

ORDINANCE NO. 2025-_____

ORDINANCE AMENDMENTS

Amendments to Appendix A – Zoning Ordinance

PURSUANT TO Section 1-8 of the Tiverton Code of Ordinances, the amendments below are adopted and effective on the date of passage. These are amendments to Appendix A – Zoning Ordinance, Article XIII, Regulation of Industrial Operations, which is amended as follows:

Appendix A – Zoning Ordinance

ARTICLE XIII. REGULATION OF INDUSTRIAL-NON-RESIDENTIAL OPERATIONS

Section 1. General requirements.

- a. Property and buildings to be used for all non-residential operations industrial purposes shall be so designed and laid out as to minimize disturbance to adjacent property by such features as buffer fences, plantings, suitably located points of traffic ingress and egress, and areas for loading and parking. Without limitation, see Zoning Ordinance Article VI and XVI and Land Development and Subdivision Regulations Article X.
- b. No structure shall be erected for any non-residential industrial use or occupied for non-residential industrial use, and no land shall be used for non-residential industrial purposes, unless such non-residential industrial use and operation is in accordance with the performance standards of this article.

Section 2. Administration and enforcement.

- a. The zoning board of review shall act upon all requests for building permits for industrial uses in accordance with article XVI, section 3.a [sic] and section 4 [sic], and make findings as to the compliance of the proposed uses to the performance standards of section 3 of this article.

All applications for non-residential uses, in addition to all other ordinances and regulations, shall be reviewed by the reviewing authority for compliance with the performance standards of Section 3 of this Article.

It is intended that the burden of proof for the establishment of compliance with the performance standards of Section section 3 shall rest with the applicant. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

No applicant shall be required to reveal any secret processes. The applicant or his representative shall be invited to appear before the reviewing authority zoning board of review at its scheduled meeting.

- 1 b. The ~~reviewing authority zoning board of review~~ may require such evidence as may be
2 pertinent to establishing assurance that the proposed use will comply with Section ~~section~~
3 3, including expected levels or quantities of noise, vibration, liquid or solid wastes,
4 smoke and other forms of air pollution, heat and glare, or other nuisances as set forth in
5 Section ~~section~~ 3 in terms easily comparable with the values given in that section.
6

7 In cases where correction devices are to be used, they shall be stated, and examples of
8 such correction devices in use will be given with such illustrations as are necessary to
9 clearly convey the methods used to the ~~reviewing authority zoning board of review~~.

10 Examples of similar ~~industrial~~ operations in actual use, with photographs, testimony and
11 explanation, may be submitted to the reviewing authority ~~zoning board of review~~ to
12 clearly convey the type of use and its performance.
13
14

- 15 c. In the event of a determination by the zoning officer of a violation of the performance
16 standards subsequent to the granting of a permit, a written notice of the violation shall be
17 sent by registered mail to the owner of the ~~industrial~~ use. The notice shall further state
18 that, upon the continuation of the violation, technical determinations as described in this
19 ordinance shall be made by the zoning officer, ~~or designee~~, and, if violations as alleged
20 are found, costs of such determinations, including the costs of hiring qualified experts,
21 shall be charged against those responsible for the violation, in addition to such other
22 penalties as may be appropriate. If it is determined that no violation exists, the cost of the
23 determination will be paid by the Town of Tiverton.
24

25 **Section 3. Non-residential ~~Industrial~~ performance standards.**

26
27 The following standards for the operation of uses in ~~the industrial~~ all districts shall apply:
28

- 29 a. *Noise.* ~~In an LI district, industrial noise~~ Noise shall be measured from any property line
30 of the tract on which the ~~industrial non-residential~~ operation is located. ~~Industrial Non-~~
31 ~~residential~~ noise shall be muffled so as not to become objectionable due to intermittence,
32 beat frequency or shrillness.
33

34 ~~In a GI district, industrial noise shall be measured from the nearest industrial district~~
35 ~~boundary line. Industrial noise shall be muffled so as not to become objectionable due to~~
36 ~~intermittence, beat frequency or shrillness.~~
37

38 At the specified points of measurement, the sound pressure level of noise radiated
39 continuously from ~~a non-residential an industrial~~ facility or activity (other than
40 background noises not under the direct control of the ~~industrial~~ use, such as vehicular
41 traffic) shall not exceed the values given in tables 1 and 2 below, in octave bands of
42 frequency between the nighttime hours of 7:00 p.m. and 7:00 a.m.
43

44 The instruments used for these measurements shall conform to the specifications
45 published by the American Standards Association, Inc., New York, N.Y., ~~or equivalent~~.
46 The sound pressure level shall be measured with a sound level meter (American Standard

Specification for Sound Level Meters for Measurement of Noise and Other Sounds, S1.4-1961) and an octave band analyzer (American Standard Specification for an Octave Band Filter Set, as indicated in table 1), or similar tools.

TABLE 1. MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS

Pre-1960 Octave Bands *a		Preferred Frequency Octave Bands *b	
Octave Band Frequency (hertz)	Decibels	Octave Band, Center Frequency (hertz)	Decibels
0—75	72	31.5	76
75—150	67	63	71
150—300	59	125	65
300—600	52	250	57
600—1,200	46	500	50
1,200—2,400	40	1,000	45
2,400—4,800	34	2,000	39
Above 4,800	32	4,000	34
		8,000	32

*a Pre-1960 octave bands. A standardized series of octave bands prescribed by the American Standards Association in Z24.10-1953, Octave Band Filter Set for the Analysis of Noise and Other Sounds.

*b Preferred frequency octave bands. A standardized series of octave bands prescribed by the American Standards Association in S1.6-1960, Preferred Frequencies for Acoustical Measurements. If the noise is not smooth and continuous and/or is not radiated between the hours of 7:00 p.m. and 7:00 a.m., one or more of the corrections in table 2 shall be added to or subtracted from each of the decibel levels given in table 1.

TABLE 2

Type of Operation or Character of Noise	Correction in Decibels
Daytime operation 7:00 a.m. to 7:00 p.m.	Plus 5
Noise source operated less than 20% of any one-hour period	Plus 5*
Noise source operated less than 5% of any one-hour period	Plus 10*
Noise source operated less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering and so forth)	Minus 5
Noise of periodic character (hum, screech and so forth)	Minus 5

*Apply one of these corrections only.

b. *Vibration.* Vibration shall be measured at the nearest property line, and shall be regulated by the following standards:

(1) No vibration is permitted which is discernable to human sense of feelings for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m., or 30 seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

(2) No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of table 7, U.S. Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," as amended, on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this regulation and are incorporated as part of this ordinance.

c. *Smoke and other forms of air pollution.* ~~Industrial~~ Non-residential operations, without limitation to the applicability of other regulations and statutes, shall conform to the most current rules and regulations of the Rhode Island Department of Health and Department of Environmental Management, the "Air Pollution Control Regulations" of the Rhode Island department of health, issued under the provisions of G.L. 1956, § 23-25-1 et seq., which regulations are hereby incorporated as part of this ordinance.

d. ~~Industrial sewage~~ Sewage and waste. Sewage and waste shall be deposited in the public sewage system when available. Without limitation to the applicability of other regulations and statutes, effluent ~~Effluent from any industrial plant~~ which is discharged into the ground shall at all times comply with the "Rules and Regulations Pertaining to Disposal of Sanitary Sewage in Unsewered Areas" most current rules and regulations of the Rhode Island Department of Health and Department of Environmental Management department of health, issued under the provisions of G.L. 1956, § 23-23-1 et seq., which regulations are hereby incorporated as part of this ordinance.

1 e. *Heat and glare.* Any ~~industrial~~ non-residential operation producing heat and glare, as
2 differentiated from interior illumination, shall be shielded so that no heat or glare can be
3 recorded at the property line. ~~No industrial or exterior~~ Exterior lighting shall not be used
4 in such a manner that produces glare on public highways or neighboring property.
5

6 f. *Radiation.* ~~Industrial operations~~ Non-residential operations shall cause no dangerous
7 radiation at the property line as specified by the regulations of the United States Atomic
8 Energy Commission.
9

10 **Effective Date:** This Ordinance shall take effect upon passage in accordance with the provisions
11 of the Tiverton Home Rule Charter.
12

13 Amended by the Tiverton Town Council on _____.
14