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Document Control Changes: Created 10 June 2021;

## **UNLAWFUL NOISE ORDINANCE**

**for the**

### **TOWN OF CEDAR FORT**

BE IT ORDAINED by the Town Council of the Town of Cedar Fort, Utah County, Utah, that an ordinance relating to Unlawful Noise in the Town of Cedar Fort be enacted as follows:

#### **1.0 OVERVIEW**

This ordinance is established to define the requirements and restrictions imposed on the causing or maintaining of nuisance noises within the Town of Cedar Fort.

#### **2.0 PURPOSE**

This ordinance establishes minimum standards to:

Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the Town limits; and

Prevent excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, and that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the Town; and

Promote the public health, comfort, convenience, safety, welfare, and the peace and quiet of the residents of the Town.

#### **3.0 JURISDICTION**

All noise control and enforcement under this chapter shall be conducted by the mayor, or the person designated by the mayor as an agent of the city to investigate and enforce this ordinances.

#### **4.0 DEFINITIONS**

For the purpose of this Ordinance, the following terms have the following meanings:

**"Continuous sound"** means any sound that exists essentially without interruption for a period of 10 minutes or more;

**"Cyclical varying noise"** means any sound that varies in sound level so that the same level is obtained repetitively at successive, relatively uniform levels over time;

**"Device"** means a mechanism that is intended to produce, or that actually produces, noise when operated or handled;

**"Dynamic braking device"** means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purposes of braking without the use of wheel brakes, commonly referred to as *Jacob's Brake* or *Jake Brake*;

**"Emergency"** means a situation or occurrence which, in the opinion of the mayor or agent of the mayor, may present an imminent threat to the health, safety, or welfare of any person, place, or property;

**"Emergency Vehicle"** means a motor vehicle used in repose to a public calamity or to protect person or property from an imminent exposure to danger;

**"Emergency Work"** means 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;

**"Impulsive noise"** means a noise generating excursion of usually less than one second;

**"Motor vehicle"** means any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles;

**"Muffler"** means an apparatus consisting of a series of chambers or baffles plates designed to transmit gases while reducing sound;

**"Noise"** means any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings;

**"Noise disturbance"** means 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);

**"Plainly audible noise"** means 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;

**"Property boundary"** means an imaginary line extending perpendicular to the ground surface, and its above-ground vertical extension, that identifies the line between the real property owned by one person or entity and that adjoining property owned by another;

**"Sound"** means an audible 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; and

**"Stationary noise source"** means any device, fixed or moveable, that is located or used on property other than a public right-of-way.

## **5.0 PROHIBITION OF UNLAWFUL NOISE**

5.1 It is unlawful for any person to produce, continue, or cause to be produced or continued any noise disturbance within the Town's geographical boundaries.

5.2 The making and/or creating of a noise disturbance within the city as identified in below in Subsection A of this paragraph, or identified and measured in the manner prescribed below in Subsection B of this paragraph, or in violation of restricted hours as set forth below in Subsection C of this paragraph is unlawful.

A. Location of Measurement of Sound. 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, so as to be plainly audible at the property line.

B. Measurement of Sound. Sound of a suspected noise disturbance 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 of the "A" weighing scale. A measurement of 65 decibels shall be considered to be a noise disturbance.

C. Hours of Restriction. The hours of construction noise restriction are as follows:

Sunday through Saturday 11:00 P.M. to 6:00 A.M.

## **5.3 Specific Noise Prohibitions.**

The following acts are unlawful:

A. Horns and Signaling Devices. The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other motor vehicle within the city, except as a danger warning signal as provided by the Vehicle Code of the State of Utah;

B. Radios, Television Sets, Tape Players, Musical Instruments and Similar Devices. Using, operating, or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other device for the production or reproduction of sound:

1. In violation of Paragraph 5.2 above or in a way that is plainly audible beyond the property boundary of the source; or

2. On public property, public rights-of-way, or private property at any time so as to be plainly audible 15 feet from the device;

C. Public Loudspeakers. The use or operation of a loudspeaker or sound-amplifying equipment in a fixed or moveable position or mounted upon any sound vehicle in or upon any street, alley,

sidewalk, park, place or public or private property for the purposes of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Paragraph 5.2 above;

D. Hawkers and Peddlers. Selling any item or service by outcry, whether artificially amplified or not, within any area of the city in such a manner as to violate Paragraph 5.2 above;

E. Animals. Owning, keeping, possessing, or harboring any animal or animals that, by making frequent or habitual sound, create a noise disturbance as defined in Paragraph 5.2 above. The provision of this subsection shall apply to all private and public facilities, including any animal facilities that hold or treat animals;

F. Loading Operation. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects in such a manner as to violate Paragraph 5.2 above;

G. Construction Work. It is unlawful for any person to perform or cause to be performed any construction work on any construction site under his control in such a manner as to violate Paragraph 5.2 above (C). The city council may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, 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;

H. Domestic Power Equipment. Operating or permitting the operation of any power equipment rated five horsepower or less in residential or commercial zones, including, but not limited to, power saws, lawn mowers, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors in such a manner as to violate Paragraph 5.2 above;

I. Fireworks or Explosives. The use of explosives, fireworks, discharge of guns or other explosive devices that are audible across a property boundary, public space, or right-of-way. The provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity;

J. Commercial 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 loudspeaker or sound amplification equipment on any outdoor deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification in conjunction with approved outdoor dining;

Sounds resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

Sound resulting from emergency work; and

Sound resulting from lawful fireworks and noisemakers used for celebration of an official holiday and otherwise lawfully permitted.

## 7.0 PENALTY FOR VIOLATIONS

A person who is found guilty of violating this Ordinance is guilty of a Class B misdemeanor punishable by a fine of up to **\$1,000 for each violation** of this ordinance. Each day such violation is committed or permitted to continue shall constitute a separate violation. In addition to other penalties, any person(s) found guilty of violating this chapter shall be liable for all expenses incurred by the city in removing or abating any nuisance or other noise disturbance.

The Town's attorney may initiate legal action requested by the mayor to abate any condition that exists in violation of this ordinance.

## 8.0 MISCELLANEOUS

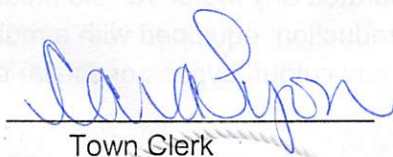
8.1 The provisions of this ordinance are not applicable to infrequent and typical agricultural activities performed at the crop site.

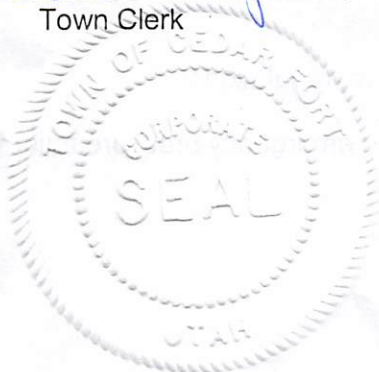
8.2 This ordinance repeals and replaces ordinance CFO-640-DB-2016, including all its prior versions.

8.3 This ordinance shall become effective 15 days following adoption by the Cedar Fort Town Council.

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Mayor

Attested By:

  
Town Clerk



3. Racing Events. Permitting any motor racing event at any place in violation of Paragraph 5.2 above;

K. Powered Model Mechanical Devices. Flying a model aircraft powered by internal combustion engines, whether tethered or remote controlled, or the firing or the operation of model rocket vehicles or other similar noise producing devices in such a way as to violate Paragraph 5.2 above;

L. Dynamic Braking Device. Operating any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger;

M. Defect in Vehicle. Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle that because of disrepair or mode of operation violates Paragraph 5.2 above;

N. Garbage Collection. Collecting garbage, waste, refuse or recyclable materials on regularly scheduled collection in such a manner as to violate Paragraph 5.2 above;

O. Standing Motor Vehicles. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Paragraph 5.2 above, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer;

P. 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 buildings that fail to meet the standards in Paragraph 5.2 above for longer than five minutes in any hour;

Q. Fixed Siren, Whistles and Horns. Sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work or for any other purpose in violation of Paragraph 5.2 above, except as a sound of imminent danger;

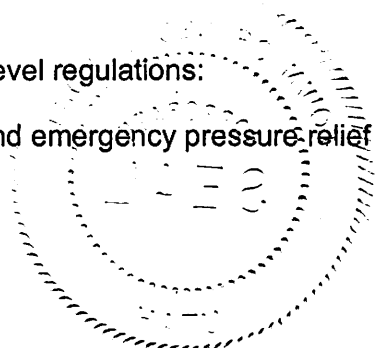
R. Recreation Vehicles and Snowmobiles. Operating a recreational vehicle or snowmobile in any way that violates Paragraph 5.2 above;

S. Motor Vehicle Noise. Operating or causing 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.

## 6.0 EXEMPTIONS

The following activities shall be exempt from noise level regulations:

Sound created by safety signals, warning devices and emergency pressure relief valves which are temporary and necessary in nature;

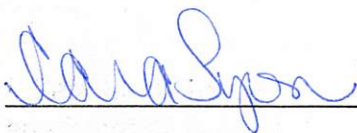


STATE OF UTAH                     )  
  ) ss.  
COUNTY OF UTAH                )

I, Cara Lyon, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 10<sup>th</sup> day of June 2021, entitled

**UNLAWFUL NOISE ORDINANCE for the TOWN OF CEDAR FORT**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 10<sup>th</sup> day of June 2021.



Cara Lyon  
Cedar Fort Town Clerk





Mayor David Gustin

Voted Yay

DG

Councilmember Ellen Cibula

Voted Yea

EC

Councilmember Laura Ault

Voted Yea

LA

Councilmember Wyatt Cook

Voted Yea

WC

Councilmember Rett Messersmith

Voted Yay

RM





AFFIDAVIT OF POSTING

STATE OF UTAH                     )  
  ) ss.  
COUNTY OF UTAH                )

I, Vonda Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 11<sup>th</sup> day of March 2021 and herein referred to as:

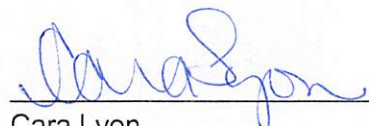
UNLAWFUL NOISE ORDINANCE for the TOWN OF CEDAR FORT

SUMMARY:

The above named ordinance was enacted to describe the prohibition of unlawful noises that disturb the peace and well-being of the residence of Cedar Fort.

The three places are as follows:

1. Post Office
2. Town Hall
3. Recreation Center

  
\_\_\_\_\_  
Cara Lyon  
Cedar Fort Town Clerk

Date of Posting June 10, 2021



