laws or ordinances of the City or the State of Illinois, or both, are declared to be a public nuisance and subject to treatment and abatement of the nuisance. Any exterior light or fixture erected, altered, or maintained contrary to law shall be abated as a common nuisance by the Director of Community Development.

(Section 150.605 amended in its entirety by Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

Sec. 150.606 Heat.

No use or activity in any zoning district shall be so operated that it emits or transmits heat or heated air so as to be discernible at or beyond the property line of the lot on which it is located.

Sec. 150.607 Noise.

(A) Residential Districts. The regulation of noise radiated by a use or activity located on a lot that is located in any residential district shall be governed solely by Chapter 95, "Nuisances," of the Code; provided, however, that any noise created by a generator, as defined in Article II of this Chapter, that is located in a residential district shall not surpass the levels set forth in Column B of Section 150.607(B) below. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(B) Non-Residential Districts.

(1) In no event shall the sound-pressure level of any noise radiated continuously by a use or activity located on a lot that is located in any non-residential district exceed, at the lot line of such lot, the levels in Column A of the following table in any octave band of frequency; unless such lot adjoins or lies within 25 feet of the lot line of a lot located in a residential district, in which case the levels set forth in Column B shall govern. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

Maximum Sound Level Table.

<u>Frequency Band Per Second</u>	<u>Column A*</u>	<u>Column B*</u>
20 - 75	74	70
75 - 150	65	55
150 - 300	61	48
300 - 600	55	43
600 - 1,200	47	38
1,200 - 2,400	45	35
2,400 - 4,800	43	33
4,800 - 10,000	40	31

* Sound Pressure Level Decibels re 0.0002 dyns/cm²
(Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(2) If the noise is not smooth and continuous, or if it occurs within certain times, one (1) or more of the corrections below shall be added to or subtracted from each of the decibel levels given in the sound level table-above. Only one (1) of the additional corrections may be made for any noise source.

(a) For noise radiated between the hours of 9:00 p.m. and 7:30 a.m., five (5) decibels must be subtracted.

(b) If the noise source operates less than twenty (20) percent of any one (1) hour period, five (5) decibels may be added.

(c) If the noise source operates less than five (5) percent of any one (1) hour period, ten (10) decibels may be added.

(d) If the noise source operates less than one (1) percent of any one (1) hour period, fifteen (15) decibels may be added.

(e) If the noise is of an impulsive character (hammering, etc.), five (5) decibels must be subtracted.

(f) If the noise is of a periodic character (varying hum, screeching, etc.), five (5) decibels must be subtracted.

(C) Measurement of noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft, and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(D) Impulsive and periodic type noises shall be subject to the sound level standards if those noises are capable of being accurately measured with the equipment specified in the paragraph above. Noises capable of being so measured, for the purpose of this Article, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, but objectionable because of intermittence, beat, frequency, or shrillness, shall be muffled and controlled so as not to become a nuisance to adjacent uses.

(E) Nothing in this Section shall apply to noises not directly under the control of the property user, such as: noises resulting from the construction and non-routine maintenance of buildings and facilities, including a site preparation; noises of infrequent safety signals or wiring devices; and noises of motor vehicles (except when they are being serviced).

Sec. 150.608 Odorous Matter.

(A) Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

(B) No continuous, frequent, or repetitive emission of odors or odor-causing substances shall exceed the odor threshold at or beyond the bounding property line of the tract on which the odor emission is initiated. An odor emitted no more than once in any one

(1) day for a period not exceeding fifteen (15) minutes shall not be deemed continuous, frequent, or repetitive within the meaning of these regulations.

(C) The odor threshold as herein referred to shall be determined by observation by a person or persons. In any case where the owner or operator of an odor-emitting use or activity may disagree with the Zoning Administrator where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials shall be used.

(D) Any process which may involve the creation or emission of odors which would be in violation of this Article shall be provided with both a primary and secondary safeguard system so that control will be maintained if the primary safeguard system fails.

Sec. 150.609 Radioactive Materials.

The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with:

- (A) The applicable regulations of the Nuclear Regulatory Commission; and
- (B) The applicable regulations of any instrumentality of the State of Illinois.

Sec. 150.610 Smoke, Particulate Matter, and Other Air Contaminants.

(A) The rules and regulations of the Illinois Air Pollution Control Board shall be complied with in respect to particulate matter and gasses in emissions into air.

(B) No use or activity in any zoning district shall cause, create, or allow the emission of air contaminants for more than three (3) minutes in any one (1) hour which, at (or within a reasonable distance of) the emission points are as dark or darker in shade as that designated as No. 1 on the Ringelman Smoke Chart, as published by the United States Bureau of Mines.

(C) Open storage and open processing operations, including on-site transportation movements which are the source of wind borne dust and other particulate matter, or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting) shall be so conducted that dust and other particulate air contaminants are not transported across the boundary line of the lot on which the use is located.

Sec. 150.611 Vibration.

- (A) Ground-Transmitted Steady State Vibration.

(1) Residential Districts. The regulation of ground-transmitted steady-state vibration transmitted by a use or activity located on a lot that is located in any residential district shall be governed solely by Chapter 95, "Nuisances," of the Code. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(2) Non-Residential Districts. In no event shall the ground-transmitted steady-state vibration caused by any use or activity located on a lot that is located in any

non-residential district exceed, at or beyond the lot line of such lot, the levels set forth in Column A of the following table; unless such lot adjoins or lies within 25 feet of the lot line of a lot located in a residential district, in which case the levels set forth in Column B shall govern. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

**MAXIMUM PERMITTED STEADY-STATE VIBRATION
DISPLACEMENT**

Frequency <u>Cycles Per Second</u>	Column A <u>Inches</u>	Column B <u>Inches</u>
Less than 10	.0008	.0004
10 through 19	.0005	.0002
20 through 29	.0003	.0001
30 through 39	.0002	.0001
40 through 49	.0001	.0001
50 and Over	.0001	.0001

(B) Discrete Pulses. Discrete pulses shall not cause displacement in excess of twice the values established in the table above for steady-state vibration.

(C) Impact Vibration.

(1) Residential Districts. The regulation of impact vibration transmitted by a use or activity located on a lot that is located in any residential district shall be governed solely by Chapter 95, "Nuisances," of the Code. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(2) Non-Residential Districts. In no event shall the impact vibration caused by any use or activity located on a lot that is located in any non-residential district exceed, at or beyond the lot line of such lot, the levels set forth in Column A of the following table; unless such lot adjoins or lies within 25 feet of the lot line of a lot located in a residential district, in which case the levels set forth in Column B shall govern. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENT

Frequency Cycles Per Second	Column A Inches	Column B Inches
Less than 10	.0016	.0006
10 through 19	.0010	.0003
20 through 29	.0006	.0002
30 through 39	.0004	.0001
40 through 49	.0002	.0001
50 and Over	.0002	.0001

(Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(D) For the purpose of measuring vibrations, a three-component system shall be used. A three-component measuring system denotes instrumentation which can measure earth borne vibrations in three (3) directions, each of which occurs at right angles to the other two.

Sec. 150.612 Refuse Disposal.

(A) It shall be the duty of any person responsible for the production or accumulation of refuse on any lot located in the City resulting from any building or construction operations, and of the owner of the lot, to cause the storage, collection, and disposal of all refuse produced or otherwise accumulated on the lot in accordance with the provisions of the Code.

(B) Access to refuse receptacles shall not be across public curb or parkway. When in use, refuse receptacles shall not be allowed to overflow. Refuse receptacles shall not be allowed to stand unutilized at any site for longer than thirty (30) days. **(Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)**