

ORDINANCE #2022 – O – 5

**ORDINANCE REPEALING AND REPLACING,
CHAPTER 3 ARTICLE B “DISTURBING THE PEACE”**

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 the hours of 11:00 pm and 7:00 am.

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 Title 5, Chapter 3, Article B is hereby repealed and replaced as written in the attached Exhibit 1.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 Ordinance shall be effective upon publication.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this 12th day of October in the year 2022.

TOWN OF ALTA

Roger Bourke, Mayor

ATTEST:

Jen Clancy, Town Clerk

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 11:00 PM and 7:00 AM.

This general prohibition is not limited by the specific restrictions listed in the following subsections.

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

1. Sound Generating Devices: Radios, Television Sets, Musical Instruments, Tape or Record Players, Amplifiers, Electronic Devices, and other Sound Generating Devices. Operating or permitting the use or operation of any such device between the hours of 11:00 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 7:00 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 7:00 PM and 7:00 AM Monday - Saturday and outside 10:00 AM to 5:00 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 when necessary for safe operation of the vehicle or traffic, 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.
 - 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.

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 5 minutes or engage in loud talking or yelling that is plainly audible across property boundaries between the hours of 11:00 p.m. and 7:00 a.m.
7. 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.
 - a. A first offense under this chapter will result in a warning to educate the person or entity of noise restrictions in the Town.
 - b. A second offense within 30 days of a warning, or additional violations of this section, will result in the maximum penalty listed in the fee schedule for violation of this chapter.
 - c. A property owner that receives a warning for a violation of this chapter must schedule an inspection with Town staff, and submit a noise mitigation plan, to ensure the property owner has taken reasonable steps to minimize noise generated at the property.
- 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 enforce compliance of this section through criminal, civil, or administrative process, including increased fines, revocation of a Town issued permit, and obtaining a court order or injunction.

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.
- D. Activities related to Alta Ski Lifts winter operations.
- E. 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 7 days in advance of the activity or as soon as a date/time for the activity is known. The permitted times may be altered due to unforeseen circumstances or exigencies.

Such review includes proposed actions to be taken by the applicant designed to minimize noise and adverse health impacts of their proposed actions on the community. Such permits shall not exceed 180 days in duration. The Town may alter the permitted times due to exigent or unforeseen circumstances. .” The point of contact to obtain a permit is the Town Clerk during business hours and the Alta Marshall’s Office outside of business hours for exigent or unforeseen circumstances.

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