

STAFF REPORT

To: Town of Alta Town Council
From: Polly McLean, Cameron Platt
Date: September 7, 2022
Re: Noise Ordinance Amendments

The Town of Alta (“Town”) brought a draft noise ordinance to the Town Council (“Council”) in its August Council meeting. The initiative to propose changes to the existing noise ordinance was prompted by enforcement and constitutional concerns from the Alta Marshal’s Office as well as complaints of noise from residents and Town officials. Based on comments from residents, Town officials, and businesses, Town staff amended the draft ordinance to incorporate the feedback.

The Council may pass the ordinance as proposed, amend the language in the proposed ordinance, or direct staff to further refine the ordinance.

Enforcement and Constitutional Concerns

Section 5-3B-1(A) “General Prohibitions” corrects the existing noise ordinance so that the Marshal’s Office can objectively evaluate noise complaints and ensure that any necessary enforcement will withstand a legal challenge or scrutiny. This section also removes language in the existing ordinance that improperly authorized the Town staff to limit noise based on the message or content.

Noise Restriction Times

The main topic of comments was about changing the start of noise restrictions from 11:00 PM to 10:00 PM . After receiving feedback, the second proposed ordinance is seeking a middle ground of 10:30 PM. The Council may amend the hours of noise restrictions as it chooses so long as a majority of Council Members vote to approve those hours.

Specific Restrictions

Town staff received feedback that Section 5-3B-1(B) “Specific Restrictions” is unnecessarily complicated and redundant to Section (A). This feedback is valid because Section (A) encompasses all of the times and activities in Section (B). The Council may choose to eliminate Section (B) or amend the text as determined by a majority of the Council Members.

Town Staff recommends that the Council keep Section (B) because the proposed language is a collation of other municipalities noise ordinance and captures the various specific noise complaints the Town receives.

If the Council chooses to remove the specific restrictions in Section (B), staff recommends that the Council retain the language regarding “Construction” because those hours are consistent with other Town ordinances regulating construction through the building and planning department. In

addition, the last sentence in Section (A) should also be removed if the Council chooses to remove the “Specific Restrictions.”¹

Exemptions

The proposed exemptions seek to balance activities that generate noise with a benefit to the Town, residents, and businesses. Noise from emergency operations or responses are exempted from the “quiet hours” as well as avalanche mitigation, snow plowing or removal, snowmaking activities, or snow grooming, and fireworks as allowed by Utah law. The exemptions are conditional, however, and require the responsible entity to take reasonable steps to limit disturbances across property boundaries.

The exemption of the Town from noise created by activities of the Town was removed from the proposed draft. This requires the Town to comply with the “quiet times” the same as any other entity.

The proposed draft also allows the Town to issue a permit for activities that will violate the noise ordinance and provides an appeal to the Council under Town Code 10-5-1 *et seq.*

Conclusion

The Town staff recommend that the Council adopt the draft ordinance as proposed, but will readily assist the Council during the meeting (or before the meeting) to prepare any amendments that the Council chooses.

¹ This option would read as follows:

B. Construction Noise is declared unlawful as specified here. Operating or permitting the operation of any tool or equipment used in or related to construction, drilling or demolition between the hours of 6:30 PM and 7:00 AM Monday -Saturday and outside 10:00 AM to 6:30 PM on Sundays, in such a manner as to be plainly audible across property boundaries. “Equipment” shall include the use of helicopters for construction purposes.