

**ARTICLE IV**  
**Section 4-120**

**Prohibited Uses and Performance Standards**

**Section 4-120.** No use which is noxious or offensive be reason of odor, dust, smoke, gas, vibration, illumination or noise, or which constitutes a public hazard whether fire, explosion, or otherwise shall be permitted in any district. In determining whether a use is noxious, hazardous, or offensive, the following standards shall apply:

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 0.002 peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.
  
3. **Air Pollution.** Atmospheric emissions of gaseous or particulate matter generated by any land use shall conform to then current regulations of the Massachusetts Division of Environmental Quality Engineering (hereinafter called DEQE). If the proposed land use shall be of a nature to arouse the concern of the Building Inspector and/or Planning Board may require that the applicant produce plans and specifications of detail sufficient for review by DEQE. Determination by DEQE that potential exists for emissions in excess of allowable limits shall be grounds for permit refusal.
  
4. **Nuisance Odors.** There shall be no emissions of toxic or noxious matter or objectionable odors of any kind in such quantity as to be readily detectable at any property line of the lot on which the use emitting the toxic or noxious material or odor is located. For the purpose of this section, toxic or noxious matter is any solid, liquid, or gaseous matter including, but not limited to gases, vapors, dusts, fumes, and mists, containing properties which by chemical or other means are:
  - a. Inherently harmful and likely to destroy life or impair health, or
  - b. Capable of causing injury to the well-being of persons or damage to property.
  
5. **Fire and Explosion.** All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with the Westfield Fire Department requirements, and the then current requirements of the National Fire Prevention Council as interpreted by the Westfield Fire Chief.
  
6. **Radioactive Materials.** The handling of radioactive materials, the discharge of such materials into the 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 the Title 10, Chapter One, Part 20 – Standards for Protection Against Radiation, as amended and all applicable regulations of the State of Massachusetts.

7. Radioactive Liquid or Solid Wastes. There shall be no discharge at any point into 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 City of Westfield Health Department and the Mass Divisions of Environmental Quality Engineering.
8. Electromagnetic Radiation. The following standard shall apply:

It shall be unlawful to operate, cause to be operated or received, 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 are in conflict with the standards of the Federal Communications Commission regarding such sources of electromagnetic radiation.
9. Heat and Glare. Except for approved exterior lighting consistent with Section 4-121, operations producing heat or glare shall be conducted entirely within an enclosed building.
10. Insects and Rodents. All materials, including wastes, and all ground and buildings shall be kept in a manner which will not attract or aid the propagation of insects or rodents creating a health hazard.
11. Wastes and Refuse. No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the lot outside of buildings constructed thereon. Waste material or refuse stored outside buildings shall be placed in completed enclosed containers as per the City of Westfield Hazardous Waste and Underground Fuel Storage Ordinance.
12. Water Pollution. The use of and discharge of substances into lakes, streams or similar water bodies shall not violate the rules and regulations of the Westfield Conservation Commission or the standards of the Mass Division of Environmental Quality Engineering.

4-121.2 deleted/reserved (11/13/02)

4-121.9 revised (12/28/17)