

## CHAPTER 3

### NOISE REGULATION

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**14-3-1 Purpose.** This Chapter is enacted to protect, preserve and promote the health, safety, welfare, peace, quiet, and quality of life for the citizens of the City through the reduction, control and prevention of excessive noise. It is the intent of this Chapter to establish standards that will eliminate and reduce unnecessary and excessive traffic, residential and community noise, which are detrimental to individuals and the community in the enjoyment of life, property, residential tranquility and conduct of business.

**14-3-2 Applicability.** The provisions of this Chapter apply to sound generated from real property and vehicles located within the City. It shall have no applicability to all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

**14-3-3 Definitions.** The following words and phrases, when used in this Chapter, have the following meanings:

Annoyance - Something that annoys, is a nuisance, or is irritating.

Background Sound Level - The total sound pressure level in the area of interest excluding the noise source of interest.

Clearly Audible - Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a sound amplification device, the detection of the rhythmic bass component of the music is sufficient to verify clearly audible sound.

Commercial Power Equipment - Any equipment or device rated at more than five (5) horsepower and used for home or building repairs or grounds maintenance.

Commercial Area, Commercial Zone - Any area of the City with a commercial zoning designation, and the abutting public streets and public premises.

Commercial Premise - Any premise involving traffic in goods or furnishing of services gratuitously and/or for sale or profit.

Construction Activity - Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures, which produces sound clearly audible at the property line of the premises from which the sound originates.

Construction Equipment - Any equipment or device or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways or appurtenance thereto.

Device - Any equipment or mechanism which is intended to produce or which actually produces sound when operated or handled.

Domestic Power Equipment - Any equipment or device rated at five (5) horsepower or less and used for home or building repairs or grounds maintenance, including, but not limited to, power saw, sander, vacuum, lawn mower, leaf blower, and garden equipment. "Domestic Power Equipment" does not include snow blowers or other snow removal equipment.

Emergency Work - Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public streets, or abating life-threatening conditions.

Enforcement Officer - A peace officer, or an officer or employee of the City authorized to enforce all or part of the provisions of this Chapter.

Impulsive Sound - A sound having a duration of less than one (1) second with an abrupt onset and rapid decay.

Industrial Premise - Any premise where manufacturing, processing, fabrication, or production of goods or products takes place.

Industrial Area - Any manufacturing zone.

Manufacturing Zone - Any area of the City with a manufacturing zoning designation and the abutting public streets and public premises.

Motor Vehicle - Every vehicle which is self-propelled and every vehicle which is propelled by electric power except vehicles moved solely by human power and motorized wheel chairs. "Motor vehicle" shall not include power equipment, auxiliary equipment and sound amplification devices on or within motor vehicles, that are not operated by or driven by the motor vehicle engine propelling system, or any motor vehicle operated on private property for recreational or amusement purposes.

Multiple Dwelling Units - Any building where there are two or more dwelling units.

Parties - A social gathering of people or the entertainment provided for it.

Plainly Heard - Any noise that can be heard in a clear way.

Premise - Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, common areas, swimming pools and surrounding areas, and real properties without buildings or improvements, owned or controlled by a person or entity.

Property Line - The real or imaginary line and its vertical extension which separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit that is one in a multiple dwelling unit.

Public Park - All real property owned, operated or maintained by either the City or other public governmental entity, and used as a park, playground, swimming pool, golf course, waterway, nature center, trail or other recreational facility.

Public Premise - Any premise, which is owned, leased or controlled by any public governmental entity.

Public Street - All real property and improvements thereof used or dedicated as a public right-of-way for vehicular, bicycle or pedestrian traffic, including any highway, boulevard, parkway, avenue, trail, street, road, sidewalk, park strip, or alley.

Pure Tone - Any sound that can be distinctly heard as a single pitch or set of single pitches.

Residential Area, Residential Zone - Any area of the City with a residential zoning designation and the abutting public streets and public premises.

Residential Premise - Any premise located within a residential zone or commercial zone where single or multiple dwelling units exist, or where public parks, schools, churches, hospitals, nursing homes, homes for the aged, and similar institutional facilities are located.

Sound - An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

Sound Amplification Device - Any device for the amplification of the human voice, music or any other sound, including, but not limited to, radios, televisions, phonographs, stereos, record players, cassette players, compact disc players, loud speakers, or sound amplifiers.

Vehicles - Including, but not limited to, snowmobiles, ATVs, motorcycles, cars, trucks, boats, mini bikes, motorized scooters, go-carts, etc.

**14-3-4 Restricted Uses or Activities.** (1) **Horns and Signaling Devices.** No person shall, at any time, sound any horn or audible signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal or traffic warning as provided under the Utah Motor Vehicle Act; create by means of any such signaling device any unreasonably loud or harsh sound; or sound any such device for an unnecessary or unreasonable period of time.

(2) **Truck Idling.** No person shall operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds Manufacturer's Gross Vehicle Weight (GVA) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premise, on a premise next to a residential premise, or on a public street next to a residential premise; provided, however, that vehicles confined and operated within an enclosed structure, or vehicles being used directly in construction activity or the operation of construction equipment shall not be subject to the provisions of this subsection.

(3) **Motor Vehicle Operation.** No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:

- (a) Free from defects that affect sound reduction;
- (b) Equipped with a muffler or other noise dissipative device; or
- (c) Not equipped with any cut-out, by-pass, or similar device.

(4) **Sound Amplification Devices; Musical Instruments.**

- (a) **Affecting Residential Premises.** No person shall operate a Sound Amplification Device or musical instrument:
  - (i) Between the hours of 10:00 p.m. and 6:00 a.m. in a way that is clearly audible at the property line of a residential premise; or
  - (ii) In a way that at any time is clearly audible outside the Property Line of a residential premise, when all exterior doors and windows

of such dwelling unit are closed or in a way that it disturbs, offends or annoys one or more persons.

(b) **Operation in a Motor Vehicle.** No person shall operate a Sound Amplification Device within a motor vehicle which is clearly audible or which causes a person to be aware of vibration accompanying the sound either:

(i) At a distance of fifty feet (50') from the motor vehicle; or

(ii) Within another motor vehicle on a public street, at any distance, when all doors and windows of such other vehicle are closed.

It is irrelevant that the vehicle is moving on a public street or parked on private property at the time of violation.

(c) **Public Parks.** No person shall operate a Sound Amplification Device within a public park, which is clearly audible at a distance of seventy-five feet (75') from the device, unless operated pursuant to a Special Permit issued under Section 14-3-6 of this Chapter.

(d) **Commercial Operation on Public Street Without Permit.** No person shall operate a Sound Amplification Device in a fixed or movable position or mounted upon any vehicle, in or upon a public street, 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 this Chapter, unless a permit is first obtained.

(e) **Projection, From Building on Public Street.** No person shall maintain and operate in any building, structure or vehicle a Sound Amplification Device or musical instrument where the sound therefrom is cast directly upon a public street and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.

(5) **Construction Equipment or Activity.** The operation of construction equipment or the performance of construction activity, except as required for emergency work or as allowed by a Special Permit issued in accordance with Section 14-3-6, shall only be allowed between the hours of 6:00 a.m. and 10:00 p.m. on weekdays or between the hours of 8:00 a.m. and 6:00 p.m. on weekends (Saturdays and Sundays) or legal holidays.

(6) **Commercial Power Equipment.** The operation of any commercial power equipment shall only be allowed between the hours of 6:00 a.m. and 10:00 p.m. and only when in compliance with this Chapter.

(7) **Domestic Power Equipment.** The operation of any domestic power equipment shall only be allowed between the hours of 7:00 a.m. and 10:00 p.m.

(8) **Refuse Collection and Compacting.** Garbage, refuse, or other solid waste collection shall only be allowed between the hours of 6:00 a.m. and 7:00 p.m. when such collection takes place on any residential premise or on any premise next to, or across the street or alley from a residential premise.

(9) **Loading/Unloading Operations.** Except as otherwise provided for solid waste collection in Subsection (6) above, loading, unloading, opening, closing or otherwise handling boxes, crates, containers, building materials, liquids, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or public, shall only be allowed between the hours of 6:00 a.m. and 10:00 p.m.

(10) **Mufflers Required For Engine Exhaust.** No person shall discharge into the open air the exhaust of any stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.

(11) **Firing Ranges.** The operation of a firing range shall only be allowed between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday, where the sound therefrom is clearly audible at the property line of the premises of the firing range.

**14-3-5 Exceptions.** The provisions of this Chapter shall not apply to the following uses and activities:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (2) Noises resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency.
- (3) Noises resulting from emergency work.
- (4) Loudspeakers or other Sound Amplification Device operated by a peace officer or member of the fire department in the performance of official duties.

(5) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the City.

(6) Any aircraft or railroad equipment operated in conformity with, or pursuant to, State statute, Federal law, or Federal regulations and traffic control instruction used pursuant to and within the duly adopted State or Federal regulations.

(7) Noise from an exterior alarm system of any building or vehicle provided such alarm shall terminate its operation within five (5) minutes of its activation.

(8) Sound from any bell or chime from any building clock, school or church, or sound from unamplified music or sound emanating from any church or school.

(9) Noise from construction equipment operating within permitted hours, provided all motorized equipment used in such activity is equipped with functioning mufflers.

(10) Noise from domestic power tools and equipment, when operated between 7:00 a.m. and 10:00 p.m.

(11) Noise from snow blowers, snow throwers, and snow plows.

(12) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of 7:00 a.m. and 10:00 p.m.

(13) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday.

(14) Noise generated from City-sponsored celebrations or special events.

**14-3-6 Special Permit.** (1) Applications for a permit for relief from the noise level designated in this Section may be made to the City.

(2) Applications for a permit shall supply information including, but not limited to:

- (a) The nature and location of the noise source for which such application is made.
- (b) The reason for which the permit is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit is not granted.
- (c) The level of noise that will occur during the period of the permit.

- (d) The Section provision for which the permit shall apply.
- (e) A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom; and.
- (f) A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this Chapter within a reasonable time.

(3) Any permit granted under this Subsection shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective, which shall be no longer than one (1) year.

(4) No permit shall be approved unless the applicant presents adequate proof that:

- (a) Compliance with this Chapter would impose an undue hardship on the applicant without equal or greater benefits to the public and additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this Chapter.
- (b) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with this Chapter.
- (c) No other reasonable alternative is available to the applicant.
- (d) Noise levels occurring during the period of the permit will not constitute a danger to public health.
- (e) Adjacent property owners and residents within 100 feet of the property line of the applicant must be notified prior to issuance of the permit.
- (f) In the absence of compelling reasons to the contrary, permits issued under this Section shall be limited in application to 10:00 p.m. Sunday through Thursday nights and to midnight of Fridays and Saturdays.

(5) In making the permit determination, the City shall consider:

- (a) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused.



- (b) The social and economic value of the activity for which the permit is sought.
- (c) The ability of the applicant to apply the best practical noise control measures.
- (d) Special Permits shall be limited to two (2) permits per applicant and/or property, as the case may be, per year.

(6) The City in granting such a Special Permit may prescribe any conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(7) The permit may be revoked by the City if there is:

- (a) Violation of one or more conditions of the permit;
- (b) Material misrepresentation of fact in the permit application; or,
- (c) Material change in any of the circumstances relied on by the City in granting the permit.

(8) Notwithstanding the granting of a permit the applicant shall make every reasonable effort to limit or mitigate noise levels. Failure to do so will be grounds to revoke the permit.

**14-3-7 Noise From Loud Parties.** (1) It shall be unlawful for any person to make, continue to make or cause, or fail to stop, any excessive, unnecessary, or unusual noise, which annoys, disturbs, injures, or endangers the comfort, health, peace, or safety, of others within the limits of the City.

(2) At parties or large gatherings, when it can be determined who committed the noise violation, the person can individually be held responsible. If it is undetermined who is committing the noise violation, then the person in charge, or the homeowner, or renter can be held accountable by being charged -with the noise violation.

(3) In determining what is viewed as loud, the following standards apply:

- (a) If the noise can be plainly heard from the public roadway in front of the residence.
- (b) If the noise can be plainly heard when standing at any property line adjacent to the home from which the noise is being emitted.

(4) In this section, it is irrelevant if the complaining person remains anonymous with the police department or dispatch center. If an officer either arrives on scene through being dispatched or preventive patrol, the officer can take action without contacting the complainant. If the noise is terminated prior to police arrival, the complainant must sign a complaint before any person can be charged for the noise violation.

**14-3-8 Noise From Personal Behavior.** It shall be unlawful for any person to make unreasonable noises, to fight, to cause any public inconvenience, annoyance, or alarm, within the limits of the City.

**14-3-9 Enforcement.** (1) A violation of this Chapter is a Class B misdemeanor, subject to the penalties provided by law.

(2) As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this Chapter, or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as provided by law.

(3) Any peace officer is authorized to enforce the provisions of this Chapter provided that the City may by administrative order authorize other officers or employees of the City to enforce all or part of the provisions of this Chapter.

(4) The content of the sound will not be considered in determining a violation of this Chapter.

**14-3-10 Other Code Provisions.** (1) Noise emitted by unamplified human voices shall be enforced pursuant to the prohibitions against disorderly conduct and nuisance, as provided in State law or other provisions of the Revised Ordinances of Kaysville City.

(2) No provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law.