

9.06.010. Legislative Determination.

The Municipal Council of Provo City hereby finds after extensive investigation and receiving of information from the public and from experts in the field, that the creation of noise within the City is a danger to the general health, safety, welfare and well being of the citizens. Such noises generally may be classified under one (1) of three (3) headings hereafter beginning with the least offensive and proceeding to those which are the most harmful and offensive:

(1) Sounds of commerce and industry: In this category are those noises necessarily made by commercial vehicles in process of transporting persons or goods, necessary noises of construction or demolition and other sounds necessarily connected with the carrying on of modern business life. Enforcement agencies of the City are hereby specifically authorized to work with the producers of this type of noise to either eliminate, modify and/or muffle such sounds in a way that will allow progress to continue while minimizing the disturbing effects of the noise. Creating of such noises, when they reach such a stage that they become harmful or disturbing are declared to be a public nuisance and shall be abated. Continued refusal to modify excessive noise is declared to be a misdemeanor.

(2) Public disturbance noises: In this category are those noises which because of their intensity, the decibel level, the constancy of the noise or proximity to residences, businesses and generally inhabited areas, create a disturbance to human life and efficiency. Included in this category and typical thereof, though not exclusive of others not so listed, would be the following:

(a) inadequately or defectively muffled vehicles, engines and motors;

(b) loud machinery and pneumatic apparatus;

(c) amplified music or other amplified sounds;

(d) miscellaneous noises, including those of animals, machinery, gunfire, etc., when their emission creates a public disturbance, either because of the intensity, or disturbing nature and/or the time of the emission. Noises of these categories are hereby determined to be not only a nuisance which may be abated by the proper authorities in the City, but are unlawful and each occurrence shall constitute a misdemeanor.

(3) Intentionally caused noises: In this category are those noises which are caused for the sake of making noise without regard to the comfort, sleep, or general health and welfare of other persons. Production of such noise is unlawful and constitutes a misdemeanor. Typical of this type of noises are the following:

(a) improperly muffled vehicle engines, when the same are rapidly accelerated or decelerated, and especially during such hours that they are likely to interfere with the sleep or peaceful calm of residential neighborhoods;

(b) sounds that are mechanically, pneumatically or electronically produced or amplified, when the same are not enclosed within a building or enclosure which absorbs the sound, so as not

to disturb the surrounding area;

(c) sounds or music created or amplified within a public building or enclosure with such volume and intensity that the sound produced is actually or potentially dangerous to hearers within the enclosure.

9.06.020. Noise Measurement Procedures and Definitions.

(1) It is the intent of the City to incorporate into the Provo City Code noise portions those standards of measurement hereinafter set forth, which will take into account the latest scientific advances in noise measurement and control while at the same time, preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while universally desirable, shall not be required to demonstrate violation of this Chapter if other evidence or testimony establishes the creation of a disturbance or public nuisance.

(2) It is the intention that each separate provision of this Chapter shall be deemed independent of all other provisions therein, and if any provision of this Chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

(3) In no event shall the peak intensity of sound exceed a sound level in excess of the following limits, measured in decibels, using, unless otherwise mentioned, the "A" frequency weighting and the "slow" response characteristic of a sound level meter conforming in all respects to the American National Standards Institute (ANSI) standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments.

(4) The microphone used to measure the intensity of a noise may be placed at any point on the property line (if the noise source radiates into private property) or at any point fifty (50) feet distance from the noise source being measured and shall be at least five (5) feet from any wall and not less than three (3) feet above the ground. If it is not possible to measure five (5) feet from a wall, five (5) dB variance will be allowed. When measurements are made inside buildings or enclosures, readings may be obtained from any area to which persons may have access. The following limits refer to the largest reading obtained, using the above procedure.

(5) When used in this Chapter, the terms below shall have the following meanings:

(a) **"Day"** shall be from 7 a.m. to 10 p.m.

(b) **"Night"** shall be from 10 p.m. to 7 a.m.

(c) Reference to **"residential/agricultural," "commercial"** or **"industrial"** zones shall conform to the zone designations set forth in the City zoning codes.

(d) **"Intermittent noise"** shall mean a noise with an "on" cycle of ten percent (10%) or less and a maximum continuous duration of six (6) minutes. Example: a motor vehicle passing a fixed location.

(e) **"Impulse noise"** shall mean a noise with an "on" cycle of ten percent (10%) or less and a maximum continuous duration of two (2) seconds. Example: A gunshot.

(f) **"Emergency work"** shall mean 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.

(g) **"Person"** shall mean a person, firm, association, partnership, joint venture, corporation or an entity, public or private in nature.

(h) **"Motor vehicles"** shall include, but not be limited to automobiles, trucks, motorcycle, snowmobiles, recreational vehicles, minibikes, go-carts, aircraft and motorboats.

(i) **"Noise"** is defined as an undesired or harmful sound.

(j) **"Noise source"** shall mean any instrument or device for amplifying sound, or any thing which produces, reproduces or amplifies sound. The term shall include multiple sources of sound. (Am 2006-40)

9.06.030. Noise Limits.

Exceeding the following limits shall constitute violation of this Chapter:

(1) Continuous and intermittent noises described in 9.06.010(1) shall not exceed:

DISTRICT	DAY	NIGHT
Residential/agricultural	85 dBA	55 dBA
Commercial	85 dBA	65 dBA
Industrial	85 dBA	85 dBA

(2) Continuous noises described in 9.06.010(2) and 9.06.010(3) shall not exceed:

DISTRICT	DAY	NIGHT
Residential/agricultural	65 dBA	55 dBA
Commercial	70 dBA	65 dBA
Industrial	75 dBA	75 dBA

(3) Intermittent noises described in 9.06.010(2) and (3) shall not exceed:

DISTRICT	DAY	NIGHT
Residential/agricultural	70 dBA	60 dBA
Commercial	75 dBA	65 dBA
Industrial	80 dBA	80 dBA

(4) Impulse noises described in 9.06.010(1), (2) and (3) shall not exceed the following levels, measured on the "fast" response scale of the sound level meter:

DISTRICT	DAY	NIGHT
----------	-----	-------

Residential	75 dBA	60 dBA
Commercial	80 dBA	65 dBA
Industrial	85 dBA	85 dBA

(5) It shall be unlawful to sustain in any place of public entertainment including, but not limited to, sports arenas, restaurants, bars, cafes, discotheques, or dance halls; any sound level measured with the "slow" response characteristic equal to or in excess of:

(a) One hundred five (105) dBA at any time, (if the sound level exceeds one hundred five (105) dBA at any time, a mandatory ten (10) minute sound break at a level below eighty-five (85) dBA will be taken). The restriction contained in this Subparagraph is in addition to any other applicable limits stated in this Section.

(6) Animals and fowl. The keeping of, upon any premises, owned, occupied, or controlled by any person, of any animal or fowl otherwise permitted to be kept which, by any sound or cry, shall cause annoyance or discomfort to a reasonable person of normal sensitivities.

9.06.040. Exemptions.

(1) Sounds created by emergency activities or emergency vehicles; sounds giving warning of emergencies shall be exempt from the provisions of this Chapter.

(2) Sounds created by parades, carnivals, special public social events, or special construction projects may be exempted from the noise provisions of this Chapter. An exemption is granted by a permit from the Mayor, which must be in writing and shall describe:

- (a) the special nature of the exempted event;
- (b) the dBA limitation (maximum allowed); and
- (c) the time period for which the exemption is in force.

The permit shall be for one event only. The Mayor may impose reasonable conditions on the issuance of a permit as necessary to protect the public peace and welfare. The permit may be withdrawn if the provisions thereof are violated.

(3) Violation of the noise provisions of this Chapter, or of the conditions of an exemption permit shall be a misdemeanor. (Am 1989-34)