

CHAPTER 2. NOISE CONTROL

11-2-1. Declaration of policy.

11-2-2. Definitions and standards.

11-2-3. Sound level - Measurement method.

11-2-4. Noises prohibited.

11-2-5. Exempt uses and activities.

11-2-6. Zoning districts and permitted noise levels.

11-2-7. Permit for relief from restrictions - Conditions.

11-2-8. Enforcement responsibility.

11-2-9. Violation - Penalty.

11-2-10. Violation - Additional remedies.

11-2-1. Declaration of policy.

It is declared to be the policy of Tooele City to prohibit the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use, and which are a detriment to the public health, comfort, convenience, safety, welfare, prosperity, and peace and quiet of the residents of the city. (Ord. 91-26, 12-12-91)

11-2-2. Definitions and standards.

(1) All terminology used in this chapter and not defined in this chapter shall be interpreted in conformance with applicable American National Standards Institute Publications, including but not limited to SI. 1-1960, R 1971, or those from its successor publications or bodies.

(2) For purposes of this chapter:

(a) "Ambient sound pressure level" means the sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeded ninety percent of the time based on a measurement period which shall not be less than ten minutes.

(b) "A-weighted sound pressure level" means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is "dB(A)" or "dBA."

(c) "Continuous sound" means any sound which exists, essentially without interruption, for a period of ten minutes or more.

(d) "Cyclically varying noise" means any sound which varies in sound level such that the same level is obtained repetitively at reasonable uniform intervals of time.

(e) "Decibel" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as "dB."

(f) "Device" means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

(g) "Dynamic braking device" (commonly referred to as "jacobs brake") means a device used primarily on trucks for the conversions of the engine from

an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(h) "Emergency vehicle" means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(i) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

(j) "Impulsive noise" means a noise containing excursions usually less than one second, or sound pressure level using the "fast" meter characteristic.

(k) "Motor vehicle" means any vehicle which is self-propelled by mechanical power, including but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles.

(l) "Muffler" means an apparatus consisting of a series of chambers of baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(m) "Ninetieth percentile noise level" means the A-weighted sound pressure level that is exceeded ninety percent of the time in any measurement period, such as the level that is exceeded for nine minutes in a ten-minute period, and is denoted "L90."

(n) "Noise" means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

(o) "Noise disturbance" means any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

(p) "Percentile sound pressure level" means tenth percentile noise level; the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period, such as the level that is exceeded for one minute in a ten-minute period, and is denoted "L10."

(q) "Person" means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.

(r) "Plainly audible noise" means any noise for which the information content of that noise is unambiguously transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(s) "Property boundary" means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

(t) "Public place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses,

office buildings, transport facilities, and shops.

(u) "Public right-of-way" means any street, avenue, boulevard, highway or alley, or similar place, which is owned or controlled by a public governmental entity.

(v) "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist of the one-third octave band sound-pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of five hundred hertz (Hz) and above, by eight dB for frequencies between one hundred sixty and four hundred Hz, and by fifteen dB for frequencies less than or equal to one hundred twenty-five Hz.

(w) "Repetitive impulsive noise" means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at the "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).

(x) "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

(y) "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighing networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of Type 2 or better as specified in American National Standards Institute Publication S1. 4-1971 or its successor publication.

(z) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(aa) "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty micropascals, denoted LP or SPL.

(ab) "Stationary noise source" means any device, fixed or movable, which is located or used on property other than a public right-of-way.

(ac) "Steady noise" means a sound pressure level which remains essentially constant during the period of observation, that is, that it does not vary more than six dB(A) when measured with the "slow" meter characteristic of a sound level meter. (Ord. 91-26, 12-12-91)

11-2-3. 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 county health department. (Ord. 91-26, 12-12-91)

11-2-4. Noises prohibited.

(1) In addition to the specific prohibitions outlined in subsection (2) and Sections 11-2-6 and 11-2-9, or their successors, it is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of the city.

(2) The following acts are declared to be in violation of this chapter:

(a) sounding any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place within the city, except as a danger warning signal as provided in Title 41 of the Utah Code, or the sounding of any such signaling device for an unnecessary or unreasonable period of time;

(b) (i) using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in subsection (2)(c), in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance.

(ii) operating any device listed in subsection (2)(b)(i) between the hours of ten p.m. and six a.m. Monday through Friday, and between the hours of ten p.m. through eight a.m. Saturday and Sunday in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty feet (fifteen meters) from such device when operated within a vehicle parked in a public place or on a public right-of-way;

(c) using or operating 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 property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate Section 11-2-6, or its successor, or cause a noise disturbance unless a permit as provided by Section 11-2-7 or its successor, is first obtained;

(d) selling anything by outcry within any area of the city zoned primarily for residential uses in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similarly licensed public entertainment events;

(e) owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noisemaking, violate Section 11-2-6 or its successor, or causes a noise disturbance. The provisions of this section shall apply to all private and public facilities, including any animal pounds which hold or treat animals;

(f) loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of nine p.m. and seven a.m. the following day in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(g) operating or causing to be used or operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto, either:

(i) in residential or commercial zoning districts between the hours of nine p.m. and seven a.m. the following day; or

(ii) in any zoning district where such operation exceeds the second-level limits for an industrial land use as set forth in Section 11-2-6 or its successor;

(h) operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair or grounds maintenance, including, but not limited to a power saw, sander, lawnmower, garden equipment or snow removal equipment, in residential or commercial zones:

(i) outdoors between the hours of nine p.m. and seven a.m. the following day; or

(ii) any such power equipment which emits a sound pressure level in excess of seventy-four dB(A) measured at a distance of fifty feet (fifteen meters);

(i) operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five horsepower, including but not limited to chain saws, pavement breakers, log chippers, powered hand tools:

(i) in residential or commercial zoning districts between the hours of nine p.m. and seven a.m. the following day;

(ii) in any zoning district if such equipment emits a sound pressure level in excess of eighty-two dB(A) measured at a distance of fifty feet (fifteen meters);

(j) operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at appoint that is normally occupied by a customer, maximum sound pressure levels of one hundred dB(A), as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least two hundred twenty-five square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate Section 11-2-6 or its successor;

(k) permitting any motor vehicle racing event at any place in such a manner as to violate Section 11-2-6, or cause a noise disturbance, without first obtaining a permit as provided by Section 11-2-7 or successor sections;

(l) flying a model aircraft powered by internal combustion engines, whether tethered or not, or firing or operating model rocket vehicles or other similar noise-producing devices, between the hours of nine p.m. and seven a.m. the following day, or in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(m) operating any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger;

(n) operating or permitting to be operated or used any truck, automobile, motorcycle or other motor vehicle which, by virtue of disrepair or manner of operation, violates Section 11-2-6 or its successor, or causes a noise disturbance;

(o) operating or causing or permitting to be operated or used, any refuse-compacting vehicle which creates a sound pressure level in excess of seventy-four dB(A) at fifty feet (fifteen meters) from the vehicle;

(p) collecting garbage, waste or refuse between the hours of nine p.m. and seven a.m. the following day:

(i) in any area zoned residential, or within three hundred feet of an area zoned residential,

(ii) in any zoning district so as to cause a noise disturbance;

(q) operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance for a consecutive period longer than fifteen minutes during which such vehicle is stationary in a residential zone;

(r) creating noise in excess of the residential standard, as defined in Section 11-2-6 or its successor, within the vicinity of any school, hospital, institution of learning, court, or other designated area where exceptional quiet is necessary, while the same is in use, provided conspicuous signs are displayed in the streets indicating that the same is a quiet zone;

(s) sounding, operating or permitting to sound or operate 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, which fails to meet the standards set forth in Section 11-2-6 or its successor, for more than five minutes in any hour;

(t) sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except as a sound signal of imminent danger, in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(u) (i) operating a recreational vehicle or snowmobile in a manner which violates Section 11-2-6 or its successor, or causes a noise disturbance,

(ii) selling or operating any recreational vehicle or snowmobile, manufactured after 1977, in the city unless such vehicle produces no more than a maximum sound level of eighty-two dB(A) at fifty feet (fifteen meters).

(Ord. 2011-18, 10-19-11); (Ord. 91-26, 12-12-91)

11-2-5. Exempt uses and activities.

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

(1) noise of safety signals, warning devices and emergency pressure-relief valves;

(2) noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

(3) noise resulting from emergency work, as determined by the director of the county board of health or such director's designee;

(4) noise resulting from lawful fireworks and noisemakers used in celebration of an official holiday;

(5) any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the director of the county health department in accordance with Section 11-2-7 or its successor. (Ord. 91-26, 12-12-91)

11-2-6. Zoning districts and permitted noise levels.

(1) It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period of not less than ten minutes unless otherwise provided in this chapter, and which exceeds the limits set forth for the following receiving zoning districts, when measured at the boundary or at any point within the property affected by the noise:

<u>Zoning District</u>	<u>9 p.m. - 7 a.m.</u>	<u>7 a.m. - 9 p.m.</u>
Residential	50 dB(A)	55 dB(A)
Commercial	55 dB(A)	60 dB(A)
Manufacturing	75 dB(A)	80 dB(A)

When a noise source can be identified and its noise measured in more than one zoning district, the limits of the most restrictive district shall apply at the boundaries between the different zoning districts.

(2) (a) It is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any zoning district which creates a tenth percentile sound pressure level (L10) of fifteen dB(A) greater than the levels set forth for the receiving zoning districts in subsection (1) for any measurement period. Such period shall not be less than ten minutes.

(b) Notwithstanding subsection (2)(a), it is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any zoning district which creates a tenth percentile sound pressure level (L10) greater than fifteen dB(A) above the ambient and sound pressure level (L90) of any measurement period. Such period shall not be less than ten minutes.

(3) (a) For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection (1) shall be reduced by five dB(A).

(b) Notwithstanding compliance with subsection (3)(a), it is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance. (Ord. 91-26, 12-12-91)

11-2-7. Permit for relief from restrictions - Conditions.

(1) Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the county health department. Any permit granted by the director of the county health department an authorized representative shall contain all conditions upon which the permit has been granted, including the effective dates, any time of day, location, sound pressure level, or equipment limitation.

(2) The relief requested may be granted upon good and sufficient showing:

(a) that additional time is necessary for the applicant to alter or modify such applicant's activity or operation to comply with this chapter;

(b) that the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; or,

(c) that no reasonable alternative is available to the applicant.

(3) The director of health may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood. (Ord. 91-26, 12-12-91)

11-2-8. Enforcement responsibility.

The county health department shall have primary, but not exclusive, enforcement responsibility for this chapter as it relates to stationary sources, and joint enforcement responsibility with appropriate law enforcement agencies as it relates to vehicular or portable sources. (Ord. 91-26, 12-12-91)

11-2-9. Violation - Penalty.

Any person violating any provision of this chapter shall be guilty of a class C misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 91-26, 12-12-91)

11-2-10. Violation - Additional remedies.

Violations of Sections 11-2-3 through 11-2-9 of this chapter or their successor sections, are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 91-26, 12-12-91)