

# Chapter 14

## NOISE

### 12-14-1: PURPOSE:

This chapter is enacted to protect, preserve and promote the health, safety, welfare, peace, quiet, and quality of life for the citizens of the city through the reduction, control and prevention of excessive noise. It is the intent of this chapter to establish standards that will eliminate and reduce unnecessary and excessive traffic and community noise, which are physically harmful or detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

### 12-14-2: APPLICABILITY:

The provisions of this chapter apply to sound generated from real property located within the city. It shall have no applicability to all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

### 12-14-3: DEFINITIONS:

The following words and phrases, when used in this chapter, shall have the following meanings:

"A" WEIGHTING: The electronic filtering in sound level meters that models human hearing frequency sensitivity.

AMBIENT SOUND LEVEL: The total sound pressure level in the area of interest including the noise source of interest.

BACKGROUND SOUND LEVEL: The total sound pressure level in the area of interest excluding the noise source of interest.

CLEARLY AUDIBLE: Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a sound amplification device, the detection of the rhythmic bass component of the music is sufficient to verify clearly audible sound.

**COMMERCIAL AREA, COMMERCIAL ZONE:** Any area of the city with a zoning designation of C-1, C-2, C-3, CBD, PI and PCR under [title 15](#) of this code, and the abutting public streets and public premises.

**COMMERCIAL POWER EQUIPMENT:** Any equipment or device rated at more than five (5) horsepower and used for home or building repairs or grounds maintenance.

**COMMERCIAL PREMISES:** Any premises involving traffic in goods or furnishing of services for sale or profit, including, but not limited to:

A. Banking and other financial institutions;

B. Dining establishments;

C. Establishments for providing retail services;

D. Establishments for recreation and entertainment;

E. Office buildings;

F. Transportation; or

G. Warehouses; and

H. Any other premises allowed in a commercial zone other than a use categorized as a residential premises or industrial premises.

**CONSTRUCTION ACTIVITY:** Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures, which produces sound clearly audible at the property line of the premises from which the sound originates.

**CONSTRUCTION EQUIPMENT:** Any equipment or device, such as, but not limited to, pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, bulldozers, crawler-tractors, rotary drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways or appurtenance thereto.

**dBA:** The A-weighted unit of sound pressure level.

**DECIBEL (dB):** The unit of measurement for sound pressure level at a specified location. The

symbol is "dB".

**DEVICE:** Any equipment or mechanism which is intended to produce or which actually produces sound when operated or handled.

**DOMESTIC POWER EQUIPMENT:** Any equipment or device rated at five (5) horsepower or less and used for home or building repairs or grounds maintenance, including, but not limited to, power saw, sander, vacuum, lawn mower, leaf blower, and garden equipment. "Domestic Power Equipment" does not include snow blowers or other snow removal equipment.

**EMERGENCY WORK:** Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public streets, or abating life-threatening conditions.

**ENFORCEMENT OFFICER:** A peace officer, or an officer or employee of the city authorized by administrative order of the mayor to enforce all or part of the provisions of this chapter.

**IMPULSIVE SOUND:** A sound having a duration of less than one second with an abrupt onset and rapid decay.

**INDUSTRIAL AREA:** Any manufacturing zone.

**INDUSTRIAL PREMISES:** Any premises where manufacturing, processing, fabrication, or production of goods or products takes place.

**MANUFACTURING ZONE:** Any area of the city with a zoning designation of M-1, M-2, DDR, MRD, or OCIP, under the zoning ordinances of Ogden City, Utah, and the abutting public streets and public premises.

**MOTOR VEHICLE:** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs. "Motor vehicle" shall not include power equipment, auxiliary equipment and sound amplification devices on or within motor vehicles, that are not operated by or driven by the motor vehicle engine propelling system, or any "motor vehicle" operated on private property for recreational or amusement purposes.

**MULTIPLE DWELLING UNITS:** Any building where there are two (2) or more dwelling units.

**PREMISES:** Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, common areas and real properties without buildings or improvements, owned or controlled by a person.

**PROPERTY LINE:** The real or imaginary line and its vertical extension which separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit that is one in a multiple dwelling unit.

**PUBLIC PARK:** All real property owned, operated or maintained by either the city or other public governmental entity, and used as a park, playground, swimming pool, golf course, waterway, nature center, or other recreational facility.

**PUBLIC PREMISES:** Any premises, which is owned, leased or controlled by any public governmental entity.

**PUBLIC STREET:** All real property and improvements thereon used or dedicated as a public right of way for vehicular or pedestrian traffic, including any highway, boulevard, parkway, avenue, street, road, sidewalk, park strip, or alley.

**PURE TONE:** Any sound that can be distinctly heard as a single pitch or set of single pitches.

**RESIDENTIAL AREA, RESIDENTIAL ZONE:** Any area of the city with a zoning designation of R-1-5, R-1-6, R-1-8, R-1-10, R-2, R-2A, R-2EC, R-3, R-3EC, R-4, R-5, and Rmh-1, and the abutting public streets and public premises.

**RESIDENTIAL PREMISES:** Any premises located within a residential zone or commercial zone where single or multiple dwelling units exist, or where public parks, schools, churches, hospitals, nursing homes, homes for the aged, and similar institutional facilities are located.

**SOUND:** An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

**SOUND AMPLIFICATION DEVICE:** Any device for the amplification of the human voice, music or any other sound, including, but not limited to, radios, televisions, phonographs, stereos, record players, cassette players, compact disc players, loud speakers, or sound amplifiers.

**SOUND LEVEL:** The instantaneous sound pressure level measured in decibels with a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.

**SOUND LEVEL METER (SLM):** An instrument for the measurement of sound pressure levels of a design and having the characteristics of a type 2 or better instrument as established by the American national standards institute (ANSI), publication S1.4-1983 entitled "Specification for Sound Level Meters", or the latest version thereof.

**SOUND PRESSURE LEVEL (SPL):** Twenty (20) multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

#### 12-14-4: STANDARDS FOR MEASURING SOUND LEVELS:

The following standards shall apply to the measurement of sound levels pursuant to sections [12-14-5](#) and [12-14-9](#) of this chapter:

A. Insofar as practicable, sound will be measured while the source under investigation is

operating at normal, routine conditions and, as necessary, at other conditions, including, but not limited to, design, maximum, and fluctuating rates.

B. When a noise source can be identified and measured in more than one type of premises, the limits of the most restrictive use shall apply at the property line between different premises types.

C. All tests shall be conducted in accordance with the following procedures:

1. The enforcement officer shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
2. Measurements shall be taken at or within the property line of the receiving property; provided that whenever it is impossible or impractical to measure at the property line, a greater distance from the noise source shall be used to determine compliance with this chapter.
3. The SLM must be calibrated in accordance with manufacturer specifications.
4. No outdoor measurements shall be taken:
  - a. During periods when wind speeds (including gusts) exceed fifteen miles per hour (15 mph);
  - b. Without a windscreen, recommended by the SLM manufacturer, properly attached to the SLM;
  - c. Under any condition that allows the SLM to become wet (e.g., rain, snow, or condensation); or
  - d. When the ambient temperature is out of the range of the tolerance of the SLM.

D. The report for each measurement shall include:

1. The date, day of the week, and times at which measurements are taken;
2. The times of calibration;
3. The weather conditions;
4. The identification of all monitoring equipment by manufacturer, model number, and serial number;
5. The normal operating cycle of the sources in question with a description of the sources;
6. The ambient sound level, in dBA, with the sources in question operating;

7. The background sound level, in dBA, without the sources in question operating; and
  8. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
- E. Prior to taking measurements the enforcement officer shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
  - F. When measuring continuous sound, or sound that is sustained for more than one second at a time, the SLM shall be set for A-weighting, slow meter response speed, and the range (if the SLM is designed to read levels over different ranges of SPLs) shall be set to that range in which the meter reads closest to the maximum end of the scale. When the measured sound level is variable or fluctuating over a range greater than +3 dBA, using the slow meter response speed, the fast meter response speed shall be used. In either case, both the minimum and maximum readings shall be recorded to indicate the range of monitored values.
  - G. The SLM shall be placed at a minimum height of three feet (3') above the ground or from any reflective surface. When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the SLM manufacturer.
  - H. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
  - I. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question.
  - J. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using table 1 of this section to determine the sound levels from the source of interest alone. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and a violation of this chapter cannot be substantiated.

TABLE 1  
CORRECTION FOR BACKGROUND LEVELS

(In dBA)

Difference Between Ambient And Background Sound Levels		Correction Factor To Be Subtracted From Ambient Level For Source Level
	3	3
	4, 5	2
	6 _ 9	1
	10 or more	0

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

#### 12-14-5: SOUND LEVEL LIMITATIONS:

A. No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the background sound level by at least ten (10) dBA during daytime hours (7:00 A.M. to 10:00 P.M.) and by at least five (5) dBA during nighttime hours (10:00 P.M. to 7:00 A.M.) when measured at or within the property line of the receiving property, except as otherwise provided in subsection B of this section.

B. If the background sound level cannot be determined, the absolute sound level limits set forth in table 2 of this section shall be used.

C. If the sound source in question is a pure tone, the limits of table 2 of this section shall be reduced by five (5) dBA.

**TABLE 2**  
**MAXIMUM ALLOWABLE SOUND LEVELS**

Type Of Premises Where Noise Received	Time Period	Maximum Allowable Sound Level
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Residential	7:00 A.M. to 10:00 P.M.	55 dBA
	10:00 P.M. to 7:00 A.M.	50 dBA
Commercial	7:00 A.M. to 10:00 P.M.	65 dBA
	10:00 P.M. to 7:00 A.M.	60 dBA
Industrial	7:00 A.M. to 10:00 P.M.	80 dBA
	10:00 P.M. to 7:00 A.M.	75 dBA
Public	7:00 A.M. to 10:00 P.M.	75 dBA
	10:00 P.M. to 7:00 A.M.	70 dBA

D. Nonrepetitive impulsive sound sources shall not exceed ninety (90) dBA at or within the property line of a residential premises, using the fast meter response speed.

E. In multiple dwelling units, if the background sound level cannot be determined, the daytime limit is forty five (45) dBA and the nighttime limit is thirty five (35) dBA for sound originating in another dwelling within the same building.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

## 12-14-6: RESTRICTED USES OR ACTIVITIES:

A. Horns And Signaling Devices: No person shall, at any time, sound any horn or audible signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal or traffic warning as provided under the Utah motor vehicle act; create by means of any such signaling device any unreasonably loud or harsh sound; or sound any such device for an unnecessary or unreasonable period of time.

- B. Truck Idling: No person shall operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds' manufacturer's gross vehicle weight (GVA) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises, on a premises next to a residential premises, or on a public street next to a residential premises; provided, however, that vehicles confined and operated within an enclosed structure, or vehicles being used directly in construction activity or the operation of construction equipment shall not be subject to the provisions of this subsection.
- C. Motor Vehicle Operation: No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:
1. Free from defects that affect sound reduction;
  2. Equipped with a muffler or other noise dissipative device; or
  3. Not equipped with any cutout, bypass, or similar device.
- D. Sound Amplification Devices; Musical Instruments:
1. Affecting Residential Premises: No person shall operate a sound amplification device or musical instrument:
    - a. Between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. in a way that is clearly audible at the property line of a residential premises; or
    - b. In a way that at any time is clearly audible inside of a residential premises, when all exterior doors and windows of such dwelling unit are closed.
  2. Operation In A Motor Vehicle: No person shall operate a sound amplification device within a motor vehicle parked or operated on a public street, which is clearly audible or which causes a person to be aware of vibration accompanying the sound either:
    - a. At a distance of thirty feet (30') from the motor vehicle; or
    - b. Within another motor vehicle on a public street, at any distance, when all doors and windows of such other vehicle are closed.
  3. Public Parks: No person shall operate a sound amplification device within a public park, which is clearly audible at a distance of seventy five feet (75') from the device, unless operated pursuant to permit issued under section 12-14-8 of this chapter.
  4. Commercial Operation On Public Street Without Permit: No person shall operate a sound amplification device in a fixed or movable position or mounted upon any vehicle, in or upon a public street, 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 other sound levels/restrictions, unless a permit is

first obtained as provided in section [11-5-6](#) of this code.

5. Projection From Building On Public Street: No person shall maintain and operate in any building a sound amplification device or musical instrument where the sound therefrom is cast directly upon a public street and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.

E. Construction Equipment Or Activity: The operation of construction equipment or the performance of construction activity, except as required for emergency work, shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. on weekdays or between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on weekends (Saturday and Sunday).

F. Commercial Power Equipment: The operation of any commercial power equipment shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M., and only when in compliance with noise levels established in section [12-14-5](#) of this chapter.

G. Domestic Power Equipment: The operation of any domestic power equipment shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

H. Refuse Collection And Compacting: Garbage, refuse or other solid waste collection and compacting, including recyclables collection, street sweeping, and similar activities, shall only be allowed between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M., when such activity takes place on any residential premises or on any premises next to, or across the street or alley from, a residential premises.

I. Loading/Unloading Operations: Except as otherwise provided for solid waste collection in subsection H of this section, loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, liquids, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or public, shall not be allowed between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., when the sound therefrom is clearly audible across the property line of a residential premises.

J. Mufflers Required For Engine Exhaust: No person shall discharge into the open air the exhaust of any stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.

K. Firing Ranges: The operation of a firing range shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M., Monday through Saturday, where the sound therefrom is clearly audible at the property line of the premises of the firing range.

L. Fireworks: No person shall discharge fireworks at any time when the sound therefrom is clearly audible across the property line of a residential premises unless a permit is first obtained or not otherwise required as provided in section 11-6-2 of this code. Fireworks include, but are not limited to, any rocket, squib, firecracker, Roman candle, or other device containing pyrotechnic composition that produces audible and/or visual effects through combustion.

(Ord. 2009-45, 6-23-2009)

## 12-14-7: EXCEPTIONS TO NOISE ORDINANCE:

The provisions of this chapter shall not apply to the following uses and activities:

A. Noises of safety signals, warning devices, and emergency pressure relief valves.

B. Noises resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency.

C. Noises resulting from emergency work.

D. Loudspeakers or other sound amplification device operated by a peace officer or member of the fire department in the performance of official duties.

E. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with section 12-14-8 of this chapter.

F. Any aircraft or railroad equipment operated in conformity with, or pursuant to, state statute,

federal law or federal regulations, and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.

G. Noise from an exterior alarm system of any building or vehicle provided such alarm shall terminate its operation within five (5) minutes of its activation.

H. Sound from any bell or chime from any building clock, school or church, or sound from unamplified music or song emanating from any church or school.

I. Noise from construction equipment provided all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in subsection [12-14-6E](#) of this chapter.

J. Noise from domestic power tools, when operated between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

K. Noise from snowblowers, snow throwers, and snowplows when operated with a muffler for the purpose of snow removal.

L. Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

M. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday except when prohibited under section [11-6-2](#) of this code.

N. Noise generated from city sponsored celebrations or special events.

(Ord. 2009-45, 6-23-2009)

## 12-14-8: SPECIAL PERMIT:

- A. Applications for a permit for relief from the noise level designated in this section may be made to the mayor or the mayor's designee.
- B. Applications for a permit shall supply information including, but not limited to:
1. The nature and location of the noise source for which such application is made;
  2. The reason for which the permit is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit is not granted;
  3. The level of noise that will occur during the period of the permit;
  4. The ordinance provision for which the permit shall apply;
  5. A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom; and
  6. A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this chapter within a reasonable time.
- C. Any permit granted under this section shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective, which shall be no longer than one year.
- D. No permit shall be approved unless the applicant presents adequate proof that:
1. Compliance with this chapter would impose an undue hardship on the applicant without equal or greater benefits to the public and additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
  2. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with this section; and
  3. No other reasonable alternative is available to the applicant; and
  4. Noise levels occurring during the period of the permit will not constitute a danger to public health.
- E. In making the permit determination, the mayor, or the mayor's designee, shall consider:
1. The character and degree of injury to, or interference with, the health and welfare or the

reasonable use of property that is caused or threatened to be caused;

2. The social and economic value of the activity for which the permit is sought; and
3. The ability of the applicant to apply the best practical noise control measures.

F. The mayor, or the mayor's designee, in granting such a special permit, may prescribe any conditions or requirements he/she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

G. The permit may be revoked by the mayor, or the mayor's designee, if there is:

1. Violation of one or more conditions of the permit;
2. Material misrepresentation of fact in the permit application; or
3. Material change in any of the circumstances relied on by the mayor, or the mayor's designee, in granting the permit.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

## 12-14-9: MOTOR VEHICLE NOISE:

A. It shall be unlawful for any person to operate or permit the operation of any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the following noise sound pressure levels for the category of motor vehicle and for the designated time period as specified in table B of this section. The standards in table B of this section shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion.

### TABLE B

Maximum Allowable Noise Sound  
Pressure Levels For Motor Vehicles

Type Of Vehicle	Time Period	Maximum Allowable Sound Pressure Level	Measurement Distance From Motor Vehicle
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Motor vehicle weighing less than 10,000 pounds, manufacturer's gross vehicle weight	At any time	80 dBA	25 feet
Motor vehicle weighing more than 10,000 pounds, manufacturer's gross vehicle weight	7:00 A.M. to 10:00 P.M.	88 dBA	25 feet
Motor vehicle weighing more than 10,000 pounds, manufacturer's gross vehicle weight	10:00 P.M. to 7:00 A.M.	80 dBA	25 feet

B. The provisions of this section shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

#### 12-14-10: ENFORCEMENT:

A. A violation of this chapter is a class B misdemeanor, subject to the penalties provided under [title 1, chapter 4](#) of this code.

B. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter, or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as provided by law.

C. Any peace officer is authorized to enforce the provisions of this section; provided that the mayor may by administrative order authorize other officers or employees of the city to enforce all or part of the provisions of this section.

D. The content of the sound will not be considered in determining a violation of this chapter. (Ord. 2001-17, 3-27-2001, eff. 5-1-2001)

## 12-14-11: OTHER CODE PROVISIONS:

- A. Noise made by animals shall be controlled and enforced as provided in [title 13, chapter 2](#) of this code.
  
- B. Noise emitted by unamplified human voices shall be enforced pursuant to the prohibitions against disorderly conduct, as provided in state law or other provisions of this title.
  
- C. No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

(Ord. 2001-17, 3-27-2001, eff. 5-1-2001)