

Chapter 13

NOISE DISTURBANCES

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7-13-010: PURPOSE

These regulations are intended to establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Coalville City;
- B. Prevent the making and creation, of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare, and the peace and quiet for the residents of the City.

7-13-020: JURISDICTION

All noise control in this chapter shall be subject to the direction and control of the sheriff's department, community development director and the public works director.

7-13-030: POWERS and DUTIES

The sheriff's department, community development director and public works director shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders

as necessary to effect the purpose of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

7-13-040: DEFINITIONS

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

- A. **Continuous Sound:** Any sound that exists, essentially without interruption, for a period of ten (10) minutes or more.
- B. **Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- C. **Device:** Any mechanism that is intended to produce or that produces noise when operated or handled.
- D. **Dynamic Braking Device:** A device used primarily on a truck for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".
- E. **Emergency:** A situation or occurrence, which in the opinion of the Mayor, City Council, Director of Community Development or municipal or County Police Chief or Sheriff, presents an imminent threat to the health, safety, or welfare of any person, place, or property.
- F. **Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- G. **Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- H. **Impulsive Noise:** A noise containing excursions usually less than one second.
- I. **Motor Vehicle:** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-cars, snowmobiles, and racing vehicles.
- J. **Muffler:** An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.
- K. **Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- L. **Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- M. **Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- N. **Property Boundary:** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.
- O. **Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium and that propagates at finite speed to distant points.
- P. **Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way.
- Q. **Weighted Sound Pressure Level:** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is "db(A) or "dba".

7-13-050: COMPLIANCE REQUIREMENT

It shall be unlawful for any person not to comply with any rules or regulations promulgated by this chapter, unless expressly waived by these rules and regulations.

7-13-060: EMERGENCY ORDERS

Whenever the Mayor, City Council, Community Development Director, Public Works Director, or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

- A. **Suspension of Rules by Officials:** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of seventy-two (72) hours, at which time the incident will be assessed, and further suspension of these rules ended or extended.
- B. **Application for Exemption for Emergency Reasons.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances as defined in this chapter.

7-13-070: SOUND LEVEL; MEASUREMENT METHOD

Sound level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National

Standards Institute or other reasonable standards adopted and tested by the Summit County Health Department or Coalville City .

7-13-080: GENERAL PROHIBITION OF NOISE

In addition to the specific noise prohibitions outlined in Section 7-13-090, it shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Coalville City as defined in Section 7-13-040. .

7-13-090: SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations.

- A. **Horns and Signaling Devices:** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.
- B. **Radios, Televisions Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices:** Using, operating, or permitting the use of operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. Monday thru Saturday and before 9 a.m. on Sunday in a way that is plainly audible beyond the property boundary of the sources.
- C. **Public Loudspeakers:** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound-vehicle in or upon any street, alley, sidewalk, park place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of section 7-13-100 of this chapter, unless a grant of relief has been issued by the Coalville City Council under section 7-13-120 of this chapter.
- D. **Hawkers and Peddlers:** Selling anything by outcry within any area of the City in such a manner as to violate section 7-13-100 of this code.
- E. **Animals:** Owning, keeping, possessing, or harboring any animal or animals that, by frequent habitual noise-making, violate section 7-13-100 of this code. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.
- F. **Construction Work:** In a residential zone, it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under their control or at which they are employed between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day, or before nine o'clock (9:00) A.M. on Sundays. The City Building Official or City Engineer

may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

- G. **Fireworks or Explosives:** The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining relief from such restrictions as provided by 7-13-120. This provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

H. **Liquor Licensed Premises:**

1. **Failure to Control Noise.** Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
 2. **Outdoor Speakers.** Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining, which music is limited to eleven o'clock (11:00) A.M. to eleven o'clock (11:00) P.M. and may not emanate beyond the boundaries of the outdoor dining area.
- I. **Racing Events:** Permitting any motor vehicle racing event at any place in violation of section 7-13-100, without first obtaining relief from such restrictions as provided by section 7-13-120 of this code.
- J. **Powered Model Mechanical Devices:** Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. or in such a way as to violate Section 7-13-100.
- K. **Dynamic Braking Devices:** Operating any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, during the following hours 10:00 p.m. to 7:00 a.m., Monday thru Saturday, and 9:00 p.m. thru 11:00 a.m. on Sundays.
- L. **Defect in Vehicle:** Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violating section 7-13-100.
- M. **Garbage Collection:** Collecting garbage, waste, or refuse between the hours of

10:00 p.m. and 7:00 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

- N. **Standing Motor Vehicles:** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached therein either in violation of section 7-13-100, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- O. **Bells and Alarms:** Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including, but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental building that fail to meet the standards in section 7-13-100, for longer than two (2) minutes in any hour.
- P. **Fixed Siren, Whistles, and Horns:** Sounding or causing the sounding of any whistle., horn, or siren for longer than two (2) minutes in any hour as a signal for commencing or suspending work or for any other purpose in violation of section 7-13-110, except as a sound signal of imminent danger.
- Q. **Domestic Power Equipment:** Operating or permitting the operation of any power equipment rated five horsepower or more in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10:00 p.m. and 7:00 a.m. of the following day and before 9:00 a.m. on Sunday.
- R. **Noise Near Agricultural Operations:** Construction companies, special event entities or adjacent property owners conducting an activity that creates any new or unusual noise near agricultural operations are strongly encouraged to consult with the farm/ranch operator to mitigate the negative effect of the noise prior to the commencement of the construction, event or activity. Noise impact disputes associated agricultural operations are a civil matter and cannot be resolved by the City.

7-13-100: MOTOR VEHICLE NOISE

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, and not equipped with any cutout, bypass or similar device.

7-13-110: NOISE LEVELS

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or as identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

- A. On the public right-of-way or upon public property, from the source or device as

to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.

- B. If measured, the noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels or more shall be considered to be excessive and unusually loud.
- C. Hours of restriction are 10:00 p.m. to 7:00 a.m. Monday thru Saturday, and before 9:00 a.m. Sunday.

7-13-120: EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday if regulated by local ordinance;
- E. Any noise resulting from activities of a temporary nature during periods permitted by law for which a license or permit has been approved by the City Council in accordance with section 7-13-120 of this chapter;
- F. Any noise resulting from snowmaking activities;
- G. Any noise resulting from snowplowing or removal services on public or private streets, or in commercial zones;
- H. Any noise resulting from agricultural land operations on private or public property; and
- I. Any noise resulting from medical or emergency helicopter operations.

7-13-130: RELIEF FROM RESTRICTIONS

Requests for relief from the noise restrictions in these rules and regulations may be made to the Coalville City Council. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of

the express conditions placed upon any permit issued by the City Council for a Special Use Event or Activity.

7-13-140: ENFORCEMENT

- A. **Responsibility:** Enforcement responsibility will reside jointly with the Community Development Director, Public Works Director and the municipal or county law enforcement agency.
- B. **Citation; Report:** The Community Development Director, Public Works Director or other designated representative may, upon discovery or report of a violation or violations of this chapter, issue a written citation for the violation, or may file a report with the City Attorney for review and assessment of a fine or other legal action pursuant to Section 7-13-140.

7-13-150: PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Annotated, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he/she is guilty of a class A misdemeanor, pursuant to Utah Code Annotated, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

The City Attorney may initiate legal action, civil or criminal to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the City in removing or abating any nuisance or other noise disturbance.