

Ordinance No. 2020-09-03
NOISE

1. PURPOSE.

This ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace, quiet, and quality of life for the citizens of Mantua through the reduction, control and prevention of excessive noise. It is the intent of this ordinance 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.

2. APPLICABILITY.

The provisions of this ordinance apply to sound generated from real or personal property located within the Town. 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. The prior Ordinance 2016-09-01A is repealed and replaced by this Ordinance.

3. DEFINITIONS.

All terminology used in this chapter and not defined in this section shall be in conformance with applicable American National Standards Institute Publications, including, but not limited to, S1.1-1960, R 171, or those from its successor publications or bodies. The following words and phrases, when used in this ordinance, shall have the following meanings:

CLEARLY AUDIBLE: Any sound that can be detected by a person using his or her unaided hearing faculties.

COMMERCIAL POWER EQUIPMENT: Any equipment or device rated at more than eight (8) horsepower and used for home or building repairs or grounds maintenance.

COMMERCIAL PREMISES: Any premises involving goods or services for sale or profit, or defined as Commercial in the Town's Zoning Ordinance.

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, compactors, 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, waterway or appurtenance thereto.

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 eight (8) horsepower or less and used for home or building repairs or grounds maintenance, including, but not limited to, power saws, sanders, vacuums, lawn mowers (including riding mowers or lawn tractors), leaf blowers, and garden equipment. "Domestic Power Equipment" does not include snow blowers or other snow removal equipment or muffled water or irrigation pumps.

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 Town authorized to enforce all or part of the provisions of this ordinance.

INDUSTRIAL PREMISES: Any premises where manufacturing, processing, fabrication, or production of goods or products takes place, or defined as Industrial in the Town's Zoning Ordinance.

MOTOR VEHICLE: 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, snowmobiles 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: Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

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 or safety of other persons.

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.

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

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 or defined as Residential in the Town's Zoning Ordinance.

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

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), Standard 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.

4. NOISE REGULATIONS.

This ordinance contains standards of measurement hereinafter set forth, which take into account the latest scientific advancements in noise measurement and control, while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Notwithstanding, sound level measurements, while universally desirable, shall not be required to demonstrate violation of this ordinance if other evidence or testimony establishes the creation of a disturbance or public nuisance.

5. GENERAL PROHIBITIONS.

In addition to the specific prohibitions set forth in Sections 9 and 10, it shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusual loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town of Mantua.

6. SPECIFIC PROHIBITIONS.

The following acts, among others, are declared to be loud, disturbing or unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- A. **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.
- B. **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.
- C. **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.

- D. Loading/Unloading Operations: Except as otherwise provided for solid waste collection, 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.
- E. 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.
- F. 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.
- G. 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 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 (30) feet 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 (75) feet from the device, unless a permit is first obtained as provided in section 8 of this ordinance.

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 8 of this ordinance.
 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.
- H. 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.
- I. 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 (GVW) 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.

7. EXEMPTIONS.

The following shall be exempt from noise restrictions:

1. Public Safety response to duties and emergencies.
2. Notification of Emergency Services and Natural Disasters using a broadcast siren.
3. Emergency maintenance of area infrastructures, including roads, water systems, sewer systems, electrical power, communications, storm drains, irrigation systems, etc.
4. Special events approved by the Town Council or sponsored by the Town or Box Elder County.
5. Construction activities during the hours of seven o'clock (7:00) a.m. and ending no later than ten o'clock (10:00) p.m.
6. Farm equipment engaged in agricultural activities.

7. Any aircraft 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.
8. Snowblowers, snow throwers, and snowplows when operated with a muffler for the purpose of snow removal.
9. Muffled water pumps and irrigation pumps.

8. REQUEST FOR EXEMPTION.

An individual may apply for an exemption from the Town of Mantua in either of these circumstances:

1. The potential danger to the community is outweighed by the benefit to the public interest during the period of exemption, or
2. Compliance with the provisions of this chapter from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

A Noise Exemption Request **must be submitted in writing** and all information requested must be completed. Request can be mailed, faxed, or hand delivered to the office.

Request must include:

1. Dates and times the work is to be done.
2. Location or address of the work site.
3. Map of the site, streets, and adjacent properties.
4. Full description of the potential danger and/or serious hardship to the public which would require an exemption to the Noise Control Ordinance.
5. Type of equipment that will be used.
6. Notification to affected community residents.
7. Name and phone number of contact person and/or on-site supervisor(s) responsible for the site.
8. Other information, if any, believed by the applicant to be pertinent to the application.

Copy of exemption to be posted and accessible at all times.

9. NOISE LIMITS.

In no event shall the peak intensity of sound exceed a sound level in excess of the following limits, measured in decibels, using, unless otherwise mentioned, the "A" frequency weighted and the "slow" response characteristic of a sound level meter conforming to all respects to American National Standards Institute (ANSI) Standard S1.4-current version, as revised for type one (1) or type two (2) instruments.

The microphone or device used to measure the intensity of a noise may be placed at any point on the property line (if the noise source radiates into private property) or at any point fifty (50) feet distance from the noise source being measured and shall be at least five (5) feet from any wall and not less than three (3) feet above the ground. If it is not possible to measure five (5) feet from a wall, five (5) dB variance shall be allowed. When measurements are made inside buildings or enclosures, readings may be obtained from any area to which persons may have access.

The following limits refer to the largest reading obtained, using the above procedure:

1. Continuous and intermittent noises, sounds of commerce and industry:

DISTRICT	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Residential (R)	85 dB	55 dB
Commercial	85 dB	65 dB
Industrial	85 dB	75 dB
Mixed Use	85 dB	60 dB

2. Continuous noises, public disturbance: vehicles, machinery, motors, equipment and music:

DISTRICT	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Residential (R)	65 dB	55 dB
Commercial	70 dB	65 dB
Industrial	75 dB	75 dB
Mixed Use	65 dB	55 dB

3. Intentionally caused noises: vehicles, machinery, motors, equipment and music:

DISTRICT	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Residential (R)	70 dB	55 dB
Commercial	75 dB	65 dB
Industrial	80 dB	75 dB
Mixed Use	70 dB	60 dB

4. Impulse noises, an "on" cycle of ten (10) percent or less and a maximum continuous duration of two (2) seconds: Example: a gunshot.

DISTRICT	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Residential (R)	75 dB	55 dB
Commercial	80 dB	65 dB
Industrial	85 dB	75 dB
Mixed Use	75 dB	60 dB

Maximum Exposure time at 85 dB is eight (8) hours.

10. MOTOR VEHICLE NOISE:

No person shall operate or knowingly permit the operation of any motor vehicle or combination of motor vehicles at any time or place in such a manner as to exceed the following noise sound pressure levels for the category of motor vehicle shown below.

Noise shall be measured at a distance of at least twenty-five (25) feet from the near side of the nearest lanes being monitored and at a height of at least four (4) feet above the immediate surrounding surface.

Maximum allowable sound pressure level for motor vehicles:

MOTOR VEHICLE TYPE	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
Motor vehicles with a GVW of 10,000 pounds or more	88 dB	80 dB
Motor vehicles with a GVW of less than 10,000 pounds	80 dB	80 dB

This section shall apply to all noise emitted from motor vehicles or combination of vehicles, including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion. In all cases, it shall be a violation of this ordinance if any such noise can be heard at a distance of three-hundred (300) feet or more.

This section 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.

11. PENALTY.

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of an Infraction, with a penalty of \$100.00 on the first offense. If a person is found guilty of a subsequent, similar violation within two years, he or she is guilty of an Infraction, with a penalty of \$200.00 per occurrence.

Each day such violation is committed or permitted to continue shall constitute a separate violation.

The Town may initiate legal action, civil or criminal, to abate any condition that exists in violation of this Ordinance.

In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Town of Mantua in removing or abating any nuisance or other noise disturbance.

12. SEVERABILITY.

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Ordinance. The valid part of any clause, sentence, or paragraph of this Ordinance shall be given independence from the invalid provision or application and to this end the provisions of this Ordinance are hereby declared to be severable.

ADOPTED AND PASSED AS REQUIRED BY LAW THIS 3rd DAY OF September 2020.

ATTEST:

MANTUA TOWN


Recorder


Mike Johnson, Mayor