

MINUTES
ALTA TOWN COUNCIL VIRTUAL MEETING
Wednesday, September 14, 2022, 3:00 PM
Alta Community Center (virtual), 10351 E. Highway 210, Alta, Utah

PRESENT: Mayor Bourke
Councilmember Carolyn Anctil
Councilmember John Byrne
Councilmember Sheridan Davis

STAFF PRESENT: John Guldner, Town Administrator
Mike Morey, Town Marshal
Chris Cawley, Assistant Town Administrator
Jen Clancy, Town Clerk

ALSO PRESENT: Polly McLean, Legal Counsel
Cameron Platt, Legal Counsel
Craig Heimark, Treasurer

NOT PRESENT: Councilmember Elise Morgan
Molly Austin, Deputy Clerk

WORK SESSION

1. **CALL THE MEETING TO ORDER**

00:00:00

Mayor Bourke welcomed everyone to the work session of September 14. Pursuant to his September 1, 2022 determination Mayor Bourke said this meeting has no an anchor location for the health and welfare of the participants.

2. **NOISE ORDINANCE DISCUSSION**

00:00:00

Mayor Bourke explained this work session would be different, that it would be more of a session to discuss noise in town. The Mayor asked for an open discussion between the town council, public, staff and anyone else that would like to participate. The Mayor said if people raised their hands he would attempt to give everyone a chance to speak. Below is a brief summary of who spoke and the nature of their comments and/or questions:

- Mike Morey - reported on noise violations and calls, established that after review with council that the existing code isn't enforceable, so he's asking the council to provide that enforcement tool. Mike reviewed a list of truisms for Alta.
- Cameron Platt – reviewed the draft ordinance changes: updating quiet times to be from 10:30pm to 7am, removing the exemption for the Town, added exemptions for snow removal,

snowmaking, fixed some typos, made changes to the fire section, and clarified the appeal process.

- Ginnymarie Leines – read a letter that is attached as Exhibit A to these minutes. She also asked if there had been a meeting with all the lodge managers.
- John Byrne – said the level of participation in this process has been great and there have been lots of great comments received. He felt that there were not many changes to this draft of the ordinance. He said he was in favor of an 11pm curfew and enforcing it vigorously. He was concerned about the 30 day application process. He didn't feel we had taken into consideration the comments received. He suggests ticketing early and often regarding enforcement. He offered support to the businesses for operating year-round and offering employment and fostering a greater sense of community in Alta.
- Carolyn Anctil – asked John Byrne what he thought about enforcement. She expressed concern that \$100 tickets in a resort community wouldn't curb behavior and suggested they look at business license suspensions for repeat offenders.
- Karen Travis – recapped her experiences over the years at Alta. She said yes there has been noise such as bombs but that noise is part of Alta. She never complained because they knew what was around them when they built. Her outlook was always that she hoped our guests go home feeling better after having been at Alta than when they arrived.
- Mike Maughan – noted some changes, but said they need some flexibility regarding helicopters because they don't always know what can be done 30 days in advance.
- Margaret Bourke – commented that there is an idea that the only change is rolling back from 11pm and yet there have been explicit statements about more business activity this summer. She added that summer activity has been increasing over the years. She asked what is the extent that that activity is contributing to the complaints residents have. She challenged what different closure times would do to the business activity without data.
- Sheridan Davis – expressed she felt the natural sound/s of Alta were underrepresented in this conversation. She said wanted to give Mike Morey a win, she could go with 10:30 or 11pm she just felt we needed to set a time, to provide something to be enforced and move forward.

The Mayor asked for feedback on the format of the work session and allowed for a 5 minute break to allow Jen Clancy to move meeting participants and attendees in Zoom.

REGULAR TOWN COUNCIL MEETING

1. CALL THE REGULAR TOWN COUNCIL MEETING TO ORDER

00:59:40

Mayor Bourke called the regular town council meeting of September 14 to order at 4:03 pm. Pursuant to his September 1, 2022 determination Mayor Bourke said that it is in the community's best interest to hold this meeting virtually without an anchor location.

2. CITIZEN INPUT

01:00:23

Jen Clancy reported that two written comments had been received regarding the noise ordinance from Margaret Bourke and Ginnymarie Leines. Those comments are attached in Exhibit A. *(It was later realized Jen missed a comment by Harris Sondak which was later included)*

Jen then reviewed the new online comment form. She informed council and the public that the new comment form on the website was in addition to other communication methods such as phone and email. Questions submitted by the form would be routed to the best party to respond. Comments received would be forwarded individually to the council. The form has an option to include the comment in the minutes for the next Town Council meeting; in that case the comments will be noted by the clerk and attached to the official meeting minutes as Exhibit A.

The Mayor asked for citizen input.

Gloria Lee introduced herself and said she was with Friends of Alta. She wanted to share an upcoming event, a star party on September 24th from 7:30pm to 9pm at Catherine's Pass trailhead and is weather dependent.

3. ALTA RESORT SHUTTLE – DAN KETNER, TOM SCHNEIDER, FRANK PERKINS, STEPHEN PARKER

01:07:41

Chris Cawley reported he'd been meeting with Dan Ketner, Tom Schneider, and others as part of his role on the ACVB board. He said ACVB applied for a grant to cover the anticipated cost increases associated with offering the Alta Resort Shuttle this winter but did not win the grant. Since, there have been conversations about how to fill that gap. Chris introduced Dan Ketner who has administered the Alta Resort Shuttle program, Tom Schneider the shuttle operator, as well as Frank Perkins of Canyon Services and Stephen Parker of the Blackjack HOA as stakeholders.

Tom Schneider informed the council that Alta Shuttle has been running the resort shuttle for the past eleven years and they have gone through two vehicles. They need to buy a third because they wear out. After eleven years they are unable to operate the shuttle for what they have been charging. They need to recover their costs and make a little bit of money. He said they raised their price this year and encouraged Dan Ketner to seek other bids to see if another outfit could do it for less. They were unable to find a cheaper bid. Alta Shuttle has offered to do it for the price they need to recover their costs. On top of all this, the night shuttle (funded by Visit Salt Lake) started last year and was well received but there is at least a \$30,000 shortfall for Alta Shuttle to keep running both shuttles.

Dan Ketner reported they have gone to the shuttle partners, and everyone is in for the same amount they contributed last year. It was hard to get them to where he had last year so Dan didn't feel could get more from the existing partners. He said maybe the ski area could increase their contribution and that the Town had increased their contribution. They have the night shuttle almost covered and will be really close if Snowbird kicks in \$5,000 - \$6,000. They are really struggling to get the day shuttle going to a minimal level. This is the situation they wanted to make everyone aware of.

Carolyn Anctil commented that she recognized the benefits of the shuttle and asked Dan Ketner who he thought should pay for it, who he thought benefitted from it. Dan said one of the entities that benefitted was Alta Ski Lifts; it gives people that could ski in/out from Snowbird a ride over to Alta. He pointed

out the day and night shuttles allows people not to rent cars resulting in less cars in the canyon. He said it benefitted people that live and visit. Dan shared he felt Tom had been running the shuttle on a shoe string and any money had been going back into maintenance of the vehicle, so he supported the increase to make it work. Chris Cawley commented that the shuttle operates as a free public transportation because the Town contributes and that is one of our stipulations.

Mayor Bourke asked Dan to write down what he thought would be a fair distribution of how the program should be financed and submit it to the Town for consideration.

Adrienne Ruderman said homeowners on the bypass are using the shuttle to get to the ski area and employees use it to get around town including back from the keyhole so they don't have to have a car. She said they couldn't emphasize enough how important the shuttle was to tourism, Alta Chalets alone has 165 beds. All these people are asking them questions about transportation: do I need a car, how do I get to skiing and around town etc. It increases our marketability to be able to offer free public transportation.

Stephen Parker echoed what Adrienne said and added as a homeowner it benefits everyone in the canyon, not just renters. It decreases the overall traffic in the upper canyon which benefits everyone. Frank Perkins said he supported Dan and Adrienne and said it was essential in Alta. Maybe 15 – 20 years ago Onno Wieringa pulled everyone together and said I want to do this, the reason being he knew he had a huge clientele on the bypass and they could come to Alta Ski Area rather than just ski into Snowbird which Frank thought was genius and it has worked really well. Frank said it's short sighted to cut off because of the extra \$50/100. His opinion is its essential, if there was any way for the Town to administer a small tax on the one they do then everyone pays for it and it gets passed down to the customer. He gets many compliments and people have changed their behavior because of it. Frank said in his opinion Dave Fields doesn't yet see the benefit because he knows the history and may think he's losing customers; he needs more information so we should continue to give him information and seek his input.

John Byrne clarified with Frank that houses in HOAs were paying \$100 per house per year, and that Alta Shuttle's costs were increasing by about 55%. John commented he liked the current level of service and that in light of parking reservations it was becoming more useful; he'd commit his HOA to increase their contribution.

Carolyn Anctil commented she felt like it was a real public transportation service, but she got stuck when thinking about her own individual concerns. She doesn't think Powder Ridge benefits from it, she felt the Town should pay for it but wasn't sure the Town benefits, she felt the resort benefitted so she is trying to figure out what percentage belongs where and why.

Mayor Bourke said in addition to providing what he thought was a fair distribution of what should be charged to whom alongside who is paying what now that could help.

Tom Schneider reported over 20,000 riders used the shuttle last year. The day shuttle mainly services the ski area but the ski area pays more than anyone, except for Visit Salt Lake who contributed \$25,000 last year and this year to the night shuttle. This will probably the last year they'll contribute so we need to be prepared for that as well as the increases to the program costs.

4. ALTA SKI AREA UPDATE MIKE MAUGHAN

01:32:16

Mike Maughan said it was his impression that everyone was paying the same percentage as they paid last year for the Alta Resort Shuttle and covering all the costs. The ski area's target opening date is November 18th conditions permitting. They are looking at staying open daily until April 23, 2023 with no additional weekends. Day time parking reservations will now be required on Fridays as well as Saturdays, Sundays and holiday periods and will be needed from December 16, 2022 through April 23, 2023. All the footings for the Sunnyside lift are in place and they are waiting for steel. The sprung structure is being installed outside the Albion Ticket office to help with the ski school kid's programs. It's a temporary structure until they have time to review an expansion to the Albion Day Lodge. This summer they completed some work by the campground rerouting the Rock 'N Roll outrun to bypass campsite #9 and put in a new service road to Supreme Lift that bypasses the cabin area. They have also started a Sleepy Hollow terrain change project that involves working with erosion gullies and it's probably the biggest earth moving project they have ever undertaken. UDOT came out with their preferred alternative of the gondola. The ski area continues to work and meet with UDOT on traction laws, roadside parking, que lines for cars, and more efficient avalanche control work. He said the parking lots would be opening at 7:30am (instead of 8am) this year while continuing to say that parking reservations start at 8am to help people better navigate their timing.

5. APPROVAL OF CONSENT AGENDA

01:42:03

MOTION: Mayor Bourke moved to accept the consent agenda and minutes from the August 10, 2022 meeting and Sheridan Davis seconded the motion.

John Byrne commented that the Clerk's report said Jen was working on the 2021 audit when it should have said 2022. The Mayor noted, and Polly MacLean concurred that the Clerk could correct minor typos and they don't need to be subject to a formal process of adoption with the council.

Sheridan Davis asked about tax rates related to the Salt Lake County Assessor's valuations. John Guldner clarified the Town did not do a truth in taxation process this year, this means each property will pay the same amount as last, so if a property is assessed as more the rate would go down. If the rate stayed the same we would collect more money but would need to go through truth in taxation. John sends all our building permits to the County Assessor, while we don't get anything for a remodel or upgrade, the new homes and any additions we get new growth. John said we have a pretty low tax rate in SL County but could raise the certified tax rate as much as we want up to the State mandated limit. It required setting a public hearing, attending the hearing, and doing comparisons on the average costs of a business and home in town so this increase we are requesting can be understood by the public. John Byrne commented that while the Town didn't pursue it this year, that there had been quite a bit of support from the budget committee and staff to start going through truth in taxation in the future.

Jen Clancy said we had asked the Forest Service for clarification on rules for e-bikes, and pulled up a map that was sent out in the consent agenda. E-bikes are managed as a motorized vehicle, they are authorized to be on the summer road. Sheridan Davis commented it may strike folks as counter intuitive that they can't ride e-bikes on the 2 tracks within Alta Ski Lifts where their trucks drive. Jen offered that the Forest Service provide an application process for a special use permittee like the ski area, to request changes in use. Sheridan said she would like to e-bikes to have access to where trucks can drive.

VOTE: All were in favor. The minutes from August 10, 2022 were approved.

6. QUESTIONS REGARDING DEPARTMENTAL REPORTS

01:58:34

All questions were asked during the previous agenda item.

7. MAYOR'S REPORT

01:58:34

Mayor Bourke thanked Mayor Pro Tempore Elise Morgan for chairing last month's meeting. The biggest latest new is the EIS recommendation for a gondola as their preferred choice. Their comment period is running until October 17. The Town established a position in the last administration that preferred other alternatives and that stance has not changed. It has been an active construction season as mentioned during the noise discussion. There has been a County wide slow-down in town movement including a slogan and video that Mayors have participated in asking people to obey speed limits. We provided a photo of the Alta sign and Mayor Bourke contributed a verbal "slow down in Alta" to the video. Sara Gibbs with Alta Community Enrichment (ACE) is asking people that have registered for events to go through the cancelation process if they cannot attend so that wait listed folks can attend events. There was a meeting with the new fire chief, Dominic Burchette which touched on wildfire protection and staff for the Little Cottonwood Canyon Station was reviewed. It appears there will be a 4th firefighter / EMT at the station starting next June enhancing their ability to serve our community. Chris Cawley mentioned upcoming chipper days in October and said additional outreach would be made by the Town to get people scheduled. Mayor Bourke said on September 17th there is going to be a citizen climate lobby event a 5:30pm in the wildcat parking lot which is a group lead by Bill Barron who is an occasional ski patroller. There have been discussions with the Patsey Marley Estate related to changing the 10 lots subdivision to a hotel in the lower part of their property. The idea is to conserve the upper portion of the property and have them build a hotel one the lower part. The Town has also been talking with the Estate about completing the last 150' of water line in Grizzly Gulch and is trying to complete the project by the end of this construction season. There is a planning commission meeting scheduled on September 27th with a presentation by Josh Van Jura who has been the EIS project manager for UDOT. Coleman Worth has approached the Town to work with the ski area to lay out a trail plan, the Town will meet with him next month. The next Town Council meeting will be October 12 at 4pm.

8. DISCUSSION AND POSSIBLE ACTION ON 2022-O-5 NOISE ORDINANCE

02:08:23

Cameron Platt started the conversation by explain the proposed ordinance and said the staff report was an effort to give options and language examples to the council. He commented it would be difficult to draft a single ordinance that would encompass all the various viewpoints so he tried to include everything that was brought up in feedback or discussions, some suggestion may not have been explicitly included but there were highlight or areas where the council could make changes. The staff report and ordinance were intended to provide options.

Carolyn Anctil said she was pro-business and felt that the noise ordinance was about loud late-night music and early morning noise that disturbs the animals and people. She added the reason we are all here is because of the Alta Lift Company. She doesn't want to create a barrier for the ski area, and supports the ski areas noise.

MOTION: John Byrne motioned to approve the 2022-O-5 noise ordinance as presented and Sheridan Davis seconded.

Carolyn Anctil said she would support an 11pm curfew if the penalty was more than just a ticket, she didn't feel that monetary penalties would be sufficient to curb behavior. John Byrne agreed that he supported an 11pm curfew with vigorous enforcement. Cameron provided options for how the council could vote strictly on the curfew and address enforcement and other aspect of the ordinance separately. Mike Morey commented that as compliance goes up enforcement goes down. Regarding penalties Mike offered he had seen other cities and towns have ordinances that address nuisance business or put civil sanctions in their ordinances. Cameron clarified the ordinance included language that either a civil or criminal violation could be issued to an individual or business by the Town (police officer). Mike pointed out we don't currently have a process in place for issuing civil violations but can build one.

ROLL CALL VOTE BY JEN CLANCY: Mayor Bourke – yes, Councilmember Anctil – yes, Councilmember Byrne – nay, Councilmember Davis - nay. The motion does not pass.

Mayor Bourke asked for a revised ordinance on the agenda in October. It was decided that John Byrne and Carolyn Anctil would work with legal counsel to get something they all agreed upon.

9. CAPITAL PROJECTS UPDATE

02:38:50

Chris Cawley said he didn't have much to add to what was presented in his staff report. They are making good progress on several projects the council funded in the 2023 year plan. We are anticipating the delivery of nine windows for the Town office on October 10th and then installation as soon as possible. On the fire house heater vent modification project we are ready to accept the low bid from a contractor that has provided services to the Town in the past. Chris anticipates the work being done in early October. The project to create safe roof access to the community center is under way, we have ordered a ladder and safety cage with a locking door that they plan to attach to the west side of the building. There is a tentative installation plan for the ladder. In July and August Chris met with rockfall mitigation experts regarding the rear-yard erosion project and while we don't have a formal estimate for the project but have talked through a couple possible project approaches. One approach involves cutting a road through the rock and vegetation starting at the UTA bus stop up to the top of the slope behind the community center so that a spider hoe (small mobile excavator) can get on top of the slope and remove as much rock fall debris as possible and apply new rockfall netting over all of the existing netting back there. The contractor said this approach could cost as much as \$250,000. They also discussed a more limited option which would involve hanging a single roll of rockfall netting over a place in the existing netting that's open and the hillside is exposed which could cost \$50,000 or more and the contractor is unsure how effective it would be to enhance safety. Neither of these approaches address the area behind the post office or west of the building which are known rockfall areas. This project was funded at \$10,000 in the plan just to be a placeholder. We are in a position where we need to decide how much we are willing to spend to improve the situation that exists regarding rockfall hazard. Staff and the Mayor have been discussing putting out an RFP for \$50,000 - \$100,000 to improve the situation for a

period of 2-5 years with the understanding we would be looking at new community center on that site as soon as possible. Chris also mentioned the issue with the pitch of the post office roof and snow loads falling below as it relates to getting caught in conversations with how much to spend on a building that may be at the end of its useful life.

02:49:27

John Guldner provided an update on water system projects. On the Peruvian Estates West water line he reported engineering for a project to bury the line to a deeper depth so it doesn't freeze was completed. They have done work via the pressure reducing valve site to identify the locations of lines including laterals. This information has helped set us up to proceed with the project next spring. Another part of the project was to install a new fire hydrant on the north side of the road from Hellgate next year. This will be for emergency purposes only and draw from the Service Area #3's non-potable reservoir.

John Guldner informed the council the Grizzly Gulch water line isn't buried deep enough and has frozen so they are running water continuously through it in the winter to keep it from freezing. He reported when they were negotiating with the Shrontz Estate that we came to an agreement that they would use the Town's non-exclusive easement to cut up the hill towards their property. This saved one of the fiber companies from following the summer road alignment. Alongside their project the estate would install a new water line that's bigger and buried deeper that the Town would reimburse them for. The parties didn't come to an agreement on how much the reimbursement would be. There was an agreement made the other day and we are waiting to get it in writing. Once that happens we should be able to finish the line before winter as our work should only take 3-4 days. As part of the WaterSmart grant there is a gas conversion projects for Grizzly Gulch that should get done this year and another one for the Bay City Mine that may take a bit longer.

10. AFFORDABLE HOUSING-SHERIDAN DAVIS

02:57:24

Sheridan requested the item be tabled until the October meeting.

11. WINTER PARKING UPDATE- CHRIS CAWLEY, MIKE MOREY

02:58:00

Mayor Bourke said this agenda item had previously been covered by Chris Cawley and Mike Maughan

12. NEW BUSINESS

02:58:25

Sheridan Davis asked if the council get more information about the negotiations related to the Shrontz Estate and Patsey Marley. She also asked for Dr. Anctil's assessment of COVID risks.

Carolyn Anctil advocated for everyone to get the third booster and advised people to give themselves space to not feel well.

John Byrne commented getting the Grizzly Gulch line done will be a great accomplishment, and he applauded John Guldner's years of efforts, as well as Mayor Bourke's efforts. He also thanked Mayor Bourke for explain why the tank issue location for the Shrontz Estate matters.

John Guldner offered there had only been a few discussions with the Shrontz Estate. They would like to change from the 10 lot subdivision plan to a lodge at the bottom of the property with 20 acres of open space. The Town has consistently said it has to fit there in the way that everyone else uses the base facility zone, so we have just been going back and forth. We have been gently dancing around the condominium issue.

John Guldner informed the council that when lodges are built, we have them put in affordable housing for their employees.

Craig Heimark reminded Mayor Bourke he had requested time at the next meeting for a Treasurer's report. He asked again for the council to participate in his survey.

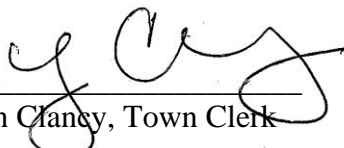
13. MOTION TO ADJOURN

03:09:05

MOTION: John Byrne motioned to adjourn, and Sheridan Davis seconded.

VOTE: All in favor. The meeting was adjourned at 6:13pm.

Passed this 12th day of October, 2022



Jen Clancy, Town Clerk

MAYOR
ROGER BOURKE

TOWN COUNCIL
CAROLYN ANCTIL
JOHN BYRNE
SHERIDAN DAVIS
ELISE MORGAN



TOWN OF ALTA
P.O. BOX 8016
ALTA, UTAH 84092
TEL (801) 363-5105
(801) 742-3522
FAX (801)742-1006
TTY 711

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

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.

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.

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- 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.

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- 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."

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