

ORDINANCE #2022 – O – 5

**ORDINANCE REPEALING AND REPLACING TITLE 5, CHAPTER 3 ARTICLE B
“DISTURBING THE PEACE” WITH “NOISE RESTRICTIONS”**

WHEREAS, the Town of Alta (“Alta”) Town Council ("Council) is authorized to enact ordinances for the health, safety, and well-being of its residents and visitors; and

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

WHEREAS, the Council wishes to enact an ordinance establishing quiet hours within the Town and that prohibits unreasonable noise between certain hours.

NOW, THEREFORE, BE IT ORDAINED by Alta Town Council of, Utah, that:

SECTION I. ENACTED. Title 5, Chapter 3, Article B is hereby repealed and replaced as written in the attached Exhibit 1.

SECTION II. Effective Date. This resolution shall be effective 30 days after publication.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this 14th day of September in the year 2022.

TOWN OF ALTA

Roger Bourke, Mayor

ATTEST:

Jen Clancy, Town Clerk

Ordinance/summary published on Utah state noticing website on September 15, 2022.
Effective date of Ordinance: October 14, 2022

EXHIBIT 1

5-3B-1 Noise Restrictions.

- A. General Prohibitions. No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property or affects their property's value.

The general prohibition applies to all noise plainly audible across property boundaries or through partitions common to two or more persons within a building between the hours of 10:30 PM and 7:00 AM.

This general prohibition includes but is not limited by the specific restrictions listed in subsection.B below.

- B. Specific Restrictions. The following acts are declared to be unlawful:

1. Radios, Television Sets, Musical Instruments, Tape or Record Players, Amplifiers and Similar Devices. Operating or permitting the use or operation of any such device between the hours of 10:30 PM and 7:00 AM in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building.
2. Domestic Power Tools. Operating or permitting the use or operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors between the hours of 10:30 PM and 7:00 AM in such a manner as to be plainly audible across property boundaries.
3. Construction. 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.
4. Horns and Signaling Devices. Operating a horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.
5. Motor Vehicles. 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.
 - a. 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:
 - i. Unless the noise control system is in constant operation and free of defects that affect sound reduction;
 - ii. With any cut out, bypass or similar device which increases exhaust sound levels;
 - b. When the noise control system has been modified, punctured, or rendered inoperative.

EXHIBIT 1

- c. 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 feet.
6. 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 plainly audible across property boundaries between the hours of 10:30 p.m. and 7:00 a.m.
7. Animals. Harboring or keeping any animal which, by causing frequent or long continued noise, in such a manner as to be plainly audible across property boundaries.
8. Fireworks. Noise from fireworks unless authorized elsewhere in Town code or Utah law.

5-3B-2 Penalty

- A. Except as otherwise provided within the Alta Municipal Code, any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the consolidated fee schedule or section 1-4-1.
- B. A person, entity or organization in violation of any provisions of this chapter may be subject to a criminal citation as provided in section 1-4-1, or a civil citation at the Town's discretion. Each day, or each separate incident within a day, of such unlawful activity as is prohibited shall be deemed a separate offense.
- C. In the event repeated violations persist by a person, entity, or organization, in addition to the fines or fees assessed for each day the noise continues, the Town may restrain or enjoin actions which violate this chapter.

5-3B-3 Exemptions

The provisions of this chapter shall not apply to:

- A. Emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of work to prevent or alleviate physical harm or property damage threatened or caused by a public calamity or other emergency, such as standby power generation equipment, and water or waste pumps during an outage or emergency.
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Activities related to avalanche mitigation, snow plowing or removal, snowmaking activities, or snow grooming activities so long as the responsible entity makes reasonable efforts to limit disturbances across property boundaries if possible.
- D. Noise resulting from lawful fireworks used for celebration of an official holiday.

The Town may grant a permit for activities and times outside this chapter upon application and compliance with requirements set by the Town. The application must be a written request describing the activity, date, times, etc., and must be submitted at least 30 days in advance of the activity to allow the Town sufficient time to review the application.

If an application is denied, the applicant may appeal the denial under Title 10 Chapter 5 "Appeal Authority."