

SECTION 61 – PERFORMANCE STANDARDS

61.1 General:

The use of land, buildings and other structures, wherever located, shall be established in conducted so as to conform to performance standards hereinafter specified. The performance standards established a certain nuisance factors which is committed or exceeded in the use of land, buildings and other structures will be detrimental to the use, enjoyment and value of other land, buildings in structures, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE shall be approved by the Commission and no CERTIFICATE OF ZONING COMPLIANCE shall be issued by the Commission until the Commission has made a determination that the proposed use of land, buildings in structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive. The performance standards hereinafter shall be of continuing application.

61.2 Smoke, Gases and Fumes:

No dust, dirt, fly ash, smoke, gas and fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution.

61.3 Noise:

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which endangers the public health and a safety or impairs a safety on or the value in reasonable use of any other lot.

61.4 Vibration:

With the exception of vibration necessarily in vault in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.

61.5 Odors:

No offensive odors shall be emitted into the air from any lot so as to impair the value in reasonable use of any other lot.

61.6 Glare:

No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot.

61.7 Refuse and Pollution:

No refuse or other waste materials shall be dumped on any lot except with the approval of the Director of Health of the Town of Middlebury. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution.

61.8 Building Materials:

No storage of building materials shall be permitted on any lot except on a construction site for which application for Certificate of Zoning Compliance has been granted.

61.9 Danger:

No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with the applicable codes, ordinances or regulations of the Town of Middlebury, State of Connecticut and Federal Government.

61.10 Radio Interference:

No use on any lot shall cause interference with radio and television reception on any other lot, and in use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.