

ARTICLE 14. - CMP INDUSTRIAL PARK ZONE REGULATIONS

Sec. 18-95.25. - Applicability and purpose.

- A. The purpose of the CMP Industrial Park Zone is to provide a protective zone for a park-like development of industry that is based on the performance of an industry as well as on the type of industry. This zone is intended to be located in areas which are not feasible for light or heavy industrial developments because of proximity to residential uses or other conditions. The regulations of this zone are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping, and parking areas. To these ends, development is limited to a low concentration; external effects are limited; and permitted uses are confined to those administrative, research, and manufacturing activities which can be carried on in an unobtrusive manner, and to certain facilities which are necessary to serve the employees of the district.
- B. These regulations have been established so as to provide a healthful operating environment for industry, while preventing detrimental effects to the use or development of adjacent properties or the general neighborhood; to protect industries within the district from the adverse effect of other incompatible industries, and at the same time to reduce to a minimum the impact of industries on surrounding nonindustrial land uses; and to protect the health, safety, and welfare of the residents or workers in the area.

(Ord. of 4-27-15, § 1.)

Editor's note— An ordinance of April 27, 2015, renumbered § 18-95.1 as § 18-95.25.

Sec. 18-96. - Permitted uses.

Any of the following uses, to be conducted wholly within a completely enclosed building, except off-street parking and loading, shall be permitted uses in the CMP zone, provided such uses meet performance standards set forth hereinafter:

- A. Professional, executive, and administrative offices.
- B. Research, experimental, or testing laboratories.
- C. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.
- D. Other assembly, limited manufacturing or other uses which fulfill the conditions and standards of this article, when located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood and approved by the Town

Council after receiving report and recommendation thereon from the planning commission.

- E. Uses customarily incident to any of the uses listed in subsections A through D of this section when located on the same lot, provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
- F. Accessory buildings when located on the same lot.
- G. A residence related to the use allowed in this zone, such as janitor or night watchman. Any such residence shall meet the requirements of the RM-2 or this zone, whichever are more restrictive.
- H. Facilities operated by and within an industrial establishment within the zone primarily for its own employees, such as snack bars or cafeterias, or employees' recreational facilities, provided they meet the criteria set forth in section 18-72 A.2b.

(Code 1969, § 18-96; Ord. of 2-1971)

Sec. 18-97. - Conditional uses.

There are no conditional uses in the CMP zone.

(Code 1969, § 18-97)

Sec. 18-98. - Area requirements.

The following area requirements apply in the CMP zone:

- A. Any tract of land zoned CMP (industrial park) shall have a minimum area of 50 acres except that a tract with an area of not less than ten acres shall be permitted where such tract adjoins and has a common boundary with a CMP zone. Within any CMP zoned area, each main building erected, together with its accessory buildings, shall be located on a lot having an area of at least two acres, with the exception of public utility buildings and structures necessary for public convenience and service, which may be located on a lot having an area of one acre, subject to the approval of the Town Council upon consideration of the necessity of the exception; and provided that the lot is of sufficient size that all provisions of this article may be fulfilled.
- B. Required yards and landscaped areas. No principal or accessory building shall be located:
 1. Less than 50 feet from the front, rear, or side lot line.
 2. Less than 100 feet from the boundary of any residential zone.
 3. Less than the following minimum distances from the street right-of-way line or proposed street right-of-way of the following types of streets or highways as designated by proper governmental authority:

Freeway or express highway	100 feet
Other primary highways	75 feet
Connecting or secondary (arterial) highway	75 feet
From a local street within the industrial park zone	50 feet

No parking area shall be located:

- (a) Less than 50 feet from a lot line fronting on a public street.
- (b) Less than 15 feet from any side or rear lot line; provided that the Town Council may waive this requirement.
- (c) Less than 50 feet from any residential zone.

C. Landscaping.

- 1. The required yards set forth in subsection B of this section shall be landscaped in accordance with a plan approved by the Town Council after receiving report and recommendation of the planning commission as set forth in section 18-116.
- 2. Landscaping shall mean the planting of grass, shrubs, trees, and other comparable ground cover, as well as the provision of ornamental masonry walls where required. To protect the abutting contiguous uses, a protective strip of land bordering the external boundaries and along any frontage on public rights-of-way and devoted to the planting, cultivation, growing, and maintenance of sight-obscuring trees, shrubs, and plant life shall be established and maintained. The maintenance guarantee of such protective strips and the planned landscaping of the site may be bonded to the Town in a reasonable amount if required by the Town Council.

D. Planting screens. All planting screens or walls required in section 18-101 shall be located abutting parking areas rather than on the periphery of the lot.

E. Frontage. Each lot shall have a minimum frontage of 150 feet on a street or private way; provided, however, that the Town Council may approve a lesser frontage to a minimum of 100 feet for lots located on culs-de-sac or on street curves or having other extraordinary characteristics.

F. Lot coverage. Not more than 25 percent of the area may be covered by buildings, including accessory buildings.

G. Spacing between buildings. No building other than an accessory building shall be located closer than 50 feet to any other building.

(Code 1969, § 18-98; Ord. of 3-20-1972)

Sec. 18-99. - Height limit.

The maximum height for any structure in the CMP zone shall be 45 feet, except that accessory structures may be of a greater height, provided such greater height is approved by the Town Council after obtaining a report and recommendation from the planning commission.

(Code 1969, § 18-99)

Sec. 18-100. - Outside storage.

- A. Raw materials and supplies and finished or semi-finished products may, if properly screened from streets and any abutting property by landscaping, or ornamental masonry walls, be stored in the open within the setback requirement for the area. When ornamental masonry walls are used for screening, they shall be solid and at least six feet in height, and of a minimum height equal to the material stored. Outdoor storage facilities shall not occupy more than five percent of the area of the lot.
- B. Fuel storage tanks utilized as part of the heating equipment of an establishment shall be located underground or in a building. Bulk storage of gasoline or petroleum products shall not be permitted except as incidental to a laboratory, a production operation, or the servicing of company-owned or leased vehicles, and then shall be subject to the fire regulations of the Town and of the county.

(Code 1969, § 18-100; Ord. of 3-20-1972)

Sec. 18-101. - Off-street parking requirements.

- A. In a CMP zone the following off-street parking regulations shall supersede those in article 16 of this chapter, whenever the following regulations are more restrictive.
- B. The minimum requirement for off-street parking for an industrial or manufacturing establishment or warehouse or similar use shall be one parking space for each 1½ employees or one for each two employees on combined major and second shifts, and, in addition, one visitor parking space for every ten employees, except that the Town Council may authorize fewer visitor parking spaces if it finds that a lesser number will be sufficient for the operation anticipated. In addition to the foregoing, one parking space shall be provided for each company-owned or leased truck, passenger car, or other vehicle located or principally based on the premises. No parking spaces may be located within required yards, except that an area equivalent to not more than five percent of the total area of all required parking spaces may be located within a required

yard for use as parking space for visitors, selected personnel, and minor deliveries. Off-street parking spaces may be grouped in facilities serving more than one lot or establishment. When the lot on which parking spaces are located abuts the rear or side lot line of, or is across the street from, any land in a residential zone other than publicly-owned land, an ornamental masonry wall, or evergreen plantings six feet or more in height shall be maintained so as to screen substantially the parking lot from view from the nearest property in the residential zone. The screenings shall be maintained in good condition at all times.

- C. In parking lots of one acre or more, at least five percent of the area of the parking lot shall be devoted to landscaping within the interior of the parking area. No lighting on parking lots shall be more than ten feet above ground level and shall be so screened as not to shine beyond the parking lot.

(Code 1969, § 18-101; Ord. of 3-20-1972)

Sec. 18-102. - Loading berth requirements.

Off-street loading berths shall be provided for all buildings in which material of any kind is received or from which material is shipped. The number and size of loading berths is dependent upon the type and volume of material received and shipped. The plot plan required in section 18-116 A shall show the number and size of loading berths together with sufficient information, either on the plot plan or by a separate statement in writing, as to the type and average daily volume of materials to be received and shipped. The number and size of loading berths to be provided will be subject to approval of the Town Council, after receiving a recommendation and report thereon from the planning commission at the time the plot plan is approved. In determining the adequacy of the loading berths, the Town Council will be governed by the standard that sufficient berths of an appropriate size will be provided reasonably to preclude the necessity of having cargo vehicles parked or standing on public streets awaiting their turn either to load or unload. Such berths may be located either within a building or in the open, but not within required yards. If such berths are not enclosed, they shall be located not less than 300 feet from any residence zone boundary or public park area and effectively screened therefrom as in the case of parking areas specified in section 18-101. For the purpose of this section, the 300-foot limitation shall not be applied against a residential zone area across a railroad right-of-way.

(Code 1969, § 18-102)

Sec. 18-103. - Access roads to loading berths.

All access roads to loading berths shall be at least 14 feet wide, except that if tractor-trailers are to be accommodated, then the roads shall be at least 14 feet wide for one-way traffic and at least 22 feet wide for two-way traffic.

(Code 1969, § 18-103)

Sec. 18-104. - Reserved.

Editor's note— Section 18-104, pertaining to loading on rail lines, was deleted in its entirety on March 20, 1972.

Sec. 18-105. - Hours prohibited for loading.

Loading and unloading in the CMP zone, except from a berth located within a building, shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m.

(Code 1969, § 18-105)

Sec. 18-106. - Signs.

Sign regulations are specified in article 19 of this chapter, except that freestanding signs may be placed at ground level in the CMP zone, provided such signs are not so located as to obstruct, impair, or impede the line of sight for traffic coming from the opposite direction or traffic moving along intersecting streets, highways, or roads, whether public or private.

(Code 1969, § 18-106)

Sec. 18-107. - Lighting of freestanding signs.

Freestanding signs may be lighted by either self-contained lighting or external lighting, provided such lighting shall be shielded or directed in such a way that it does not shine or reflect into any residential zone or public park or public road.

(Code 1969, § 18-107)

Sec. 18-108. - Screening.

Wherever in this article provision is made for erection and maintenance of an ornamental masonry wall or evergreen planting for screening purposes, such wall shall be of sufficient height to screen the activity from a residential zone or public park area, but in no event, less than six feet in height. The wall shall not contain any openings other than entrances or exits or necessary openings to provide for proper drainage. Walls shall be of substantial construction and maintained at all times in a state of good repair, and such walls and screening shall be set back at least 20 feet from road intersections so as not to obstruct the line of sight in either direction.

(Code 1969, § 18-108; Ord. of 3-20-1972)

Sec. 18-109. - Evergreen screening.

Evergreen screening, except where existing natural screening is used, shall consist of evergreen plantings with the same height restriction provided for ornamental masonry walls in section 18-108. Such planting shall be so staggered and in such depth that activities on one side cannot be readily observed from the other side through the screening.

(Code 1969, § 18-109; Ord. of 3-20-1972)

Sec. 18-110. - Inadequately maintained screening.

Wherever an ornamental masonry wall or natural screen or existing fence is not adequately maintained by the owner of the property, then the Town, after giving 30 days' written notice to the property owner, may take the necessary action to repair or otherwise maintain the wall, or natural screen or existing fence. The expense for such repair or maintenance shall be chargeable to the owner of the property and shall become a lien on the real property with the same force and effect as real property taxes.

(Code 1969, § 18-110; Ord. of 3-20-1972)

Sec. 18-111. - Street rights-of-way.

All public streets, highways, or roads within the industrial park zone shall have a minimum of a 60-foot right-of-way with a minimum of a 40-foot paved area.

(Code 1969, § 18-111)

Sec. 18-112. - General intent.

It is the intent of these regulations to prevent land or buildings 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; condition conducive to the breeding of rodents or insects; or other substance, condition, or elements in a manner or amount as to adversely affect the surrounding area. Any use permitted under section 18-96 may be undertaken and maintained if it conforms to all regulations of the CMP zone including the regulations of this section. Specifically, all uses shall operate in conformance with the limitations set forth in section 18-113.

(Code 1969, § 18-112)

Sec. 18-113. - Limitations upon external effects.

Limitations shall be imposed upon external effects of any use permitted in a CMP zone and the specific standards to be followed are as set forth in section 18-117.

(Code 1969, § 18-113)

Sec. 18-114. - Plans for abatement to be presented.

Plans for such abatement measures and/or devices as are necessary to bring the proposed operation into conformance with section 18-112 shall be presented to the planning commission and the Town Council at the time of application for site plan approval. Performance standards specifications shall be included as a part of these plans.

(Code 1969, § 18-114)

Sec. 18-115. - Tests for non-adherence to standards.

In the event the Town Council has reason to believe that an installation in a CMP zone is not operating within the performance standards set by this article, the council may cause to be made such tests as are necessary to demonstrate adherence or non-adherence to the standards in accordance with recommendations of the planning commission. If the operator is found to be in violation of this article, he shall be required to pay the reasonable costs of such tests.

(Code 1969, § 18-115)

Sec. 18-116. - Application and site plan approval.

- A. *Application.* In addition to submitting the plans and other data required in chapter 4, an applicant for a building permit or certificate of occupancy in a CMP zone shall submit a plan of development to the planning commission as set forth in subsection D of this section; a description of the proposed operation including all machinery, processes, and products, and an estimate of the maximum number of employees contemplated and the number of shifts during which they would work; and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements. The description of the proposed operation must be in sufficient detail to indicate the effects of the operation in the production of auto and traffic congestion or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health safety, and welfare of the area.
- B. *Other information required.* The applicant shall provide whatever other information the planning commission or the Town Council may require to determine the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the areas.

- C. *Private covenants included in plan.* Private covenants and/or provisions for associations of individual owners proposed within a CMP zone shall be included as a part of the preliminary development plan.
- D. *Plan of development, requirements for approval of.* No building permit or certificate of occupancy shall be issued for any use except in accordance with a plan of development approved by the Town Council after receiving a prior report and recommendation of the planning commission for the lot or tract on which such use is to be located. Other property owners within the particular CMP tract involved shall be advised of such submission and given the opportunity to present their views to both the planning commission and the Town Council. Such plan of development shall show the location and height of all buildings and structures; the area devoted to parking facilities and loading berths; all access roads, landscaping and screening plans; areas designated for outdoor storage; proposed signs; and other features required by this article. The planning commission and the Town Council shall consider the standards and objectives of the industrial park regulations and, specifically, the location of buildings, parking and loading areas, and other features with respect to the topography of the lot and existing natural features such as watercourses and large trees, with the objective of achieving a maximum of coordination between the proposed use and the surrounding uses.
- E. *When issuance of permit authorized.* Upon the finding by the Town Council after prior report and recommendation of the planning commission that the contemplated development will constitute an industrial development of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood and consistent with the overall long-range plans for the community, that it will not result in traffic hazards, and that the plans indicate that it will be adequately landscaped, buffered, and screened, the Town Council shall authorize the issuance of a permit or permits for a proposed development in a CMP Industrial Park Zone.
- F. *Change in use.* A new certificate of occupancy shall be required if there are any major structural alterations or substantial variations from the operations referred to in the building permit or previous certificate of occupancy permitting such use. However, any normal replacement or addition of equipment and machinery not affecting the foregoing operations or not changing the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.

(Code 1969, § 18-116)

Sec. 18-117. - Performance standards.

- A. *Use limitations.* All uses in a CMP zone shall operate in conformance with the limitations set forth in each subsection below:
- 1.

Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

2. *Noise.* All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility at nighttime exceed at the lot line the values given in Table 1 (set out hereafter) in any octave band of frequency. However, where the lot line adjoins or lies within 25 feet of the boundary of a residence district, the sound-pressure levels of noise radiated at nighttime shall not exceed at the lot line the values given in Table 2 (set out hereafter) in any octave band of frequency. The sound-pressure level shall be measured with a sound level meter and an octave bank analyzer that conform to specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N.Y. and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards, Inc., New York, N.Y. shall be used.)

TABLE 1

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9:00 p.m. and 7:00 a.m.

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm ²
20—75	69
75—150	60
150—300	56
300—600	51
600—1,200	42
1,200—2,400	40
2,400—4,800	38
4,800—10,000	35

If the noise is not smooth and continuous and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one or more of the corrections in Table 3 below shall be added to or subtracted from each of the decibel levels given above in Table 1.

TABLE 2

Maximum permissible sound-pressure levels at a lot line for noise radiated continuously from a facility between the hours of 9:00 p.m. and 7:00 a.m., where the lot line adjoins or lies within 25 feet of the boundary of a residence district.

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm ²
20—75	65
75—150	50
150—300	43
300—600	38
600—1,200	33
1,200—2,400	30
2,400—4,800	28
4,800—10,000	26

If the noise is not smooth and continuous and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one or more of the corrections in Table 3 below shall be added to or subtracted from each of the decibel levels given above in Table 2.

TABLE 3

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	Plus 5
Noise source operates less than 20% of any one-hour period	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

*Apply one of these corrections only.

3. *Air pollution, smoke, dust, fumes, particulate matter.*

- a. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Atmosphere means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

Combustion contaminants means particulate matter, sulfur, carbon, or their compounds, discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

Particulate matter means material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or a solid, including smoke, dust, fumes, or mist.

Process weight per hour means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight but liquid and gaseous fuels and combustion air will not. The process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Standard conditions means a gas temperature of 60 degrees Fahrenheit and gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

- b. *Smoke*. There shall not be discharged into the atmosphere from any source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
 - (1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or its equivalent; or
 - (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph 3(b)(1) of this standard.
- c. *Combustion contaminants*. There shall not be discharged into the atmosphere from any single source of emission combustion contaminants (excluding condensed steam) in any state or combination thereof exceeding at the point of discharge 0.3 grains per cubic foot of gas calculated to 12 percent carbon dioxide at standard conditions.

TABLE 4

MAXIMUM ALLOWABLE DISCHARGE PER HOUR

Process Weight Per Hour, LB	Allowable Discharge Per Hour, LB	Process Weight Per Hour, LB	Allowable Discharge Per Hour, LB
50	0.24	3,300	5.36

100	0.46	3,400	5.44
150	0.66	3,500	5.52
200	0.852	3,600	5.61
250	1.03	3,700	5.69
300	1.20	3,800	5.77
350	1.35	3,900	5.85
400	1.50	4,000	5.93
450	1.63	4,100	6.01
500	1.77	4,200	6.08
550	1.89	4,300	6.15
600	2.01	4,400	6.22
650	2.12	4,500	6.30
700	2.24	4,600	6.37
750	2.34	4,700	6.45
800	2.43	4,800	6.52
850	2.53	4,900	6.60
900	2.62	5,000	6.67
950	2.72	5,500	7.03
1,000	2.80	6,000	7.37
1,100	2.97	6,500	7.71
1,200	3.12	7,000	8.05
1,300	3.26	7,500	8.39
1,400	3.40	8,000	8.71
1,500	3.54	8,500	9.03
1,600	3.66	9,000	9.36
1,700	3.79	9,500	9.67
1,800	3.91	10,000	10.00
1,900	4.03	11,000	10.63
2,000	4.14	12,000	11.28
2,100	4.24	13,000	11.89
2,200	4.34	14,000	12.50
2,300	4.44	15,000	13.13
2,400	4.55	16,000	13.74
2,500	4.64	17,000	14.36
2,600	4.74	18,000	14.97
2,700	4.84	19,000	15.58
2,800	4.92	20,000	16.19
2,900	5.02	30,000	22.22
3,000	5.10	40,000	28.3
3,100	5.18	50,000	34.3
3,200	5.27	60,000	40.0

Where process weight falls between figures stated, values of allowable discharge per hour shall be interpolated. Process weight is defined as total weight of raw materials entering process (not weight of finished product). Solid fuels charged are considered as part of process weight, but liquid and gaseous fuels and combustion air are not. In continuous operation, average rate of feed is used. In batch operation, total batch weight divided by operating time of a batch cycle determines process weight per hour.

d. *Particulate matter.*

- (1) There shall not be discharged in any one hour from any sources whatsoever, except as provided in subsection A.3.c of this section, particulate matter, excluding condensed steam, in total quantities in excess of the amount shown in the preceding table.
- (2) When the process weight is in excess of 60,000 pounds per hour, there shall not be discharged in any one hour from any source whatsoever dust or fumes in excess of 0.066 percent of the hourly process weight.

e. *Threshold values.* There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmospheres by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit.

f. *Exceptions.* Subsections A.3.b, c, d, and e of this section do not apply to:

- (1) Fire set by any officer, employee, or firefighter in the course of his official duty, for the purpose of weed abatement, the prevention of fire hazard, or the instruction of public employees in the methods of firefighting or research relating to the prevention and control of fires.
- (2) Agricultural operations in the growing of crops or the raising of fowl or animals.

4. *Odors.*

- a. There shall not be discharged or permitted to escape into the atmosphere, odors which shall be offensive to the public or which endanger public comfort, repose, health, or safety.
- b. The intensity of offensive odors shall be determined at the property line adjacent to the source in the manner described in "Air Pollution Abatement Manual," Chapter 5, Table 3; Manufacturing Chemists' Assn., Washington, D.C. 1951.

5. *Electromagnetic radiation.* The following standards shall apply:

a. *General.*

- (1)

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, except that for all governmental communications facilities, governmental agencies, and government-owned plants, the regulations of the Interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartmental Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper 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 proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. 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: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.
 - (3) Recognizing the special nature of many of the operations which will be conducted because of the research and educational activities, it shall be unlawful for any person to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1000 watts, without the express approval of the Town. Further, it is required that any person intending to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy, the radiated power from which exceeds ten watts, shall file, at least 30 days prior to such operation, a description of the radiating device and the operating characteristics thereof with the Town.
- b. *Electromagnetic interference.* For the purpose of these regulations, electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy which interfere with the proper operation of electromagnetic

receptors of quality and proper design. It shall be unlawful to operate or cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the maximum values tabulated below (kc = kilocycles; mc = megacycles):

RADIATED

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

BY TRANSMISSION OR CONDUCTION

Section of Electromagnetic Spectrum (from - to)	Primary Intended Service	Maximum Voltage Measured Line to Line or Line to Ground Where Power/Telephone Lines Cross Edge of Property Containing Interference Source
10kc*—100kc	Communications Service	2.5 millivolts
100kc—535kc	Navigational Aids	1.5 millivolts
535kc—1605kc	AM Broadcasting	1.0 millivolts
1605kc—44mc**	Various Communications Service	0.5 millivolts
44mc - 88 mc	VHF Television	0.25 millivolts
88mc - 174mc	FM Broadcasting Airport Control	1.5 millivolts
174mc—216mc	VHF Television	0.15 millivolts

216mc—580mc	Navigational Aids Citizens Radio	5.0 millivolts
580mc—920mc	UHF Television	20.0 millivolts
920mc—30,000mc	Various	150 millivolts

;le=2;* kc = kilocycles

**mc = megacycles

c. *Method of measurement.*

- (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 been 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.
6. *Fire and explosion.* All activities and all storage of flammable explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with the Fire Prevention Code of Fairfax County.
 7. *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 the regulations of the Atomic Energy Commission as set forth in title 10, chapter 1, part 20, Standards for Protection Against Radiation, as amended, and all applicable regulations of the state.
 8. *Glare and heat.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting or parking areas otherwise permitted by this chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.
 - 9.

Non-radioactive liquid or solid wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Town, the County of Fairfax, Virginia, and the state water board, as applicable.

B. *General regulations.* For general regulations, see article 4.

C. *Supplemental regulations.* For supplemental regulations, see article 18; when the regulations in article 14 are more restrictive, they shall apply.

(Code 1969, § 18-117)