

## ARTICLE 9

### ENVIRONMENTAL PERFORMANCE

#### 9.1. Purpose.

No use, otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

#### 9.2. Smoke.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources according to Act 348 of 1965 as amended.

#### 9.3. Dust, Dirt, and Fly Ash.

No person, firm, or corporation shall operate or cause to be operated, maintained, or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources.

#### 9.4. Glare and Radioactive Materials.

9.4.1. GLARE. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.

9.4.2. EXTERIOR LIGHTING. In non-residential areas, exterior lighting shall be installed so that the source of light shall not be visible from any residential dwelling and shall be so arranged as far as practical to reflect light away from the residential use. In no case shall more than one candle-power of light cross a lot line five (5) feet above the ground into a residential district.

9.4.3. RADIOACTIVE MATERIALS. Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

#### 9.5. Fire and Explosive Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

#### 9.6. Odors.

The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

**9.7. Noise.**

9.7.1. REGULATIONS. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>SOUND LEVEL</u>	<u>ADJACENT USE</u>	<u>WHERE MEASURED</u>
65dBA	Residential/Agricultural	Property Line*
75dBA	Commercial/Office	Property Line
80dBA	Industrial/Other	Property Line

- A. \*Except where normal street traffic noise levels exceed 65dBA, the use noise level may equal but not exceed the traffic noise level.
- B. The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.
- C. Objectionable noise as determined by the Board of Trustees, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

**9.8. Waste and Rubbish Dumping.**

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored, or dumped on any land within the Township in such a manner as to constitute a nuisance or create a hazard to health, safety, morals, and general welfare of the citizens of the Township.

**9.9. Excavations or Holes.**

The construction, maintenance or existence within St. Clair Township of any unprotected, unbarricaded, open or dangerous excavation, holes, pits, or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare is hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued pursuant to this Ordinance or the Building Code of the Township of St. Clair, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector.

**9.10. Removal of Soil, Sand, or Other Material.**

9.10.1. ZONING BOARD OF APPEALS. The use of land for the removal of topsoil, sand, or other materials from the land is not permitted in any zone except under a Temporary Permit from the Zoning Board of Appeals which may be denied or issued in appropriate cases. In issuing such Temporary Permit the Zoning Board of Appeals shall determine the locational aspects of removal machinery or equipment and the like so as to minimize the negative effects of noise, dust, debris, and truck traffic on surrounding properties requiring appropriate conditions and safeguards including the following:

- A. The posting of a Bond or other acceptable surety to insure that such removal will not, at the expiration of such permit, cause stagnant water to collect, or leave the surface of the land in an unstable condition, or unfit for the growing of turf, or for other land uses permitted in the zone in which such removal occurs and

- B. Securing the property in such manner to reduce the likelihood of injury, pain or loss.
- C. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance.
- D. Prior to action by the Township Board of Appeals, all required documentation for Temporary Permit for the removal of soil, sand, or other materials shall be submitted to the Planning Commission for their review and written recommendation.

9.10.2. EXCEPTION. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has been duly issued or does not apply to common household gardening and ground care incidental to maintaining landscaping.

**9.11. Restoring Unsafe Buildings.**

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or required compliance with a lawful order, except as specified elsewhere in the Ordinance.

**9.12. Structural Damage.**

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.