

Chapter 9.16

Noise Control

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9.16.010 Legislative intent.

The Town Council finds:

A. Excessive sound and vibration are a serious hazard to the public health and welfare, safety and the quality of life;

B. A substantial body of science and technology exists by which excessive sound and vibration may be substantially abated;

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

D. It is the policy of the Town to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life. (Ord. 90-19 §1(part), 1990)

9.16.020 Definitions.

As used in this Chapter:

A. Commercial area means:

1. An area where offices, clinics and facilities needed to serve them are located;
2. An area with local shopping and service establishments located within walking distance of the residents served;
3. A tourist-oriented area where hotels, motels and gasoline stations are located;
4. A large integrated regional shopping center;
5. A business strip along a main street containing offices, retail businesses and commercial enterprises;
6. A central business district;
7. A commercially dominated area with multiple unit dwellings; or
8. Any property zoned commercial.

B. *Construction* means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. *Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

D. *Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

E. *Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

F. *Noise control office* or NCO means the code enforcement officer or a police officer or any other person with enforcement authority under this Chapter.

G. *Gross vehicle weight rating (GVWR)* means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

H. *Industrial* means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activities, but shall not include agricultural operations.

I. *Industrial, light* means:

1. An area containing clean and quiet research laboratories;
2. An area containing light industrial activities which are clean and quiet;
3. An area containing warehousing; or
4. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.

J. *Motor vehicle* means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

K. *Motorcycle* means an unenclosed motor vehicle having a saddle for the use of the operator and two (2), three (3) or four (4) wheels in contact with the ground including, but not limited to, motor scooters and minibikes.

L. *Muffler or sound dissipative device* means a device for abating the sound of escaping gases of the internal combustion engine.

M. *Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

N. *Noise disturbance* means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. Any noise level measuring in excess of fifty (50) decibels at or immediately adjacent to the property boundary upon which the noise originates, is a noise disturbance, unless a greater noise level, as measured decibally, is allowed under Chapters 17.52 and 17.56 of this Code.

O. *Person* means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

P. *Power model vehicle* means any self-propelled airborne, water borne, or land borne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

Q. *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

R. *Public space* means any real property or structures thereon which are owned or controlled by a governmental entity.

S. *Real property boundary* means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.

T. *Residential* means an area of single- or multi-family dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. *Residential zone* includes educational facilities, hospitals, nursing homes and similar institutions.

U. *Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

V. *Vibration* means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

W. *Weekday* means any day Monday through Friday which is not a legal holiday. (Ord. 90-19 §1(part), 1990)

9.16.030 Prohibited acts.

A. Noise disturbances prohibited. No person shall make, continue or cause to made or continued, any noise disturbance, including, but not limited to, the specific noise disturbances prohibited in Subsection B of this Section. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Section.

B. Specific prohibitions. The following acts, and the causing thereof, are prohibited.

1. Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

a. In such a manner as to be audible at one hundred (100) feet from such device or plainly audible through the walls common to two (2) parties within a building except for activities open to the public and for which a permit has been issued by the appropriate authority;

b. In such a manner as to be audible at fifty (50) feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space;

c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

d. Notwithstanding any other provisions of this Chapter, it is permissible for any senior high school or junior high school band to perform or practice prior to the hour of 7:00 a.m.

2. Loudspeakers/public address systems.

a. Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day, such

that the sound therefrom creates a noise disturbance across a residential real property boundary;

b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a residential real property boundary.

3. Street sales. Offering for sale or selling anything by shouting or outcry within any residential area of the Town.

4. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across residential real property boundary.

5. Construction. Operating or permitting the operation of any tools or equipment in connection with construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 6:00 p.m. and 8:00 a.m. on weekends or holidays such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for delivery and pickup of construction equipment, emergency work, work exempted pursuant to Section 9.16.050 below or by variance issued pursuant to Subsection 9.16.070.E. Holidays are defined as those observed by the State.

6. Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

7. Powered model vehicles. Operating or permitting the operation of a powered model vehicle so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10:00 p.m. and 7:00 a.m. the following day.

8. Emergency signaling devices.

a. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, except for emergency purposes or for testing, subject to the following limitations.

i. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or later than 10:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds;

ii. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than one (1) in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in Subparagraph B(8)(i) shall not apply to such complete system testing.

b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically or manually terminated within fifteen (15) minutes of activation.

9. Internal combustion equipment. No person shall operate, or permit to be operated, any internal combustion equipment including but not limited to lawnmowers, weed trimmers, chain saws, compressors or pumps driven by internal combustion engines between the hours of 10:00 p.m. and 7:00 a.m. the following day in any residential area. This provision shall not apply to motor vehicles or motorcycles.

10. Live bands and music. No person shall play, practice or perform, or permit to be played, practiced or performed, any live music audible at a residential real property boundary, between the hours of 12:00 a.m. and 7:00 a.m.

11. Fireworks. During Stage 2 Fire Restrictions, except for professional commercial fireworks displays, no person shall use permissible fireworks as defined in Subsection 8.24.010.C above. For any period thereafter, with no fire restrictions declared, no person shall use permissible fireworks except on the 4th of July between the hours of 8:00 a.m. and 10:00 p.m. (Ord. 2006-32 §2, 2006; Ord. 2006-29 §1, 2006; Ord. 2003-32 §1, 2003; Ord. 2002-28 §2, 2002; Ord. 2001-08 §1, 2001; Ord. 98-20 §3, 1998; Ord. 90-19 §1(part), 1990)