

ORDINANCE 2023-02

AN ORDINANCE ENACTING NOISE RESTRICTIONS AND GENERAL QUIET HOURS WITHIN THE CITY OF OAKLEY

WHEREAS, Utah Code 10-8-84 authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the Council has received various reports and complaints about noise disturbances from parties, gatherings, loud music, pets, loud motor vehicles, and construction; and

WHEREAS, excessive noise and vibration are serious hazards to public health, welfare, safety, and quality of life;

WHEREAS, numerous studies have found that noise pollution increases anxiety, depression, high blood pressure, heart disease, and stroke and that small increases in unwanted ambient sound have significant health effects and that noise aggravates health conditions by inducing higher levels of stress;

WHEREAS, a substantial body of science and technology exists by which excessive noise and vibration may be substantially abated;

WHEREAS, people have a right to and should be ensured an environment free from excessive noise and vibration that may jeopardize their health, welfare, or safety or degrade their quality of life;

WHEREAS, pursuant to Utah Code Annotated 10-8-76 Noise Abatement, a municipality may regulate noise;

WHEREAS, the proposed changes have been noticed as required, one or more public hearings were held before the Oakley City Council where citizens were given the opportunity to provide written and oral comment concerning the noise ordinance;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Oakley City Council as follows:

8.13 Noise Regulations

8.13.010 Findings and Authority

The city council finds that:

1. Excessive and unreasonable noise constitutes a nuisance and may be injurious to health and the quiet enjoyment of property.
2. The reasonableness of noises and sound depend on the location, time, type, and purpose of the sound.
3. The City has authority pursuant to Utah Code 10-8-47, 10-8-60, and 10-8-76 to declare unreasonable noise, as defined by this chapter, to be a nuisance and to regulate and restrain the same based on the location, time, type, and purpose of the sound.

8.13.020 Definitions

The following definitions apply to this chapter:

1. "A-Weighted Sound Pressure Level" means the sound pressure level as measured with a sound level meter using the A-weighting network, denoted as dBA.
2. "Ambient Sound" means the sound pressure level which represents the summation of the sound from all the discrete sources affecting a given site over a given measurement period, which shall not be less than 10 minutes, exclusive of the source under investigation.
3. "Daytime" means the hours between 7:00 AM and 10:00 PM.
4. "Nighttime" means the hours between 10:00 PM and 7:00 AM.
5. "Noise" means sound that may be harmful to health.
6. "Noise Level" means the level of sound measured over a period of not less than 10 minutes.
 - a. "Tenth Percentile Noise Level" means 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.
 - b. "Ninetieth Percentile Noise Level" means 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.
7. "Owner" means any person who alone or jointly and severally with others has legal title to any premise, dwelling, or dwelling unit or has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, or is an executor, administrator, representative, trustee, or guardian of the estate of the owner.
8. "Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau, or agency thereof, municipal corporation, county, city, or any legal entity recognized by the law.
9. "Receiving property" means any property, including an individual unit of a multi-dwelling or multi-use property, that is adversely affected by noise transmitted by another property or from another unit within the same multi-dwelling or multi-use property.
10. "Type A Property" means a property used solely for residential purposes.

11. "Type B Property" means a property used for any other use allowed in Oakley City, including but not limited to, agriculture, retail, offices, repair, restaurants, gasoline stations and more.

8.13.030 Regulation of Noise

1. Noise. The making and creation of unreasonable noise, as set forth below, is hereby declared to be a public nuisance and may be abated, regulated, and controlled as such.

2. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any noise source to exceed the allowable Ninetieth Percentile Noise Level for the type of property from which the noise emits, when measured at the receiving property.

3.

a. Type A Property:

i. Daytime: 60 dBA

ii. Nighttime: 50 dBA

b. Type B Property:

i. Daytime: 70 dBA

ii. Nighttime: 60 dBA

c. The maximum sound levels are reduced by 5 dBA for stationary sources of sound that emit continuous sounds that continue for at least 10 minutes or more, pure tones of a consistent pitch, or repetitive or impulse sounds that result in similar noise levels at reasonably uniform intervals of time.

4. No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary source of sound that creates a tenth percentile sound pressure level greater than 15 dBA above the ambient sound pressure level of any measurement period.

5. Notwithstanding the regulations above, all construction of Type A or Type B properties is limited to hours of 7:00 a.m. to 7 p.m. This includes all outdoor excavation, earthwork, landscaping, mining, quarrying, and rock breaking, chipping, drilling, and blasting. The only exception is construction that can be totally contained within an enclosed structure and comply with all noise limitations and City lighting regulations.

8.13.040 Animals

1. The regulation of noise created by animals and the enforcement thereof shall be as set forth in the Summit County Code, Title 5, Chapter 1, which provisions, and any amendments thereto as Summit County may make from time to time, are hereby adopted by reference.

8.13.050 Exceptions

The following shall be exempt from these regulations:

1. Agricultural operations, including agricultural equipment and livestock kept as part of an agricultural operation.
2. Emergency events, equipment, and vehicles.
3. Commercial or personal emergency generators operating during power failure or outage.
4. Fireworks and explosives in accordance with state and local regulations.
5. Heating, Ventilation, and Air Conditioning (HVAC) systems, if the system is in good repair and operating within manufacturer's specifications.
6. City, school, or other governmental approved events, within the parameters of such approvals.
7. Snow removal equipment.
8. Temporary or short-term use of equipment or machinery for construction, maintenance, or cleaning during daytime hours.
9. Any emergency construction or repair or public utilities and transportation infrastructure, including water, sewer, electrical, communication, data, gas, and roadways.
10. The normal operation and maintenance of city public facilities such as water and wastewater treatment plants and pumping.
11. The construction of critical city water resources, including drilling and the development of wells, springs, etc.
12. Other temporary exceptions may be granted with the approval of the City. In granting exceptions, the City shall strive to limit the amount of noise generated or allowed during nighttime hours.

8.13.060 Enforcement

Violations of this chapter may be enforced any means available to the City, including by abatement, civil citation, or criminal prosecution.

1. Criminal Penalty. Violations of this chapter shall constitute a class "C" misdemeanor. Each day that the violation continues shall constitute a separate offense.
2. Civil Penalty. The maximum civil penalty and fine that may be imposed by the city for a violation of this chapter shall not exceed the amount established in state law for

a class "C" misdemeanor. Each day a civil violation continues shall constitute a separate offense.

- 3. Limitation on Penalties for Residences and Pets. For violations pertaining to an individual's pet or an individual's use of their residence, the criminal penalty shall be an infraction, and the fine for a civil penalty shall be the maximum allowed for an infraction, unless the City has imposed a fine on the individual for a violation that involves the same residence or pet on at least three previous occasions within the past 12 months. In no event shall an individual be issued an infraction for a violation described in this section more than once within a 14-day period.

SECTION 2. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective Date.

This Ordinance shall become shall become effective upon Notice of Passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2023

ATTEST: OAKLEY CITY MAYOR

By _____
Amy Rydalch, City Recorder

By _____
Zane Woolstenhulme, Mayor

VOTING OF THE OAKLEY CITY COUNCIL:

COUNCIL MEMBERS	YEA	NAY
Joe Frazier	_____	_____
Kelly Kimber	_____	_____
Dave Neff	_____	_____
Tom Smart	_____	_____
Steve Wilmoth	_____	_____

Deposited in the Recorder's office this _____ day of _____ 2023.

Posted this _____ day of _____ 2023 at the following locations:

Utah Public Notice Website

City Website: oakleycity.com

City Facebook and Instagram pages

Oakley City Post Office and City Hall