ORDINANCE NO. 2012-16

AN ORDINANCE OF MIDVALE CITY PERTAINING TO NOISE REGULATION AND RESTRICTED HOURS.

WHEREAS, Salt Lake Valley Health Department has adopted a regulation concerning noise within Salt Lake County.

WHEREAS, Salt Lake Valley Health Department has omitted certain, previously enforced, noise regulation and exemptions.

WHEREAS, Midvale City wishes to retain components of the previously enforced regulation and exemptions.

NOW, THEREFORE, BE IT ORDAINED by the Midvale City Council that Chapter 8.01A of the Code of Ordinances of Midvale City pertaining to noise is amended to read as follows:

SECTION I.
That Chapter 8.01A Noise Control is enacted to read as follows:

8.01A.010. Regulations, Adopted by Reference; Copies on File. The provisions of the Salt Lake Valley Health Department, Health Regulation 21 entitled "Community Noise Pollution Control," as currently adopted by the Salt Lake Valley Health Department under authority of Utah Code Annotated section 26A-1-114, as amended, are hereby incorporated in their entirety by reference. Copies of such regulation shall be on file with the city recorder and available for examination by any person. (1999 Code)

8.01A.020. Section left intentionally blank.

8.01A.030. General Prohibition of Noise. In addition to the specific prohibitions outlined in this ordinance, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued any loud, unreasonable, unnecessary, or unusual noise that:
1. Disturbs the health or safety of a reasonable person of normal sensitivity within any receiving property; or
2. Creates a public nuisance defined as an act or condition created by a person who unlawfully commits or omits to perform any duty, which either:
   a. Seriously injures, or endangers the health, or safety or any person;
   b. Seriously renders a person insecure in life; or
c. Endangers the environment.

Additionally, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any noise that is plainly audible at a Type A or Type B receiving property between the hours of 10:00 p.m. and 7:00 a.m.

8.01A.040. Indoors.

1. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary noise source so as to exceed the maximum sound pressure level set forth in Table 1 when measured indoors of a multi-dwelling unit building or multi-use property. Measurements shall not be taken in areas which receive only casual noise in no-habitable areas such as hallways, closets, and bathrooms.

2. The transmission of vibrations that cannot be measured with a sound level meter are not restricted by this ordinance.

8.01A.050. Specific Noise Restrictions.

A. Bells and Clocks. No person shall sound, operate, or permit the sounding or operation of an electronically amplified signal from any bell, chime or clock between the hours of 10:00 p.m. and 7:00 a.m. for longer than 5 minutes in any one hour so as to cause a noise nuisance.

B. Fixed Sirens, Whistles, and Horns. No person shall sound, nor shall any person cause, allow, permit, or fail to control the sounding of any whistle, horn, or siren used as a signal for commencing or suspending work, or for any other purpose so as to cause a noise nuisance, except when used as a signal of an emergency or imminent danger.

C. Hawkers and Peddlers. No person shall offer for sale, distribute, solicit, or sell anything by shouting or outcry within 300 feet of a Type A or Type B property use. The provisions of this section shall not be construed to prohibit the selling by shouting or outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar public entertainment events.

D. Motor Vehicles.

1. Horns and Other Signaling Devices. No person shall sound any horn or audible signaling device on any motor vehicle, except to prevent or avoid an accident. Any advertisement or solicitation which encourages or requests a person to honk their horn in violation of this ordinance is expressly prohibited.

2. Motorsports. No person shall allow or conduct any sponsored or sanctioned motorsport activities in such a manner that emits a sound pressure level which exceeds the maximum allowable sound pressure levels set forth in Table 1 when measured at a Type A or Type B property use.
3. **Standing Motor Vehicles.** No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motor vehicle to remain in an idling mode or condition for:
   a. A consecutive period of 5 minutes or longer;
   b. Any period of time while the vehicle is left unattended; or
   c. So as to cause a noise nuisance.

8.01A.060. **Powered Model Mechanical Devices.** No person shall fly a model aircraft, whether tethered or not, or fire or operate a model rocket vehicle or other similar noise-producing device;
   a. Between the hours of 10:00 p.m. and 7:00 a.m. within 300 feet of a Type A or Type B property use; or
   a. So as to cause a noise nuisance.

8.01A.070. **Shouting and Loud Conversations.** No person shall vocalize at levels which amount to a plainly audible noise within 100 feet of a Type A or Type B property use, for a duration longer than ten seconds.

8.01A.080. **Snowmobiles.** No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any snowmobile;
   a. Between the hours of 10:00 p.m. and 7:00 a.m.;
   b. Within 300 feet of a Type A or Type B property use, or so as to cause a noise nuisance;
   c. Within the public or private right-of-way or on public property unless specifically designated for use by a federal, state, or local government entity for such vehicle; or
   d. That is not in good mechanical working condition so as to emit excessive or unusual sounds.

8.01A.090. **Sporting Equipment.** No person shall use, nor shall any person cause, allow, permit, or fail to control the impulsive sound from any toy or piece of sporting equipment between the hours of 10:00 p.m. and 7:00 a.m., if such usage creates a plainly audible noise at a Type A or Type B property use so as to cause a noise nuisance.

8.01A.100. **Sporting Ramps.** No person shall build or use nor shall any person cause, allow, or permit anyone to build or allow anyone to use any skateboard, roller blade, bicycle, or snowboard ramp or half-pipe or similar configuration within 300 feet of a Type A or Type B property use, except within facilities that have been designated for such use by a government entity.
8.01A.110. Swimming Pool Equipment. No person shall operate or maintain, nor shall any person cause, allow, permit, or fail to control the operation or maintenance of any swimming pool equipment used to operate a swimming pool or spa, including but not limited to the heater, pump, filter, water conditioner, disinfection equipment, hydrojets or other accessory equipment that exceeds the maximum allowable sound pressure levels set forth in Table 1 when measured at a Type A or Type B property use so as to cause a noise nuisance.

8.01A.120. Water Features. No person shall install, operate, or maintain, nor shall any person cause, allow, permit, or fail to control the installation, operation, or maintenance of any man-made water feature or equipment associated with any man-made water feature including, but not limited to ponds, waterfalls, fountains, recirculating pumps, aerators, or other similar features or equipment so as to:
   a. Be plainly audible at a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m. so as to cause a noise nuisance.

8.01A.130. Music and Sound Amplification. With the exception of declaring an emergency, no person shall operate, play, nor shall any person cause, allow, permit, or fail to control the operation or playing of any personal or commercial sound amplification, or sound reproduction equipment, or musical instruments, or similar devices in such a manner:
   a. So as to exceed the maximum allowable sound pressure levels set forth in Table 1 when measured at a Type A or Type B property use;
   b. Which emits a plainly audible noise at a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m.;
   c. That causes a crowd noise nuisance at a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m.;

8.01A.140. Exemptions.

A. Agricultural Practices. Noise resulting from the use of farm equipment or off-highway implement of husbandry for recognized and acceptable agricultural practices shall be exempt from this ordinance provided that:
   1. All reasonable efforts have been made to minimize the impact on the community;
   2. The equipment is operating within manufacturer’s specifications;
   3. All noise control systems are in constant use, in good working order, and in compliance with this ordinance;
   4. All equipment is in good mechanical working condition so as to not emit excessive or unusual sounds;
   5. The equipment is used between the hours of 7:00 a.m. and 10:00 p.m.; and
6. This part shall not be construed to prohibit noises resulting from agricultural equipment between the hours of 10:00 p.m. and 7:00 a.m. within 300 feet of a Type A or Type B property use that result from harvesting a crop or other similar activity within an agriculturally zoned area.

B. **Human Voice.** Noise resulting from the un-amplified human voice shall be exempt from this ordinance, provided the person is not in a public entertainment venue and is not shouting.

C. **Military Operations.** Noise resulting from the emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty shall be exempt from this ordinance.

D. **Railway and Interstate Highways.** Noise resulting from railways and interstate highway traffic noise, when operating in accordance with all local, state and federal laws shall be exempt from this ordinance.

E. **Road Sweepers.** Noise resulting from road sweepers when operated for the purposes of cleaning highways or any other public right-of-way shall be exempt from this ordinance.

F. **Sporting Events.** Noise resulting from activities directly related to the field of play (e.g. whistles, shouting plays, revving engines) during a sporting contest including, but not limited to football, soccer, baseball, drag racing, or similar event that are sanctioned by the Utah High School Activities Association (UHSAA), National Collegiate Athletic Association (NCAA), other professional organization, or organized sport association shall be exempt from this ordinance. Events continuing after curfew will be exempted provided the event began sufficiently early that it would be reasonably expected that 95% of a similar class of events would have been completed by 10:00 p.m. This part shall not apply to any amplified sound sources, fireworks, or the maximum sound pressure level restrictions set forth in Table 1.

G. **Swimming and Spa Pools.** Noise resulting from the splashing of water caused by reasonable swimming associated activities within a spa or swimming pool between the hours of 7:00 a.m. and 10:00 p.m. shall be exempt from this ordinance.

**8.01A.150. Interpretation of Ordinance.** In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be in the minimum required for the purposes set forth. Notwithstanding the foregoing, whenever the provisions of this chapter conflict with any other ordinances pertaining to the same subject. The more restrictive provisions shall prevail. (1999 Code)
8.01A.160. Violation of Ordinance. Violation of any noise ordinance shall constitute a class B misdemeanor, as defined by the Utah Code Annotated. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such. (1999 Code)

<table>
<thead>
<tr>
<th>Receiving Property Use*</th>
<th>Between 10:00 p.m. and 7:00 a.m.</th>
<th>Between 7:00 a.m. and 10:00 p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>5 dBA above ambient sound not to exceed 50 dBA</td>
<td>10 dBA above ambient sound not to exceed 60 dBA</td>
</tr>
<tr>
<td>Type B</td>
<td>5 dBA above ambient sound not to exceed 55 dBA</td>
<td>10 dBA above ambient sound not to exceed 65 dBA</td>
</tr>
<tr>
<td>Type C</td>
<td>5 dBA above ambient sound not to exceed 70 dBA</td>
<td>10 dBA above ambient sound not to exceed 70 dBA</td>
</tr>
<tr>
<td>Type D</td>
<td>5 dBA above ambient sound not to exceed 75 dBA</td>
<td>10 dBA above ambient sound not to exceed 75 dBA</td>
</tr>
</tbody>
</table>

*See Appendix A referencing property use examples.

SECTION II
This ordinance shall become effective upon passage, signature and notice of publication.

PASSED AND APPROVED this 27th day of November, 2012.

MIDVALE CITY

By: Mayor JoAnn B. Seghini
ATTEST:

[Seal]

[Seal]

VOTING:

Robert M. Hale           Yea ✓  Nay ___
Paul Glover              Yea ✓  Nay ___
Paul Hunt                Yea ✓  Nay ___
Wayne Sharp              Yea ✓  Nay ___
Colleen Costello         Yea ✓  Nay ___

[Seal]

ATTEST:

Rori L. Andreason, MMC
City Recorder

Published this 24th day of December, 2012.
APPENDIX A
Noise Area Classifications

**Type A** Property Use Activities/Examples

- Single family residential structure that does not share a common wall with residential or any other use.

**Type B** Property Use Activities/Examples

- All other residential use not included in Type A including but not limited to:
  - Apartment/Condominium/Twin Home/Poli-Plex
  - Group home, community living
  - Residential hotel/motel
  - Mobile home park or court
  - Transient lodging
- Correctional institution
- Medical/other health service
- Religious, Church activity
- School, Educational Institution activity
- Cultural activity and nature exhibition
- Camping and picnicking areas (designated)
- Resort, group camp
- Other cultural, recreational activity

**Type C** Property Use Activities/Examples

- Retail trade
  - building materials
  - hardware
  - farm equipment
  - general merchandise
  - food, eating and drinking, other recreation (bar, discotheques, clubs)
  - automotive & accessories, gas stations
  - marine craft & accessories
  - aircraft & accessories
  - apparel & accessories
  - furniture, home furnishings and equipment
- Other retail trade
  - Finance, insurance, and real estate services
  - Personal services
  - Business services
  - Repair services
  - Legal services
o Other professional services
o Contract construction services
o Governmental services (except correctional institutions)
o Miscellaneous services (except religious activities)
o Amusements (except fairgrounds and amusement parks)
o Parks
o Automobile parking

**Type D  Property Use Activities/Examples**

- Food and kindred products - manufacturing
- Textile mill products - manufacturing
- Apparel & other finished products made from fabrics, leather & similar materials - manufacturing
- Lumber and wood products (except furniture) – manufacturing
- Furniture and fixtures - manufacturing
- Paper and allied products- manufacturing
- Printing, publishing, and allied industries
- Chemicals and allied products – manufacturing
- Petroleum refining and related industries
- Rubber and miscellaneous plastic products – manufacturing
- Stone, clay, & glass products – manufacturing
- Primary metal industries
- Fabricated metal products - manufacturing
- Professional, scientific, and controlling instruments, photographic & optical goods, watches and clocks - manufacturing
- Miscellaneous manufacturing (except motion picture production)
- Railroad, rapid transit, and street railway transportation (except passenger terminals)
- Motor vehicle transportation (except passenger terminals)
- Aircraft transportation (except passenger terminals)
- Marine craft transportation (except passenger and freight terminals)
- Highway and street right-of-way Communication (except telegraph message centers)
- Utilities
- Other transportation, communication & utilities (except transportation services and arrangements)
- Event and entertainment venues
- Race tracks
- Fairgrounds and amusement parks
- Agricultural
- Agricultural and related activities
- Forestry activities and related services (including commercial forest land, timber production, and other related activities)
- Fishing activities and related services
- Mining activities and related services
• Other resource production and extraction
• All other activities not otherwise listed
• Undeveloped and unused land area (excluding noncommercial forest development)
• Noncommercial forest development
• Water areas
• Vacant floor area
• Under construction
• Other undeveloped land and water areas
• All other property uses not previously identified
**PROOF OF PUBLICATION**

<table>
<thead>
<tr>
<th>CUSTOMER NAME AND ADDRESS</th>
<th>ACCOUNT NUMBER</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIDVALE CITY, 655 W CENTER ST MIDVALE UT 84047</td>
<td>9001344979</td>
<td>12/4/2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCOUNT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIDVALE CITY,</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TELEPHONE</th>
<th>ADORDER# / INVOICE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>8015677207</td>
<td>0000842550</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start 12/04/2012</td>
</tr>
<tr>
<td>End 12/04/2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CUST. REF. NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ord No 2012-16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CAPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIDVALE CITY PUBLIC NOTICE Notice is hereby given that during a City Council meeting on November 27, 2012, the Midvale City Council adopted Ordinance No. 2012-16, an Ordinance of Midvale City Pertaining to Noise Regulation and Restricted Hours. Published: December 4, 2012.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SIZE</th>
<th>TIMES</th>
<th>RATE</th>
<th>MISC. CHARGES</th>
<th>AD CHARGES</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Lines 1.00 COLUMN 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30.20</td>
</tr>
</tbody>
</table>

**AFFIDAVIT OF PUBLICATION**

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MIDVALE CITY PUBLIC NOTICE: Notice is hereby given that during a City Council meeting on November 27, 2012, the Midvale City Council adopted Ordinance No. 2012-16, FOR MIDVALE CITY, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY.

PUBLISHED ON Start 12/04/2012 End 12/04/2012

SIGNATURE

DATE 12/4/2012

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION" PLEASE PAY FROM BILLING STATEMENT