

### **7-2-1. Declaration of Policy.**

WHEREAS, the making of creation of excessive, unnecessary or unusually loud noises within the limits of Sandy City is a condition which has existed for some time and the extent and magnitude of such noises is increasing; and

WHEREAS, the making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use affect and are a detriment to public health, comfort, convenience, safety and welfare of the residents of Sandy City;

THEREFORE, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of public policy, and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of Sandy City.

### **7-2-2. Contracts.**

Sandy City shall not enter into any written agreement, purchase order or instrument requiring a commitment for the expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof unless such agreement, purchase order or instrument contains provisions requiring full compliance with this ordinance.

### **7-2-3. Definitions and Standards.**

All terminology used in this ordinance and not defined below shall be in conformance with applicable American National Standards Institute Publications, including but not limited to Sl. 1-1960, R 171, or those from its successor publications or bodies. For the purposes of this ordinance, certain words and phrases used herein are defined as follows:

- A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.
- Ambient Sound Pressure Level: 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 90 percent of the time based on a measurement period which shall not be less than 10 minutes.
- Continuous Sound: Any sound which exists essentially without interruption, for a period of 10 minutes or more.
- Cyclically Varying Noise. Any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.
- Decibel: Logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted dB.
- Device: Any mechanism which is intended to produce or which actually

produces noise when operated or handled.

- Dynamic Braking Device (Commonly referred to as Jacobs Brake): 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.
- Emergency Work: 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.
- Emergency Vehicle: A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- Impulsive Noises: A noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristics.
- Motor Vehicles: Any vehicle which is self-propelled by mechanical power, including but not limited to passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobile and racing vehicles.
- Muffler: 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.
- Noise Disturbance: Any sound which annoys or disturbs any reasonable person with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.
- Noise: Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- Percentile Sound Pressure Level:
  - Tenth Percentile Noise Level 11 the A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period (such as the level that is exceeded for 1 minute in a 10 minute period) and is denoted L10.
  - Ninetieth Percentile Noise Level - the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for 9 minutes in a 10 minute period) and is denoted L90.
- Person: 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.
- Plainly Audible Noise: 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.
- Property Boundary: 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 any other person.

- Public Right-of-Way: Any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.
- Pure Tone: Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose 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 5 dB for frequencies of 500 Hz and above, by 8 dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125Hz.
- Repetitive Impulse Noise: Any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than 10 dB(A).
- Sound: 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.

#### **7-2-4. Noised Prohibited.**

- General Prohibitions.: In addition to the specific prohibitions outlined in subpart (b) below and Section 5 and 11 of this chapter, it shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of Sandy City. It shall not be a defense to a violation of the subpart that the noise disturbance when created was in a district that would allow for such disturbance if the noise created affects persons outside the use district from which the noise originates, as a noise disturbance as defined herein.
  - Specific Prohibitions: The following acts are declared to be in violation of this chapter.
    - Horns and Signaling Devices. Sounding of 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 the vehicle codes of Sandy City and the State of Utah, or the sounding of any such signaling device for an unnecessary and unreasonable period of time.
    - 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:
      - between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible at the property boundary of the source; or
      - on public property or on a public right-of-way at any time so as

to be plainly audible 50 feet (15.25 meters) from the device. Permits to exceed the limits of Section 7-2-4 (b)(2)(B) may be issued for special events on public property by the Director upon approval from the agency operating the public property.

- Public Loudspeakers. Using or operating a loudspeaker 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, transmitting music to any persons or assemblages of persons, in such a manner as to violate Section 5 or cause a noise disturbance unless a permit as provided by Section 8 is first obtained.
- Hawkers and Peddlers. Selling anything by outcry within any area of the City zoned primarily for residential uses in such a manner as to violate Section 5 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 similar licensed public entertainment events.
- Loading Operation. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to violate Section 5 or cause a noise disturbance.
- Construction Work. 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:
  - In residential or commercial land use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day;
  - In any land use district where such operation exceeds the sound level limits for an industrial land use as set forth in Section 5.
- Domestic Power Equipment. Operating or permitting to be operated any power equipment rated 5 horsepower or less used for home or building repair or grounds maintenance, including but not limited to power saw, sander, lawn mower, garden equipment or snow removal equipment, in residential or commercial zones:
  - Outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day;
  - Any such power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15 meters).
- Commercial Power Equipment. Operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than 5 horsepower, including but not limited to chain saws, pavement breakers, log chippers, powered hand tools:

- In residential or commercial land use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day;
- In any land use district if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15 meters).
- Enclosed Places of Public Entertainment. Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at a point that is normally occupied by a customer, maximum sound pressure levels of 100 dB(A) as read with slow response on a sound level meter, unless a conspicuous and legible sign at least 225 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 5 of this chapter.
- Fireworks or Explosives. The use of explosives or fireworks or the firing of guns or other explosive devices so as to be audible across a property boundary or on a public space or right-of-way, without first obtaining a permit as provided by Section 8. This provision shall not be construed to permit conduct prohibited or authorized by other statutes, o

#### 7-2-5. Use Districts Noise Levels.

- Maximum Permissible Sound Levels. It shall be 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 (which shall not be less than 10 minutes unless otherwise provided in this ordinance) which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise:

Use District	9 p.m. - 7 a.m.	7 a.m. - 9 p.m.
Residential	50 dB(A)	55 dB(A)
Commercial - Agricultural	55 dB(A)	60 dB(A)
Industrial	75 dB(A)	80 dB(A)

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

- Correction for Duration of Sound.
  - It shall be a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use

district which creates a tenth percentile sound pressure level (L10) greater than 15 dB(A) above the ambient sound pressure level (L90) of any measurement period. Such period shall not be less than 10 minutes.

- Correction for Character of Sound.
  - For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound the limits set forth in subsection (a) above shall be reduced by 5 dB(A).
  - Notwithstanding compliance with part (1) of this subsection, it shall be a violation of this ordinance 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.

#### **7-2-6. Sound Level Measurement.**

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 Salt Lake City- County Health Department.

#### **7-2-7. Exemptions.**

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

- Noise of safety signals, warning devices and emergency pressure relief valves.
- Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- Noise resulting from emergency work.
- Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday.
- Noise resulting from the starting of school busses at the Jordan School District Maintenance Facility. Includes the idling of engines during the safety inspection prior to early morning departure for normal school operations.
- Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by Sandy City or the Director of the Salt Lake City-County Health Department in accordance with Section 8 herein.

### **7-2-8. Permit.**

Applications for a permit for relief from the noise restrictions in these ordinances on the basis of undue hardship may be made to Sandy City through the Mayor's Cabinet or the Salt Lake City-County Health Department. Any permit granted by Sandy City or the Director of the Salt Lake City-County Health Department or their authorized representative shall contain all conditions upon which said permit has been granted, including but not limited to the effective dates, any time of day, location, sound pressure level, or equipment limitation. The relief requested may be granted upon good and sufficient showing:

- That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
- 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; and
- That no reasonable alternative is available to the applicant.

The City or Board of Health may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

### **7-2-9. Motor Vehicle Noise.**

• No person shall drive or move or cause or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below. Noise shall be measured at a distance of at least 25 feet (7.5 meters) from the near side of the nearest lane(s) being monitored and at a height of at least 4 feet (1.2 meters) above the immediate surrounding surface.

Sound Pressure Level, dB(A)

Speed Limit Speed Limit 40 MPH or less Over 40 MPH

Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating

(GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle. 90 94

Any other motor vehicle or any combination of vehicles towed by any motor vehicle. 80 84

- This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.

- No person shall operate or cause to be operated any motor vehicle unless the exhaust of such vehicle is:
  - Free from defects which affect sound reduction;
  - Equipped with a muffler or other noise dissipative device; and
  - Not equipped with any cut-out, by-pass or similar device.
- These provisions shall be enforced consistent with law set forth in Title 41 of the Utah Code Annotated, as amended.

#### **7-2-10. Enforcement Responsibility.**

The Salt Lake City-County Health Department shall have primary responsibility with appropriate law enforcement agencies as it relates to vehicular sources.

#### **7-2-11. Violation.**

Any person violating any provision of this chapter shall be guilty of an infraction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

#### **7-2-12. Additional Remedies.**

Violations of Sections 4 through 9 of this chapter 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 by a court of competent jurisdiction.

#### **7-2-13. Severability.**

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect independent from the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.