

CITY OF BLUFFDALE, UTAH

Ordinance No. 2008-16

AN ORDINANCE ADOPTING CHAPTER 12.31 NOISE CONTROL OF THE BLUFFDALE CITY ZONING ORDINANCE.

WHEREAS the Planning Commission has requested that staff prepare an amendment of Title 12 of the Bluffdale City Code, the Bluffdale City Land Use Ordinance, regarding noise controls; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed change to Title 12, the Bluffdale City Land Use Ordinance, and the City Council has found the proposed amendments to be consistent with the City's general plan; and

WHEREAS the proposed text amendment set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law to obtain public input regarding the proposed revisions to the Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:

Section 1. **Adoption of Chapter 12.31 of the Bluffdale City Land Use Ordinance.** Chapter 12.31 of the Bluffdale City Land Use Ordinance, is hereby adopted as shown in Exhibit "A."

Section 2. **Effective Date.** This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 28th DAY OF OCTOBER, 2008.

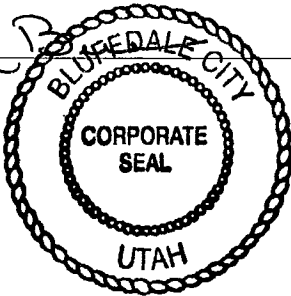
BLUFFDALE CITY

ATTEST:

Jeddie K. B...
Recorder

[Signature]
Mayor

[SEAL]



Voting by the City Council:

| | "AYE" | "NAY" |
|-------------------------|---------------|---------------|
| Councilmember Chisholm | <u> X </u> | <u> </u> |
| Councilmember Flanigan | <u> </u> | <u> X </u> |
| Councilmember Kartchner | <u> X </u> | <u> </u> |
| Councilmember Lord | <u> </u> | <u> X </u> |
| Councilmember Maxwell | <u> X </u> | <u> </u> |

EXHIBIT A

CHAPTER 12.31 NOISE CONTROL

Chapter 12.31 Noise Control

12.31.1 Definitions

12.31.2 Exemptions

12.31.3 General Noise Prohibitions

12.31.4 Specific Noise Prohibitions

12.31.5 Zoning Noise Levels

12.31.6 Permit

12.31.7 Responsibility for Enforcement

12.31.8 Severability

12.31.1 Definitions

1. Definitions generally.

All terminology used in this section and not defined in the following sections shall be in conformance with applicable American Standards Institute Publications. For the purposes of this chapter, certain words and phrases used in this chapter are defined as set forth in the following sections.

2. A-weighted sound pressure level

"A-weighted sound pressure level" means the sound pressure level as measured with a sound level meter using the A-weighted network. The standard notation is dB(A) or dBA.

3. Emergency work

"Emergency work" means 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.

4. Emergency vehicle

"Emergency vehicle" means a motor vehicle used in response to a public calamity, or to protect persons or property from an imminent exposure to danger.

5. Motor vehicle

"Motor vehicle" means any vehicle which is selfpropelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles.

6. Noise disturbance

"Noise disturbance" means any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.

7. Noise

"Noise" means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

8. Public Work Vehicles

"Public Work Vehicles" means any publicly owned vehicle used for the health, safety and welfare of the City (ie. snow removal, garbage collection).

9. Stationary noise source

"Stationary noise source" means any device, fixed or movable, which is located or used on property other than a public right-of-way.

10. Steady noise

"Steady noise" means a sound pressure level which remains essentially constant during the period of observation, i.e., does not vary more than 6 dB(A) when measured with the "slow" meter characteristic of a sound level meter.

12.31.2 Exemptions

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

1. Noise of safety signals, warning devices and emergency pressure relief valves;
2. Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
3. Noise resulting from emergency work.
4. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday.
5. Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved in accordance with Section 12.31.7.
6. Any noise resulting from public works vehicles when deemed necessary for the health and safety of the City or as otherwise approved by the City in order to facilitate the completion of public works projects at hours that will not cause traffic congestion during the daytime hours. (ie. snow removal, garbage pickup, nighttime projects by UDOT or other government project).

12.31.3 General noise prohibitions

In addition to the specific prohibitions outlined in Sections 12.31.4 and 12.31.5, it is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the city. It shall also be unlawful for any person to cause a noise disturbance or to allow to originate from property noise that constitutes a noise disturbance after once being requested to stop making the noise by a person responsible for enforcement.

12.31.4 Specific noise prohibitions

The following acts are declared to be in violation of this chapter:

1. Horns and Signaling Devices. Sounding of any horn or signaling device on any truck, automobile, motorcycle or other motor vehicle on any street or public place within the city except as a danger warning signal as provided in the Vehicle Code of the state, or the sounding of any such signaling device for an unnecessary and unreasonable period of time.
2. Animals. Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noise-making, violates Section 12.31.5 or causes a noise disturbance. The provisions of this section shall not apply to public facilities.
3. 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 zones between the hours of ten p.m. and seven a.m. of the following day.
4. Domestic Power Equipment. Operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair or grounds maintenance, including, but not limited to, power saw, sander, lawn mower or garden equipment, in residential or commercial zones between the hours of ten p.m. and seven a.m. of the following day.
5. Commercial Power Equipment, Operating or permitting to be operated any power equipment, except construction equipment used for construction activities, rated more than five horsepower, including, but not limited to, chain saws, pavement breakers, log chippers, powered hand tools in residential or commercial zones between the hours of ten p.m. and seven a.m. of the following day.
6. 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 12.31.6. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity.
7. Dynamic Braking Devices (Commonly Referred to as Jacobs Brakes). Operating any motor vehicle with a dynamic braking device

engaged except for the aversion of imminent danger.

8. Standing Motor Vehicles. The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate Section 12.31.5 or cause a noise disturbance for a consecutive period longer than fifteen minutes during which such vehicle is stationary in a residential zone.

9. Motor Vehicles and Snowmobiles.

The operating of a motor vehicle or snowmobile in a manner that violates Section 12.31.5 or causes a noise disturbance.

12.31.5 Zoning noise levels

12.31.5.1 Maximum Permissible Sound Levels

12.31.5.2 Sound Level Measurement

12.31.5.1 Maximum Permissible Sound Levels.

1. It shall be a violation of this section for any person to operate or permit to be operated any stationary source of sound which exceeds the limits set forth for the following receiving zones when measured at the boundary or at any point within the property affected by the noise:

| | |
|---------------------------|------------------|
| Use District | 10 p.m. – 7 a.m. |
| Residential | 60 dB(A) |
| Commercial – Agricultural | 65 dB(A) |
| Industrial | 75 dB(A) |

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

12.31.5.2 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 city.

12.31.6 Permit

1. Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the Planning Division. Any permit granted by the Planning Division shall contain all conditions upon which the 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:

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

2. The Planning Division may prescribe any reasonable conditions or requirements deemed necessary to minimize the adverse effects upon a community or the surrounding neighborhood.

12.31.7 Responsibility for enforcement

The city code enforcement officer shall have primary, but not exclusive, enforcement responsibility for this chapter as it relates to stationary sources, and joint enforcement responsibility with appropriate law enforcement agencies as it relates to vehicular sources.

12.31.8 Penalty

Any person violating any of the provisions of this noise ordinance shall be guilty of an infraction for a first offense. A second and subsequent violations shall be deemed a class C misdemeanor. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.