

**ARTICLE 1250
PERFORMANCE STANDARDS**

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1250.01 APPLICATION OF PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this Article, unless any federal, state, county, or local ordinance, law or regulation establishes a more restrictive standard in which event the more restrictive standard shall apply.

1250.02 COMPLIANCE WITH PERFORMANCE STANDARDS

When tests by the Planning Officer indicate a possible violation of these performance standards, the Planning Officer shall require the property owner to obtain and bear the cost of the qualified technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the property in question. The results of the test or tests shall be presented to the Planning Commission in writing.

1250.03 ENFORCEMENT

Enforcement of the performance standards shall be the duty of the Planning Officer pursuant to Article 1900, Administration and Enforcement.

1250.04 TOXIC MATTER

The storage, handling, or transport of toxic substances shall comply with all federal laws and regulations, all state laws and regulations, and all county and local ordinances, laws, and regulations regarding the storage, handling, or transport of toxic material.

1250.05 FIRE AND EXPLOSION HAZARDS

Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state, and local ordinances and laws.

1250.06 GLARE OR HEAT

Any operation producing intense glare or heat shall be performed within a completely enclosed building or structure in such a manner as not to create a public nuisance or hazard along lot lines. Glare resulting from plant operations shall not exceed the limits set forth below for outdoor lighting. Heat resulting from plant operations shall not be perceptible beyond the lot lines without the aid of special instruments.

1250.07 ODOR

Emission of noxious, objectionable or annoying odor shall be in conformance with all applicable federal, state, and local ordinances and laws.

1250.08 DUST AND AIR POLLUTION

The generation of dust and air pollution shall only be in conformance with all applicable federal, state and local laws and ordinances.

1250.09 NUISANCE

No use shall be operated or maintained which creates a health, safety or is environmentally detrimental or is a public nuisance, including but not limited to visual clutter created by excessive signage, lighting, or outdoor storage; noise or odors as defined herein; or other noise and odors such as those created by pets or garbage.

1250.10 ELECTROMAGNETIC INTERFERENCE

Electromagnetic interference from any operations shall comply with Federal and State regulations.

1250.11 WATER POLLUTION

All uses shall comply with the federal, State of West Virginia or Putnam County rules and regulations regarding prevention of water pollution.

1250.12 OUTDOOR STORAGE

Outdoor storage of fuel, raw materials and flammable products shall comply with federal, state or county rules and regulations.

1250.13 OUTDOOR LIGHTING

All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, or parking lot lighting shall not interfere with surrounding properties or with traffic flow on public streets.

A. Light Trespass

All areas containing outdoor lighting (except public street lighting and outdoor activity facilities and with the exception of commercial abutting commercial, commercial abutting industrial, or industrial abutting industrial) shall limit light spillage onto adjacent residential property. The applicant shall submit a lighting plan by an engineer showing a 0.2 FC at the adjacent property line. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors. The height of the light poles shall not exceed the height of the structure as measured from average grade. Upon installation of the lighting, the applicant shall provide an as-built lighting plan by an engineer, certifying a 0.2 FC at the adjacent property line.

B. Outdoor Activity Facilities

Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area.

C. Other Outdoor Lighting

The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited unless approved on a temporary basis by the Planning Officer.

D. Repair and Replacement of Outdoor Lighting

All outdoor lighting shall be maintained in working condition at all times.

E. Enforcement

Failure to adhere to the requirements of this Section shall be deemed a violation of this Ordinance and subject to the procedures of Article 1900, Administration and Enforcement.

F. Exceptions

1. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
2. Emergency lighting and traffic control lighting shall be exempt from the requirements of this Section.
3. All lighting existing or installed on the date of this Ordinance which does not conform with this Ordinance shall be exempt under the following conditions:
 - a. Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.
 - b. On the effective date of the Ordinance, any light installation which provides for re-aiming of the fixture shall be brought in compliance with the terms of this Ordinance without delay.
 - c. When a building is substantially expanded or structurally altered, or a new building is constructed, or the use of an existing building is changed, outdoor lighting shall be provided for as per the regulations of this Article.
 - d. Flashing, blinking, or strobe lights shall not be considered exempt, regardless of the date of installation.

