

**MAYOR**  
ROGER BOURKE

**TOWN COUNCIL**  
CAROLYN ANCTIL  
JOHN BYRNE  
SHERIDAN DAVIS  
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**Exhibit A**

The following written public comments were received are to be included in the September 14, 2022 Town council meeting minutes.

<u>Pages</u>	<u>Document</u>	<u>Date Received</u>
2	Harris Sondak	August 29, 2022
3	Ginnymarie Leines	September 8, 2022
4 -7	Margaret Bourke	September 11, 2022

**From:** Harris Sondak  
**Sent:** Monday, August 29, 2022 11:11 AM  
**To:** Jen Clancy <jclancy@townofalta.com>  
**Subject:** comment for TC

Dear Town Council Members and Town of Alta Staff,

The draft ordinance published for the August Town Council meeting says, in part, “Operating or permitting the operation of any tool or equipment used in construction, drilling or demolition between the hours of 6:30 p.m. and 7:00 a.m. Monday – Saturday and outside 10:00 a.m. to 6:30 p.m. on Sundays, in such a manner as to be plainly audible across property boundaries...” [is unlawful] (22-O-5, Exhibit 1, B3). I suggest that both weekend days (Saturday and Sunday) be treated alike (with the more restrictive hours listed for Sunday extended to Saturday). What is the reason for treating Sunday differently? I imagine it is because it is both a weekend day and is considered a holy day for some religions. But I do not think the Town, as a governmental entity, should privilege one form of religious observance over another. If Saturday and Sunday were treated alike, they would together simply be indicated to be weekend days.

Thank you for your consideration. Harris Sondak, 9021 S Blackjack RD, Alta, UT.

From: Ginny Marie Leines

20 + Year Resident and 50+ years working and living in LLC.

Emailed: September 8, 2022

Subject: Noise Ordinance Review

First, I would like to thank the Town of Alta Council and our Mayor for your time, objectivity, and due diligence in regards to reviewing how our noise ordinance can best serve our community, community businesses, and guests.

It is of great value that as a council you congratulate yourself for choosing objectivity over self-interest, irritations, and personal preferences. I understand that having the life we each choose is a great gift in America, however, with that gift comes the responsibility of tolerance, perspective and vision.

Please consider the following:

Alta is a resort town

Property: The location of properties that are privately owned do not come with a guarantee that traffic patterns will stay the same, numbers of people in the area will stay the same, and community needs will stay the same. When we purchase a property, it is our responsibility to understand what our location can and possibly will become. We have the option to sell if we become dissatisfied with our location. A good example are the helicopters for Life Flight and Avalanche Mitigation. We purchased a home 20+ years ago that is directly beneath the flight pattern of both depending on the day and the project or rescue. Have I complained to Alta Central that my sleep, my quiet time, or my lifestyle vision of living at Alta is somewhat disturbed? No. I recommend that as a community of lovely people, we can step back and recognize when we are acting on self-interest or when we are acting for the greater good. The word "entitlement" has been cast about for many different reasons in the past several years. I would like to believe this is not a label that describes my neighbors and Town Council.

Businesses: We are a community of Lodges that serve our community and the greater community of guests. They provide a tax base and a wonderful experience for our Town of Alta-Resort Town guests. We need to support their efforts and thank them for the services they provide. Their businesses provide jobs. They keep alive the Alta tradition of housing "Ski Bums and Board Bums" who perform superior hospitality skills to lift operations. Without their businesses, we would not have the Alta Ski Resort we have so loved for decades.

Noise Ordinance:

I recommend we honor Community Members, Lodges, Alta Lift Company, and ancillary businesses with a 11 pm curfew.

I recommend a decibel level is chosen that best supports Community Members, Lodges, Alta Lift Company, and ancillary businesses.

I recommend outdoor venues focus on placing speakers toward the south-side of the building to mitigate sound.

I recommend the noise ordinance respects the constraints of helicopter operations as they interface with weather and temperature fluctuations. IE. Scheduling of Avalanche Gazex and other remote or human operated device use and maintenance.

**Submit a Public Comment : Entry # 18****Name**

Margaret Bourke

**Address**

Alta, UT 84092

[Map It](#)

**Town Affiliation**

- Resident
- Property Owner
- Employee

**Comment Subject**

proposed noise ordinance

**Comment**

In light of the reason for this modification beginning with the Marshal wanting enforceable standards, I find it unwise to include a WHEREAS paragraph prohibiting "unreasonable noise".

Rather, if at all, I would prefer a WHEREAS that recognizes civility and respect for the well-being or one's neighbors.

In §5-3B-1, subpart A, second ¶, I would change partitions to "dwelling units," here and everywhere that word appears. This might eliminate the town getting into domestic or co-worker disputes involving "partitions" in living and work spaces?

§5-3B-1, subpart B, #1, I would eliminate the first sentence; we don't list all known audio devices, and don't know what new technologies/devices might come along "similar" or not.

5-3B-1, subpart B, #4, add an additional phrase allowing horns or signaling devices to cover safe operations, though not an emergency or required by law.

5-3B-1, subpart B, #5. Ensure the AMO continues to have discretion [may be subject...] to function. Disrepair may occur in snow removal or snow operations such that "each day the noise continues" might not justify a separate cite-able incident.

Thank you for taking up this important topic.

**Supporting Document (if applicable)**

- [Ms-edits-2022-O-5-Noise-enacting-ordinance-9-7-22-w-Exhibit-1.pdf](#)

**Is this comment to be included in the minutes for the next Town Council meeting?**

- Yes

INSERT either before or after the 3rd whereas

WHEREAS, the Council recognizes and supports the civility and respect for neighbors to ensure the health, safety and well-being of its residents and visitors;

**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

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Roger Bourke, Mayor

ATTEST:

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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.

dwelling  
unit

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. **dwelling units**
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.

ensuring  
AMO  
enforcement  
/education  
discretion

- 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."

ensuring AMO  
enforcement/  
education  
discretion