

MAGNA METRO TOWNSHIP

ORDINANCE NO.: 22 - O - 02

DATE: February 8, 2022

**AN ORDINANCE OF THE MAGNA METRO TOWNSHIP
COUNCIL AMENDING CHAPTER 9.48 OF THE MAGNA
METRO TOWNSHIP MUNICIPAL CODE REGARDING
NOISE POLLUTION CONTROL**

WHEREAS, the Magna Metro Township ("Magna") is a Municipality pursuant to Utah Code §§ 10-2a-401 et seq.

WHEREAS, the Magna Metro Township Council desires to amend Chapter 9.48 of the Magna Metro Township Municipal Code regarding Noise Pollution Control; and

WHEREAS, the Magna Metro Township Council feels this ordinance is in the best interest of the residents of the Magna Metro Township Council,

NOW, THEREFORE, BE IT ORDAINED by the Magna Metro Township Council, Magna, Utah:

Section 1. The Magna Metro Township Council hereby amends Chapter 9.48 of the Magna Metro Township Municipal Code regarding Noise Pollution Control as found in Attachment A.

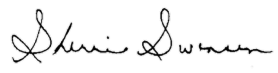
Section 2. This ordinance shall become effective upon passage, signature, and publication.

PASSED AND APPROVED by the Magna Metro Township Council, in Magna, Utah this 8th day of February 2022.


MAGNA METRO TOWNSHIP

BY: 
DAN W. PEAY, MAYOR

ATTEST:



SHERRIE SWENSEN,
SALT LAKE COUNTY CLERK
METRO TOWNSHIP CLERK/RECORDER

APPROVED AS TO FORM:


PAUL H. ASHTON
METRO TOWNSHIP ATTORNEY

VOTE BY COUNCIL: AYE NAY

MAYOR DAN PEAY	<u> Aye </u>	<u> </u>
ERIC BARNEY	<u> Aye </u>	<u> </u>
STEVE PROKOPIS	<u> Aye </u>	<u> </u>
TRISH HULL	<u> Aye </u>	<u> </u>
AUDREY PIERCE	<u> Aye </u>	<u> </u>

Effective date of Ordinance: February 15, 2022

**SUMMARY OF
MAGNA METRO TOWNSHIP ORDINANCE NO. 22-O-02**

On the 8th day of February , 2022, the Magna Metro Township Council adopted Ordinance No. 22-O-02, Amending Chapter 9.48 of the Magna Metro Township Municipal Code to address Noise Pollution Control within Magna.

A complete copy of Ordinance No. 22-O-02 is available in the office of the Magna Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

Chapter 9.48
NOISE POLLUTION CONTROL

Sections:

- 9.48.010 Purpose and Applicability of chapter.**
- 9.48.020 Definitions**
- 9.48.030 General provisions.**
- 9.48.040 Substantive provisions.**
- 9.48.050 Waiver.**
- 9.48.060 Inspections and investigations.**
- 9.48.070 Enforcement mechanisms.**
- 9.48.080 Criminal, civil, and administrative penalties.**

9.48.010 Purpose and applicability of chapter.

The purpose of this chapter is to establish standards for the control of noise pollution within Magna Metro Township to reduce the making and creation of excessive, unnecessary, or unusually loud noises, to secure, protect, and promote the public health, safety, and general welfare of the residents of Magna Metro Township.

9.48.020 Definitions.

For the purpose of this chapter, the following terms, phrases, and words shall have the meanings herein expressed:

“All-terrain type I vehicle” shall mean any motor vehicle measuring 50 inches or less in width, having an unladen dry weight of 800 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

“All-terrain type II vehicle” shall mean any other motor vehicle not defined in “all-terrain type I vehicle” designed for or capable of travel over unimproved terrain.

“CFR” shall mean Code of Federal Regulations.

“City” Shall mean Magna Metro Township, Utah

“Construction” shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or of any right-of-way, land parcel, building, structure, waterway, utility, or similar property, but excludes demolition.

“Construction equipment” shall mean any device or mechanical apparatus used in the excavation, construction, or demolition of any right-of-way, land parcel, building, structure, waterway, utility, or appurtenance thereto.

“Cyclically varying sound” shall mean any sound that varies in sound level so that the same level is obtained repetitively at reasonably uniform levels of time.

“Demolition” shall mean any dismantling, intentional destruction or removal of any right-of-way surfaces, building, structure, utility, or similar property.

“Dwelling” shall mean a building or structure that is intended or designed to be used, rented, leased, let, or hired out for human habitation.

“Dynamic breaking device” shall mean a device used to transform a motor vehicle’s internal combustion engine into an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as “Jake brakes,” “compression brakes,” or “engine brakes.”

“Emergency power generator” shall mean the equipment used to generate electrical power in the event of an interruption, malfunction, or failure of the electrical power otherwise supplied by the service provider.

“Emergency vehicle” shall mean an authorized motor vehicle, motorboat, or aircraft which can lawfully be used for the transportation of emergency personnel, equipment, and supplies while responding to the scene of an emergency, or during police activity.

“Emergency work” shall mean”

- (a) Work required to restore property to a safe condition following a disaster or declaration of emergency;
- (b) Work required to protect persons or property from an imminent exposure to danger;
or
- (c) Work that absolutely cannot be done otherwise during the daytime hours to protect the public’s health by private or public entities for providing or restoring immediately necessary utility service.

“Exhaust system” shall mean all components responsible for conducting exhaust gases or reducing sound from a motor vehicle or motorboat including, but not limited to, mufflers, baffles, header pipes, manifolds, air intakes, or any other similar component.

“Heating, ventilation, and air conditioning (HVAC)” shall mean any system installed on or within a dwelling or facility for the purposes of providing heating, ventilation, or air conditioning. “Heating, ventilation, and air conditioning (HVAC)” may include furnaces, air exchangers, central air condensing units, evaporative “swamp” coolers, heat pumps, exhaust fans, and other similar equipment.

“Impulsive noise” shall mean a sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay; examples include explosions, impacts, and the discharge of firearms. Impulsive noise shall be measured using a sound level meter set to the “fast” response.

“Mini motorcycle” shall mean a motorcycle or motor-driven cycle, except for a moped or a motor-assisted scooter that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires. “Mini motorcycle” does not include an off-road motorcycle that is designed for off-highway use and registered as an off-highway vehicle. A mini motorcycle is commonly referred to as a pocket bike.

“Moped” shall mean a motor-driven cycle, including an electric-assisted bicycle and motor-assisted scooter, having pedals to permit propulsion by human power and a motor which produces not more than two brake horsepower and is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

“Motor-assisted scooter” shall mean a self-propelled device with:

- (a) At least two wheels in contact with the ground;
- (b) A braking system capable of stopping the unit under typical operating conditions;
- (c) A gas motor not exceeding 40 cubic centimeters;
- (d) Either a deck designed for a person to stand while operating the device, or a deck and seat designed for a person to sit, straddle, or stand while operating the device; and
- (e) A design for the ability to be propelled by human power alone.

“Motor vehicle” shall mean any vehicle that is propelled on a highway or land by a power source which is not human or animal.

“Motorcycle” shall mean any motor vehicle, other than a tractor, that:

- (a) Is designed to travel with not more than three wheels in contact with the ground’
- (b) Has a seat or saddle for the use of the rider; and
- (c) Is capable of achieving a maximum speed of at least 25 miles per hour or more over a level paved surface.

“Motorized quadricycle or tricycle” shall mean:

- (a) A four-wheeled or three-wheeled device;
- (b) Designed to carry not more than two persons, including the driver; and
- (c) Has a gas motor with an automatic transmission which develops less than two gross brake horsepower, capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

“Multi-dwelling unit building” shall mean any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses, and attached residences.

“Multi-use property” shall mean any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- (a) A commercial, residential, industrial, or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior of or on the exterior of the building which may be a source of elevated sound pressure levels at another category on the same distinct parcel of land; or
- (b) A building which is both commercial (usually the ground floor) and residential property located above, behind, below, or adjacent.

“Noise” shall mean any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

“Noise control system” shall mean parts, mufflers, assemblies, or systems, including all exhaust system components, originally installed by the manufacturer which controls or reduces noise emissions.

“Noise disturbance” shall mean any excessive or unreasonably loud sound that interferes with the peace and quiet of the community.

“Noise sensitive area” shall mean an area designated under this chapter for the purpose of ensuring exceptional quiet and shall include any school, hospital, nursing home, or long-term care facility, and within 800 feet of these facilities, so as to not disrupt the activities normally conducted or to disturb or annoy the patients within the zone.

“Nuisance” shall mean an act or condition created by a person resulting in excessive or unreasonably loud sound, including but not limited to loud talking or yelling, which either:

- (a) Injures or endangers the health or safety of any person;
- (b) Renders a person insecure in life;
- (c) Endangers the environment; or
- (d) Interferes with the peace and quiet enjoyment of the community, as verified by two or more persons affected by said nuisance.

“Off-highway implement of husbandry” shall mean every all-terrain type I vehicle, motorcycle, or snowmobile used for agricultural highways.

“Off-highway vehicle” shall mean every all-terrain type I, all-terrain type II, or other similar vehicle used to operate exclusively off highways.

“Off-road motorcycle” shall mean any motorcycle designed for or capable of traveling off developed roadways and highways. “Off-road motorcycles” are commonly also referred to as motorbikes, trailbikes, enduro bikes, dirt bikes, motor cross bikes, or dual-purpose motorcycles.

“Owner” shall mean any person who alone or jointly and severally with others:

- (a) Has legal title to any premises, dwelling, or dwelling unit with or without accompanying actual possession thereof; or
- (b) Has share, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

“Person” shall mean 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.

“Plainly audible noise” shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the source of the plainly audible noise under investigation is a portable or personal vehicular sound amplification or reproduction device, one need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

“Private right-of-way” shall mean any street, avenue, boulevard, road, highway, sidewalk, alley, or easement that is owned or controlled by a nongovernmental entity.

“Property line” shall mean:

- (a) The imaginary line along the ground surface and its vertical extension that separates one parcel of real property from another;
- (b) The vertical and horizontal boundaries of a dwelling unit within a multi-dwelling-unit building; or
- (c) On a multi-use property, the interface between two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is a residential upstairs and commercial downstairs, then the property line would be the interface between the residential areas and the commercial area).

“Public entertainment venue” shall mean an indoor or outdoor place of public assembly, regardless of whether or not a ticket or payment of any type is required for admission, such as a symphony hall, concert hall, amphitheater, church hall, dance hall, auditorium, convention center, bowling center, sports venue, movie theater, multi-activity edifice, skating rink, bar, public park, or similar facility.

“Public property” shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

“Public right-of-way” shall mean any street, avenue, boulevard, highway, road, sidewalk, alley, or easement that is owned or controlled by a governmental entity.

“Receiving property” shall mean the property (residential, commercial, industrial, or public) which is receiving noise emissions from a source after crossing the property line of the source.

“Residential” shall mean a location intended for activities related to permanent human habitation or public lodging facilities such as hotels, motels, RV parks, and other approved lodging facilities that includes activities such as sleeping, eating, bathing, or similar activities.

“Snow removal equipment” shall mean any mechanical equipment used for removing snow from land or building surfaces including snowplows, snow blowers, snow sweepers, and any spreader or applicator employed to apply a snow or ice melting product.

“Snowmobile” shall mean any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low-pressure tires.

“Sound” shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with interval forces that cause compression or rarefaction of the medium.

“Stationary noise source” shall mean any noise source, fixed or movable, that is located or used on property other than a public or private right-of-way.

“Swimming pool equipment” shall mean equipment used to operate a swimming pool or spa including, but not limited to, the heater, pump, filter, water conditioner, disinfection equipment, hydro-jets, or other accessory equipment.

“Tree maintenance equipment” shall mean any equipment used in trimming or removing trees only. Tree maintenance equipment includes but is not limited to chainsaws, chippers, and stump removers.

9.48.030 General Provisions.

(1) Jurisdiction of the City.

- (a) The city and local law enforcement agencies shall have enforcement responsibility for this chapter
- (b) Compliance with this chapter does not constitute a defense if charged with any environmental crime or violation of any county, local, state, or federal law.
- (c) Legal action taken by the city under this chapter does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

- (d) Nothing in this chapter affects or modifies in any way the obligations or liability of any person under any other chapter or provision thereof issued by the city, any ordinance issued by Salt Lake County, or any state or federally issued law, including common law.
- (e) Severance. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

9.48.040 Substantive Provisions.

- (1) General Prohibition of Noise. In addition to the specific prohibitions outlined in this chapter, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unreasonable, unnecessary, or unusual noise that:
 - (a) Disturbs the health or safety of a reasonable person of normal sensitivity within any receiving property between the hours of 10:00 p.m. and 7:00 a.m.; or
 - (b) Creates a public nuisance at any time of day or night.
- (2) Specific Noise Restrictions.
 - (a) Aircraft. No person shall fly, repair, or operate nor shall any person allow the flight or operation of any aircraft within 800 feet of a dwelling between the hours of 10:00 p.m. and 7:00 a.m. the following morning, unless expressly exempted from this chapter so as to cause a noise disturbance or create a nuisance.
 - (b) Bells and Clocks. No person shall sound, operate, or permit the sounding or operation of an electronically amplified signal from any bell, chime or clock including, but not limited to, schools, houses of religious worship, or governmental buildings:
 - (i) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning; or
 - (ii) At any time of day in such a manner which constitutes a nuisance.
 - (c) Construction Equipment and Activities. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any construction equipment or conduct any construction or demolition activities:
 - (i) Outside between the hours of 10:00 p.m. and 7:00 a.m. the following morning unless a waiver has been issued in accordance with Code 9.48.050;
 - (ii) Inside an enclosed structure between the hours of 10:00 p.m. and 7:00 a.m. the following morning if the activities are plainly audible at the property line; or

- (iii) In such a way as to create a nuisance.
- (d) Fireworks or Explosives. No person shall use fireworks, discharge guns, or other explosive devices that emit a plainly audible noise across the property line, between the hours of 10:00 p.m. and 7:00 a.m. the following morning, unless allowed under Section 53-7-225, Utah Code Annotated 1953, or successor statute. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.
- (e) Fixed Sirens, Whistles, and Horns. No person shall sound nor shall any person cause, allow, permit, or fail to control the sounding of any whistle, horn, or siren used as a signal for commencing or suspending work, or for any other purpose so as to cause a noise disturbance, except when used as a signal of an emergency or imminent danger.
- (f) Garbage Collection. No person shall collect garbage, waste, or refuse nor shall any person cause, allow, permit, or fail to control the collection of garbage, waste, or refuse within 800 feet of a dwelling or within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following morning.
- (g) Heating, Ventilation, and Air Conditioning (HVAC) Systems. No person shall operate nor permit or allow the operation of any HVAC system installed on or within any residential property that is not in good repair or not operating within manufacturer's specifications so as to cause a noise disturbance which is plainly audible from the property line of the source.
- (h) Motor Vehicles.
 - (i) This section shall apply to the total noise from a motor vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provision of this chapter relating to mufflers or noise control.
 - (ii) No person shall operate or use nor shall any person cause, allow, permit, or fail to control the operation or use of any motor vehicle upon any public property, public or private right-of-way:
 - (A) Unless the noise control system is in constant operation and free of defects that affect sound reduction;
 - (B) With any cut out, bypass or similar device which increases sound pressure levels;
 - (C) When the noise control system has been modified, punctured, or rendered inoperative.

- (iii) Defect in Vehicle. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation or use of any motor vehicle that emits excessive or unusual noises because of disrepair or mode of operation.
- (iv) Dynamic Braking Devices. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger.
- (v) Horns and Other Signaling Devices. No person shall sound any horn or audible signaling device on any motor vehicle, except to prevent or avoid an accident.
- (vi) Motorsports. No person shall allow or conduct any sponsored or sanctioned motorsport activities in such a manner that creates a nuisance.
- (vii) Motor Vehicle or Motorboat Repair and Testing. No person shall repair, rebuild, modify, idle, run, accelerate, or test any motor vehicle, motorboat, or any auxiliary equipment attached to such vehicle or boat:
 - (A) Within 800 feet of a dwelling between the hours of 10:00 p.m. and 7:00 a.m. the following morning;
 - (B) Within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following morning;
 - (C) So as to cause a nuisance any time of day or night, or at any location within the city.
- (viii) Off-Highway Vehicles. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any off-highway vehicle or off-road motorcycle whether or not duly registered:
 - (A) Either within 800 feet of a dwelling, within a noise sensitive area, or so as to cause a nuisance.
 - (B) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning anywhere within the city.
 - (C) Within the public or private right-of-way or on public property unless specifically designated for such use by a government entity.
 - (D) Without a noise control system in constant use and in good working order so as to not emit excessive or unusual sounds.

- (E) This subsection shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.

- (ix) Standing Motor Vehicles. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any motor vehicle to remain in an idling mode or condition for:
 - (A) A consecutive period of 15 minutes or longer;
 - (B) Any period of time while the vehicle is left unattended; or
 - (C) So as to cause a noise disturbance.

- (i) Music and Sound Amplification. Unless declaring an emergency, no person shall operate, play, nor shall any person cause, allow, permit, or fail to control the operation or playing of any personal or commercial sound amplification, or sound reproduction equipment, or musical instruments, or similar devices in such a manner:
 - (i) Which emits a plainly audible noise at the property line of the source between the hours of 10:00 p.m. and 7:00 a.m. the following morning;
 - (ii) Which emits a plainly audible noise on public property or within the public or private right-of-way at a distance of 50 feet or more in any direction from the operator between the hours of 7:00 a.m. and 10:00 p.m.;
 - (iii) Which emits a plainly audible noise to any person other than the operator on public property or a public or private right-of-way between the hours of 10:00 p.m. and 7:00 a.m. the following morning;
 - (iv) Which emits a plainly audible noise to any person other than the operator when operated on a common carrier by any passenger;
 - (v) That crowd noise causes a noise disturbance across a residential receiving property line or within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following morning.

- (j) Parking Lot or Road Sweepers. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any motorized mechanical sweeper or vacuum:
 - (i) Within 800 feet of a dwelling between the hours of 10:00 p.m. and 7:00 a.m. the following morning;

- (ii) Within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following morning,
 - (iii) So as to cause a noise disturbance; or
 - (iv) That emits a sound pressure level that exceeds 84 dB(A) when measured at a distance of 25 feet.
- (k) Power Equipment. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any mechanically powered generator, compressor, power washer, vacuum, blower, dryer, lawn or gardening equipment, snow removal equipment, or similar devices, except construction equipment:
- (i) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning either within 800 feet of a dwelling, within a noise sensitive area, or so as to cause a noise disturbance;
 - (ii) That emits a sound pressure level that exceeds 78 dB(A) measured at a distance of 25 feet, when the equipment is rated at five horsepower or less;
 - (iii) That emits a sound pressure level that exceeds 84 dB(A) measured at a distance of 25 feet, when equipment is rated at more than five horsepower;
 - (iv) That is not in good mechanical working condition so as to emit excessive or unusual sounds; or
 - (v) Without a noise control system in constant operation and in good working order.
 - (vi) Routine testing on emergency power generators shall not exceed one hour in any one-week period, or two hours in any six-week period, and shall be confined to the hours of 10:00 a.m. to 7:00 p.m.
- (l) Powered Model Mechanical Devices. No person shall fly a model aircraft powered by a gas engine or an electric motor, whether tethered or not, or fire or operate a model rocket vehicle or other similar noise-producing device:
- (i) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning within 800 feet of a dwelling or within a noise sensitive area; or
 - (ii) So as to cause a noise disturbance.
- (m) Refuse Compactor. No person shall operate or use nor shall any person cause, allow, permit, or fail to control the operation or use of any refuse compactor:

- (i) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning within 800 feet of a dwelling or within a noise sensitive area;
 - (ii) So as to cause a noise disturbance; or
 - (iii) That emits a maximum allowable sound pressure level that exceeds 80 dB(A) at a distance of 25 feet.
- (n) Shouting and Loud Conversations. No person shall vocalize at levels which amount to a plainly audible noise from a distance of 100 feet or more for a duration longer than 10 seconds or engage in loud talking or yelling that is audible beyond the person's property line.
- (o) Snowmobiles. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any snowmobile:
- (i) Between the hours of 10:00 p.m. and 7:00 a.m. the following morning;
 - (ii) Within 800 feet of a dwelling, or within a noise sensitive area, or so as to cause a noise disturbance;
 - (iii) Within the public or private right-of-way or on public property unless specifically designated for use by a federal, state, or local government entity for such vehicle;
 - (iv) That is not in good mechanical working condition so as to emit excessive or unusual sounds;
 - (v) Without its noise control system in constant operation and in good working order; or
 - (vi) That emits a maximum sound pressure level that exceeds 84 dB(A) when measured at a distance of 13.12 feet (four meters) using testing methods as prescribed by the city.
 - (A) No person shall modify, alter, nor repair a snowmobile or its noise control system as to increase the sound pressure level above the specifications of the original noise control system installed by the manufacturer.
 - (B) This provision shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.
- (p) Snow Removal. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any snow removal equipment within 800 feet of a

dwelling or within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following morning unless expressly exempted by this chapter.

- (q) Sporting Equipment. No person shall use nor shall any person cause, allow, permit, or fail to control the impulsive sound from any toy or piece of sporting equipment between the hours of 10:00 p.m. and 7:00 a.m. the following morning, if such usage creates a plainly audible noise at the property line of the source so as to cause a noise disturbance.
- (r) Swimming Pool Equipment, No person shall operate or maintain nor shall any person cause, allow, permit, or fail to control the operation or maintenance of any swimming pool equipment used to operate a swimming pool or spa, including but not limited to the heater, pump, filter, water conditioner, disinfection equipment, hydro jets or other accessory equipment that creates a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., or creates a nuisance any time of day or night.
- (s) Tree Maintenance Equipment. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any tree maintenance equipment between the hours of 10:00 p.m. and 7:00 a.m. the following morning.

(3) Exemptions.

- (a) Agricultural Practices. Noise resulting from the use of farm equipment or off-highway implement of husbandry for recognized and acceptable agricultural practices shall be exempt from this chapter; provided, that:
 - (i) All reasonable efforts have been made to minimize the impact on the community;
 - (ii) The equipment is operating within manufacturer's specifications;
 - (iii) All noise control systems are in constant use, in good working order, and in compliance with this chapter;
 - (iv) All equipment is in good mechanical working condition so as to not emit excessive or unusual sounds;
 - (v) The equipment or activities do not create a nuisance in any land district; and
 - (vi) The equipment is used between the hours of 7:00 a.m. and 10:00 p.m. the same day.
 - (vii) This part shall not be construed to prohibit noises resulting from agricultural equipment between the hours of 10:00 p.m. and 7:00 a.m. the following morning

that result from harvesting a crop or other similar activity within an agriculturally zoned area.

- (b) Alarms. Noise resulting from any alarm system used in case of theft, fire, collision, civil defense, or imminent danger shall be exempt from this chapter; provided, that the alarm does not:
 - (i) Operate on any building or structure for longer than 15 minutes;
 - (ii) Operate on any motor vehicle for longer than three minutes; and
 - (iii) Create a nuisance.
- (c) Bells. Noise resulting from the amplified sound of a bell or chime or the striking of a mechanical bell or chime prior to, during, or after a religious service shall be exempt from this chapter; provided, that the:
 - (i) Combined duration of noise per service does not exceed five minutes; and
 - (ii) Noise emitted for a period of less than five minutes does not constitute a nuisance.
- (d) Clocks. Noise resulting from the striking of a clock's mechanical bell or chime shall be exempt from this chapter, provided the combined duration of noise does not exceed five minutes in any one hour between the hours of 7:00 a.m. and 10:00 p.m. the same day.
- (e) Emergency Power Generator. Noise resulting from the use of an emergency generator which provides emergency power or potable water to any hospital, health clinic, nursing home, similar facilities, or physician-prescribed home-based personal medical equipment, where the loss of electrical power or potable water poses an immediate risk to the health, safety, and welfare of any person, or as required by federal or state law shall be exempt from this chapter. During a power failure, other commercial or personal emergency power generators operating between the hours of 10:00 p.m. and 7:00 a.m. the following morning.
- (f) Emergency Relief Valves. Noise resulting from the release of an emergency relief valve shall be exempt from this chapter provided the valve and the equipment it serves is properly maintained.
- (g) Emergency Vehicles. Noise resulting from an authorized emergency motor vehicle or aircraft when responding to an emergency call or in time of an emergency shall be exempt from this chapter.
- (h) Emergency Work. Noise resulting from emergency work, as defined, shall be exempt from the restrictions of this chapter; provided, that all equipment necessary to resolve

the emergency is in compliance with this chapter. In cases where an executive order has declared a state of emergency in Magna Metro Township, emergency work is exempted only so long as is needed to provide the relief necessary to mitigate the emergency situation or until such time that the order declaring a state of emergency has expired or been rescinded.

- (i) Fireworks. Noise resulting from lawful fireworks when discharged on the dates allowed by Section 53-7-225, Utah Code Annotated 1953, or successor statute.
- (j) Heating, Ventilation, and Air Conditioning (HVAC). Noise resulting from the operation of any HVAC system including central air conditioning units, evaporative coolers, or window cooling units when installed on or within any residential property regardless of the time or frequency of operation provided the system is in good repair.
- (k) Loading/Unloading Operations. Noise resulting from the loading or unloading operations of the following activities shall be exempt from this chapter while:
 - (i) Removing a vehicle from a right-of-way by a licensed towing company;
 - (ii) Operating under the direction of law enforcement or fire/emergency medical services personnel during a police activity or other emergency; or
 - (iii) Delivering groceries, milk, or newspapers to any dwelling; provided, that any vehicle used during this delivery complies with this chapter and any associated noise is minimized.
- (l) Military Operations. Noise resulting from the emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty, shall be exempt from this chapter.
- (m) Parades. Noise resulting from a parade within the public right-of-way, including music and sound amplification, provided the parade has been approved and issued a mass gathering permit.
- (n) Permitted Activities. Noise resulting from activities for which a waiver from this chapter has been approved in accordance with Code 9.48.050 shall be exempt from this chapter.
- (o) Railway. Noise resulting from railway locomotives and cars, when operating in accordance with all local, state, and federal laws, shall be exempt from this chapter.
- (p) Road Sweepers. Noise resulting from road sweepers when operated for the purposes of cleaning highways or any other public right-of-way shall be exempt from this chapter.

- (q) Signals. Noise resulting from the sounding of a safety signal, warning device, or emergency signal (e.g., reverse alarms) when necessary for the protection of public health, safety and welfare shall be exempt from this chapter.
- (r) Snowmobiles. Noise resulting from the use of snowmobiles shall be exempt from this chapter provided the snowmobile and its noise control system complies with subsections (2)(o)(iv), (v) and (vi) of this section:
 - (i) Within the property lines of any ski resort so as to not cause a noise disturbance within any dwelling; or
 - (ii) Where, due to weather conditions, snowmobiles are the sole vehicular access to a property and are being used solely for such access.
- (s) Snow Removal. Noise resulting from snow removal equipment and snow removal operations shall be exempt from this chapter provided the noise control system installed on the equipment or vehicle complies with subsections (2)(h) and (k) of this section:
 - (i) Beginning at 5:00 a.m. when snow has accumulated during the prior 12 hours;
 - (ii) At any time on any street, avenue, road, boulevard, highway, or airport runway or taxiway;
 - (iii) At any time on any public, commercial, or industrial property not within 800 feet of a dwelling or noise sensitive area;
 - (iv) At any time on any public, commercial, or industrial property within 800 feet of a dwelling or noise sensitive area so long as:
 - (A) A dwelling, hospital, nursing home, or long-term care facility are not in the line of sight of the snow removal operations;
 - (B) The snow removal operations remain on that portion of the property that can use the existing building structures to shield noise from any dwelling, hospital, nursing home, or long-term care facility unless subsection (3)(s)(i) of this section is in effect; and
 - (C) The snow removal equipment or snow removal operations do not create a noise disturbance;
 - (v) A private right-of-way or public or private property that is more than 800 feet from a private dwelling or noise sensitive area at any time;

- (vi) All other private rights-of-way or private or public properties that are within 800 feet of a dwelling or within a noise sensitive area beginning at 5:00 a.m. when a measurable amount of snow has accumulated during the previous 12 hours.
- (t) Sporting Events. Noise resulting from activities directly related to the field of play (e.g., whistles, shouting plays, revving engines) during a sporting contest including, but not limited to, football, soccer, baseball, or similar event that are sanctioned by the Utah High School Activities Association (UHSAA), other professional organization, or organized sport association shall be exempt from this chapter. Events continuing after curfew will be exempted provided the event began sufficiently early that it would be reasonably expected that the event would have been completed by 10:00 p.m. This part shall not apply to any amplified sound sources, or fireworks.
- (u) Swimming and Spa Pools. Noise resulting from the splashing of water caused by reasonable swimming associated activities within a spa or swimming pool between the hours of 7:00 a.m. and 10:00 p.m. the same day shall be exempt from this chapter.
- (v) Tree Maintenance Equipment. Noise resulting from the use of any tree maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m. the same day shall be exempt from this chapter; provided, that:
 - (i) All reasonable effort has been made to minimize the impact on the community;
 - (ii) All equipment is operating within manufacturer's specifications;
 - (iii) The noise control systems are in constant use, in good working order, and in compliance with this chapter;
 - (iv) All equipment is in good mechanical working condition so as to not emit excessive or unusual sounds; and
 - (v) The equipment or activities do not create a nuisance in any district.

9.48.050 Waiver.

- (1) The mayor or designee has the authority to waive the requirements and restrictions of this chapter on the basis of undue hardship or for a temporary event. The mayor or designee may prescribe any reasonable conditions or requirements upon a waiver deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.
- (2) Waiver for Undue Hardship.
 - (a) An application for a waiver on the basis of an undue hardship shall be submitted to the city at least seven days prior to the action which may potentially violate this chapter. To

apply for a waiver on the basis of an undue hardship, the applicant shall complete the application form provided by the city.

- (b) Any waiver granted by the mayor or designee for undue hardship shall contain all conditions upon which the waiver has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation. The requested relief may be granted upon good and sufficient reason showing:
 - (i) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
 - (ii) That the activity, operation, or noise source will be of temporary duration and cannot be performed in a way that would comply with this chapter; and no reasonable alternative is available to the applicant.

(3) Waiver for Temporary Event.

- (a) The operator or coordinator of a temporary event, seeking a waiver from the noise restrictions in this chapter, shall first submit their waiver request to the City in which the event will be held. If the mayor or designee approves the waiver request, he or she shall forward the approved request along with the application form provided by the city and his or her recommendations to the city at least 30 days prior to the event.
- (b) Any waiver request for a temporary event that may affect more than one township/municipality shall require the approval of each township/municipality that will be affected.
- (c) The executive of the City shall assume complete responsibility for responding to any noise-related matters associated with the events approved by the City.

(4) Public Notice Requirements.

- (a) No later than 14 days prior to considering whether to approve any request for a waiver pending before the mayor or designee, the applicant shall notify or pay the fees of the city for notifying, in writing, each dwelling and facility located within 800 feet of the event or activity unless otherwise required by the director at least 48 hours in advance. The director shall approve the content of each notice before it is distributed.
- (b) The public notice shall contain the following information:
 - (i) The name of the event or company name;
 - (ii) The name of the coordinator or project manager;

- (iii) The contact phone number(s) of the coordinator or project manager;
- (iv) The name and contact phone number(s) of the on-site manager;
- (v) The address of the event;
- (vi) The specific date(s) and operating times;
- (vii) A detailed description of the activities; and
- (viii) An invitation to submit written public comment to the mayor or designee within 14 days from issuance of the notice.

9.48.060 Inspections and Investigations.

To ensure compliance, the city has the authority to perform inspections, investigations, reviews, and other actions, as necessary.

9.48.070 Enforcement Mechanisms

If the city has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this chapter or the city has other reasonable grounds to believe that there has been a violation of any part of this chapter or that the property owner or otherwise responsible party is not in compliance with this chapter, the city may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

- (1) Civil Enforcement Actions. The city may bring an action to restrain or enjoin actions in violation of this chapter or abate conditions in violation of this chapter.

9.48.080 Criminal, Civil and Administrative Penalties.

- (1) Criminal Penalties. Any person who is found guilty by a court of violating any of the provisions of this chapter, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor.

- (2) Recovery of Investigation and Abatement Costs.

- (a) The city may recover its inspection, investigative and abatement expenses and costs from owners or other responsible persons.

- (b) The city may record a judgment lien on a violator's property to recover its expenses and costs.