

13-331. NOISE.

- A. **INTENT:** This ordinance is intended to establish minimum standards to reduce the making and creation, or maintenance 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 to secure and promote the public health, comfort, convenience, safety, welfare, and peace and quiet of the residents of the City.
- B. **JURISDICTION:** All noise control in this ordinance shall be subject to the direction and control of the Delta City Mayor (“Mayor”) and/or the Delta City Code Enforcement Officer. Either City Officer may refer specific cases or incidents to the Delta City Council as he or she deems necessary.
- C. **DEFINITIONS:** For purposes of this ordinance, unless otherwise defined in other sections of this ordinance, the following terms, phrases, and words shall have the meanings herein given:

DECIBEL: A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB.

DYNAMIC BRAKING DEVICE: A device used primarily on trucks 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 “jake brakes”.)

EMERGENCY: A situation or occurrence which, in the opinion of the Mayor or Code Enforcement Officer, presents an imminent threat to the health, safety or welfare of any person, place, or property.

EMERGENCY VEHICLE: A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

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.

MOTOR VEHICLE: Any vehicle that 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.

NOISE: Any unusual or unreasonable sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on a reasonable person.

NOISE DISTURBANCE: Any unusual or unreasonable sound that annoys or disturbs a reasonable person with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of a reasonable person.

PERSON: A person, firm association, partnership, joint venture, corporation, limited liability company or any other entity, public or private in nature.

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.

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.

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.

- D. **HOURS OF PROHIBITION:** All prohibitions outlined in this ordinance are regulated only to the hours of 10:00 p.m. to 6:00 a.m. Sunday through Thursday and 11:00 p.m. to 6:00 a.m. Friday through Saturday.
- E. **GENERAL PROHIBITION OF NOISE:** It shall be unlawful for any person to produce, continue or cause to be produced or continued, a noise or sound that exceeds sixty-five decibels (65 dB), during the hours of prohibition. The noise or sound shall be measured at a distance of at least twenty-five (25) feet from the source of the noise or sound upon public property or within the public right-of-way or at least twenty-five (25) feet away from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality on the "A" weighing scale.
- F. **SPECIFIC NOISE PROHIBITIONS:** The following acts are declared to be in violation of this ordinance if done so during the hours of prohibition:
- a. Radios, Television Sets, Tape Players, Compact Disc 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 machine or device for the production or reproduction of sound that is plainly audible beyond the property boundary of the sources.
 - b. Public Loudspeakers: The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any 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 the Noise Level, unless a grant of relief has been issued by the Mayor or Code Enforcement Officer.

- c. Racing Events: Permitting any motor vehicle racing event past the hours of prohibition without first obtaining relief from such restrictions.
- d. Dynamic Braking Devices: Operating any motor vehicle in a residential zone with a dynamic braking device engaged, except to avoid imminent danger.
- e. Noise from Loud Parties: 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 Delta City. At parties or large gatherings, if it can be determined who committed the noise violation, that 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.

G. EXEMPTIONS: The following uses and activities shall be exempt from this ordinance.

- 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;
- e. Any noise resulting from any snow removal equipment or from snowplowing or removal services on public or private streets, or in commercial zones;
- f. Implements of husbandry, which include, but are not limited to, tractors and farm equipment, are exempt from the noise ordinance as long as the equipment is actively being used in a field or on a farm, or in transit to arrive at the field or farm, unless such noise is deemed to be detrimental to the health, safety, and welfare of Delta residents;
- g. Any noise resulting from railway locomotives and cars;
- h. Any noise resulting from medical helicopter operations;
- i. Any noise from which a permit has been granted, so long as the permit holder follows any restrictions set out in the permit; and
- j. Noise resulting from lawful fireworks and explosives when discharged:
 - i. By the public:
 - 1. Between the hours of 7:00 a.m. and 10:00 p.m. on the days allowed by statute;
 - 2. Between the hours of 7:00 a.m. and 11:00 p.m. on the day officially celebrated as and including July 4th and July 24th; and
 - 3. Between the hours of 10:00 p.m. of December 31st and 12:30 a.m. of the following January 1st.

- ii. By a licensed display or special effects operator to conduct a professional fireworks display:
 1. Between the hours of 7:00 a.m. and 11:00 p.m. on the day officially celebrated as and including July 4th and July 24th;
 2. Between the hours of 10:00 p.m. of December 31st and 12:30 a.m. of the following January 1st ; and
 3. Between the hours of 7:00 a.m. and 11:00 p.m. for a special event sponsored by the City.
 4. Any noise resulting for activities of a temporary duration permitted by law for which a license or permit has been approved by the Mayor or Code Enforcement Officer in accordance with Paragraph H.

H. PERMITS:

- a. Applications for a permit for relief from the noise restrictions in this ordinance on the basis of undue hardship may be made to the Mayor or Code Enforcement Officer. Any permit granted by the Mayor or Code Enforcement Officer shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, decibel level or equipment limitation. The requested relief may be granted upon good and sufficient reason showing:
 - i. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance;
 - ii. That the activity, operating, or noise source will be of a temporary duration and cannot be performed in a way that would comply with this ordinance; and
 - iii. That no reasonable alternative is available to the applicant.
 - b. The Mayor or Code Enforcement Officer may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.
 - c. The sponsor of a special event, including professional fireworks displays, seeking relief from the noise restrictions in this ordinance shall include in its request the following:
 - i. The date(s), time and duration of the event;
 - ii. The location of the event;
 - iii. The sponsor of the event;
 - iv. Contact information for the event operator;
 - v. A description of the event and the types of noise-making activities expected;
 - vi. A map of the event location and the probable location of any stage, speakers, or mixing boards if applicable.
- I. PENALTY: Any person who is found guilty of violating any of the provisions of this ordinance, 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. The city attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this ordinance. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating this ordinance shall be liable for all expenses incurred by the city in removing or abating any nuisance or noise disturbance.