

**Salt Lake Valley Health Department - Salt Lake County**  
**Community Noise Pollution Control Regulation**  
**Adopted by the Salt Lake Valley Board of Health**  
**September 6, 1984**  
**Amended:**  
**August 1, 1991,**  
**December 7, 1995,**  
**May 3, 2001,**  
**August 7, 2008**

Under Authority of Section 26A-1-114 Utah Code Annotated, 1953, as amended

**1. PURPOSE and APPLICABILITY OF REGULATION**

1.1. The purpose of this regulation is to establish standards for the control of noise pollution within Salt Lake County to reduce the making and creation of excessive, unnecessary, or unusually loud noises, to secure, protect, and promote the public health, safety, and general welfare of the residents of Salt Lake County.

**2. DEFINITIONS**

For the purpose of this regulation, the following terms, phrases, and words shall have the meanings herein expressed:

2.1. "A-Weighted Sound Pressure Level" shall mean the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The unit for reporting is dB(A) or dBA. Sounds measured with the "A" weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity.

2.2. "All-terrain type I vehicle" shall mean any motor vehicle measuring 50 inches or less in width, having an unladen dry weight of 800 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

2.3. "All-terrain type II vehicle" shall mean any other motor vehicle not defined in all-terrain type I vehicle designed for or capable of travel over unimproved terrain.

2.4. "Ambient Sound Pressure Level" shall mean the sound pressure level which represents the summation of the sound from all the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. Ambient sound level is often referred to as neighborhood residual sound level or background sound pressure level. Ambient sounds are different than extraneous sounds by the fact that the former are of a more steady state, although they may not be continuous.

2.5. "CFR" shall mean Code of Federal Regulations.

2.6. "Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of any right of-way, land parcel, building, structure, waterway, utility, or similar property, but excludes demolition.

2.7. "Construction equipment" shall mean any device or mechanical apparatus used in the excavation, construction, or demolition of any right-of-way, land parcel, building, structure, waterway, utility, or appurtenance thereto.

2.8. "Cyclically varying sound" shall mean any sound that varies in sound level so that the same level is obtained repetitively at reasonably uniform levels of time.

- 2.9. “Decibel” shall mean a logarithmic unit used in measuring the magnitude of sound. Decibel is abbreviated dB.
- 2.10. “Demolition” shall mean any dismantling, intentional destruction or removal of any right-of-way surfaces, building, structure, utility, or similar property.
- 2.11. “Department” shall mean the Salt Lake Valley Health Department (“SLVHD”).
- 2.12. “Director” shall mean the Director of the Salt Lake Valley Health Department or his or her designated representative.
- 2.13. “Dwelling” shall mean a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.
- 2.14. “Dynamic braking device” shall mean a device used to transform a motor vehicle’s internal combustion engine into an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as “Jake brakes,” “compression brakes,” or “engine brakes.”
- 2.15. “Emergency power generator” shall mean the equipment used to generate electrical power in the event of an interruption, malfunction, or failure of the electrical power otherwise supplied by the service provider.
- 2.16. “Emergency vehicle” shall mean an authorized motor vehicle, motorboat, or aircraft which can lawfully be used for the transportation of emergency personnel, equipment, and supplies while responding to the scene of an emergency, or during police activity.
- 2.17. “Emergency work” shall mean
- 2.17.1. Work required to restore property to a safe condition following a disaster or declaration of emergency;
  - 2.17.2. Work required to protect persons or property from an imminent exposure to danger; or
  - 2.17.3. Work that absolutely cannot be done otherwise during the daytime hours to protect the public’s health by private or public entities for providing or restoring immediately necessary utility service.
- 2.18. “EPA” shall mean the U.S. Environmental Protection Agency.
- 2.19. “Exhaust system” shall mean all components responsible for conducting exhaust gasses or reducing sound from a motor vehicle or motorboat including, but not limited to mufflers, baffles, header pipes, manifolds, air intakes, or any other similar component.
- 2.20. “Extraneous sound” shall mean a sound which is transient in nature and is neither part of the ambient sound, nor comes from the sound source under investigation. Examples of extraneous sound include automobile horns and breaks, air transport vehicles, people shouting, car doors slamming, and dogs barking.
- 2.21. “Impulsive noise” shall mean a sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay, examples include explosions, impacts, and the discharge of firearms. Impulsive noise shall be measured using a sound level meter set to the “fast” response.
- 2.22. “Gross Vehicle Weight Rating” or “GVWR” shall mean the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination of vehicle, shall be used.
- 2.23. “Heating, Ventilation, and Air Conditioning (HVAC)” shall mean any system installed on or within a dwelling or facility for the purposes of providing heating, ventilation, or air conditioning. “Heating, Ventilation, and Air Conditioning (HVAC)” may include furnaces, air

exchangers, central air condensing units, evaporative “swamp” coolers, heat pumps, exhaust fans, and other similar equipment.

2.24. “LMAX” shall mean the maximum measured sound level at any instant in time.

2.25. “Mini motorcycle” shall mean a motorcycle or motor-driven cycle, except for a moped or a motor-assisted scooter that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires. “Mini motorcycle” does not include an off-road motorcycle that is designed for off-highway use and registered as an off-highway vehicle. A mini motorcycle is commonly referred to as a pocket bike.

2.26. “Moped” shall mean a motor-driven cycle, including an electric assisted bicycle and motor-assisted scooter, having pedals to permit propulsion by human power and a motor which produces not more than two brake horsepower and is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

2.27. “Motor assisted scooter” shall mean a self-propelled device with:

2.27.1. At least two wheels in contact with the ground;

2.27.2. A braking system capable of stopping the unit under typical operating conditions;

2.27.3. A gas motor not exceeding 40 cubic centimeters;

2.27.4. Either a deck designed for a person to stand while operating the device, or a deck and seat designed for a person to sit, straddle, or stand while operating the device; and

2.27.5. A design for the ability to be propelled by human power alone.

2.28. “Motor vehicle” shall mean any vehicle that is propelled on a highway or land by a power source which is not human or animal.

2.29. “Motorboat” shall mean any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

2.30. “Motorcycle” shall mean any motor vehicle, other than a tractor, that:

2.30.1. Is designed to travel with not more than three wheels in contact with the ground;

2.30.2. Has a seat or saddle for the use of the rider; and

2.30.3. Is capable of achieving a maximum speed of at least 25 mph or more over a level paved surface.

2.31. “Motorized quadricycle or tricycle” shall mean:

2.31.1. A four-wheeled or three-wheeled device;

2.31.2. Designed to carry not more than two persons, including the driver, and

2.31.3. Has a gas motor with an automatic transmission which develops less than two gross brake horsepower, capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

2.32. “Motorsport” shall mean any competition or practice involving any motor vehicle or motorboat.

2.33. “Muffler” shall mean a properly functioning sound dissipative device or system consisting of a series of chambers, baffle plates, or other mechanical devices for abating the sound of escaping exhaust gases.

2.34. “Multi-dwelling unit building” shall mean any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

2.35. “Multi-use property” shall mean any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

2.35.1. A commercial, residential, industrial, or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility

- provisions, or health and recreational facilities, or other similar devices or areas, either in the interior of or on the exterior of the building which may be a source of elevated sound pressure levels at another category on the same distinct parcel of land; or
- 2.35.2. A building which is both commercial (usually the ground floor) and residential property located above, behind, below, or adjacent.
- 2.36. "Noise" shall mean any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- 2.37. "Noise control system" shall mean parts, mufflers, assemblies or systems, including all exhaust system components, originally installed by the manufacturer which controls or reduces noise emissions.
- 2.38. "Noise disturbance" shall mean any excessive or unusually loud sound that endangers or injures the health, hearing, or safety of a reasonable person with normal sensitivity.
- 2.39. "Noise sensitive area" shall mean an area designated under this regulation for the purpose of ensuring exceptional quiet and shall include any school, hospital, nursing home, long term care facility, other designated facility as determined by the Director, and within 800 feet of these facilities, so as to not disrupt the activities normally conducted or to disturb or annoy the patients within the zone.
- 2.40. "Nuisance" shall mean an act or condition created by a person who unlawfully commits or omits to perform any duty, which either:
- 2.40.1. seriously injures, or endangers the health, or safety of any person;
  - 2.40.2. seriously renders a person insecure in life; or
  - 2.40.3. endangers the environment.
- 2.41. "Off-highway vehicle" shall mean every all-terrain type I, all-terrain type II, or other similar vehicle used to operate exclusively off highways.
- 2.42. "Off-highway implement of husbandry" shall mean every all-terrain type I vehicle, motorcycle, or snowmobile used for agricultural operations.
- 2.43. "Off-road motorcycle" shall mean any motorcycle designed for or capable of traveling off developed roadways and highways. "Off-road motorcycles" are commonly also referred to as motorbikes, trailbikes, endurobikes, dirtbikes, motocross bikes, or dual purpose motorcycles.
- 2.44. "Owner" shall mean any person who alone or jointly and severally with others:
- 2.44.1. has legal title to any premise, dwelling, or dwelling unit with or without accompanying actual possession thereof; or
  - 2.44.2. has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 2.45. "Person" shall mean any individual, public or private corporation and its officers', partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau or agency thereof, municipal corporation, county, city, or any legal entity recognized by the law.
- 2.46. "Personal motorized mobility device" shall mean a gas powered motor-driven device capable of transporting a person that cannot be legally registered for use on any right-of-way including, but not limited to a motorized quadricycle, motorized tricycle, motor assisted scooter, motor assisted skateboard, mini-motorcycle, go-kart, or other similar device.
- 2.47. "Plainly audible noise" shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the source of the plainly audible noise under investigation is a portable or personal vehicular sound amplification or reproduction device, one

need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

2.48. "Property line" shall mean:

2.48.1. The imaginary line along the ground surface and its vertical extension that separates one parcel of real property from another;

2.48.2. The vertical and horizontal boundaries of a dwelling unit within a multi-dwelling unit building; or

2.48.3. On a multi-use property, the interface between two portions of the property on which different categories of activity are being performed (e.g. if the multi-use property is a building which is a residential upstairs and commercial downstairs, then the property line would be the interface between the residential areas and the commercial area).

2.49. "Private right-of-way" shall mean any street, avenue, boulevard, road, highway, sidewalk, alley, or easement that is owned or controlled by a non-governmental entity.

2.50. "Public entertainment venue" shall mean an indoor or outdoor place of public assembly, regardless of whether or not a ticket or payment of any type is required for admission such as a symphony hall, concert hall, amphitheater, church hall, dance hall, auditorium, convention center, bowling center, sports venue, movie theater, multi-activity edifice, skating rink, bar, public park or similar facility.

2.51. "Public right-of-way" shall mean any street, avenue, boulevard, highway, road, sidewalk, alley, or easement that is owned or controlled by a governmental entity.

2.52. "Public property" shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

2.53. "Pure tone" shall mean any sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall consist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above, by 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

2.54. "Receiving property" shall mean the property (residential, commercial, industrial, or public) as listed in Table 1 or Table 2 which is receiving noise emissions from a source after crossing the property line of the source.

2.55. "Residential" shall mean a location intended for activities related to permanent human habitation or public lodging facilities such as hotels, motels, RV parks, and other approved lodging facilities that includes activities such as sleeping, eating, bathing, or similar activities.

2.56. "Repetitive impulsive noise" shall mean any impulsive noise repeated at intervals such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than 10 dB(A).

2.57. "Shoreline" shall mean the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

2.58. "Snowmobile" shall mean any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

2.59. "Snow removal equipment" shall mean any mechanical equipment used for removing snow from land or building surfaces including snow plows, snow blowers, snow sweepers, and any spreader or applicator employed to apply a snow or ice melting product.

2.60. "Sound" shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with interval forces that cause compression or rarefaction of the medium.

2.61. "Sound level meter" shall mean an instrument that includes a microphone, amplifier, RMS detector, integrator, or time averager, output meter and weighing networks used to measure sound pressure levels.

2.62. "Sound pressure level" shall mean twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20 micronewtons per square meter). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels (dB).

2.63. "Stationary noise source" shall mean any noise source fixed or movable, that is located or used on property other than a public or private right-of-way.

2.64. "Swimming pool equipment" shall mean equipment used to operate a swimming pool or spa including, but not limited to the heater, pump, filter, water conditioner, disinfection equipment, hydrojets, or other accessory equipment.

2.65. "Tree maintenance equipment" shall mean any equipment used in trimming or removing trees only. Tree maintenance equipment includes but is not limited to chainsaws, chippers, and stump removers.

### **3. GENERAL PROVISIONS**

#### **3.1. Jurisdiction of the Department.**

3.1.1. This regulation is promulgated by the Salt Lake Valley Board of Health as authorized by Section 26A-1-121(1), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

3.1.2. The Department is empowered to enforce this regulation in all incorporated and unincorporated areas served by the Department as authorized by Section 26A-1114(1)(a), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

3.2. The Department and local law enforcement agencies shall have enforcement responsibility for this regulation.

3.3. It shall be unlawful for any person not to comply with any regulation promulgated by the Department unless granted an express variance by the Salt Lake Valley Board of Health.

3.4. Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.

3.5. Legal Action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

3.6. Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.

3.7. Severance. If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation.

**4. SUBSTANTIVE PROVISIONS**

**4.1. General Prohibition of Noise.** In addition to the specific prohibitions outlined in this regulation, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued any loud, unreasonable, unnecessary, or unusual noise that:

- 4.1.1. Disturbs the health or safety of a reasonable person of normal sensitivity within any receiving property; or
- 4.1.2. Creates a public nuisance.

**4.2. RESERVED.**

**4.3. Sound Pressure Level Measurements.**

- 4.3.1. Sound pressure level measurements shall be made with a calibrated and certified Type 2 sound level meter or better instrument as specified in American National Standards Institute’s publication S1.4-1983 (Reaffirmed 2001) or its successor, entitled “Specifications for Sound Level Meters.”
- 4.3.2. Unless otherwise specified, all sound level measurements required by this Regulation shall be taken in LMAX with the sound level meter set to slow response and the weighting set to the “A” scale.
- 4.3.3. The ambient sound level of a given location may be determined by measurements taken at a comparable site which includes, but is not limited to, comparable physical locations and time of day in the nearby area.

**4.4. Maximum Sound Pressure Levels by Receiving Property.**

**4.4.1. Outdoors.**

- (i) Notwithstanding the specific noise restrictions in subsection 4.5, no person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary noise so as to exceed the maximum allowable sound pressure levels set forth in Table 1 when measured at the property line of the source.
- (ii) Notwithstanding the maximum allowable sound pressure levels established in Table 1, no person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary noise when measured at the property line of the source so as to exceed the sound pressure level of either:
  - a. 10 dB(A) above the ambient sound pressure level between the hours of 7 a.m. and 10 p.m.; or
  - b. 5 dB(A) above the ambient sound pressure level between the hours of 10 p.m. and 7 a.m. the following morning.
- (iii) Correction for Character of Sound.
  - a. For any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Table A shall be reduced by 5 dB(A).

TABLE 1: MAXIMUM OUTDOOR SOUND PRESSURE LEVELS (L<sub>MAX</sub>)

Source Property/ District	Receiving Property/ District					
	Residential or Noise Sensitive Area		Commercial, Agricultural, or Public		Industrial	
	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.
Residential or Noise Sensitive Area	55	50	55	50	55	50
Commercial Agricultural or Public	55	50	60	55	60	55
Industrial	55	50	60	55	80	75

4.4.2. Indoors.

- (i) No person shall emit, nor shall any person cause, allow, permit, or fail to control the emission of any stationary noise source so as to exceed the maximum sound pressure level set forth in Table 2 when measured indoors of a multi-dwelling unit building or multi-use property. Measurements shall not be taken in areas which receive only casual noise in non-habitable areas such as hallways, closets, and bathrooms.
- (ii) The transmission of infrasound or other vibrations that cannot be measured with a sound level meter are not restricted by this regulation.
- (iii) For the requirements of this subsection, the ambient sound level shall be measured in the unit when the sound source under investigation is not prominent, or in a room on the same floor that is relatively unaffected by the sound source under investigation.
- (iv) When measuring the ambient sound level within a dwelling or otherwise occupied unit:
  - a. All exterior doors and windows shall be closed;
  - b. The measurements shall be taken in (L<sub>MAX</sub> in the center of the room most affected by the noise using a “A” weighted sound level meter; and
  - c. All sound sources within the dwelling unit shall be turned off (e.g. television, stereo, HVAC system).

**TABLE 2: MAXIMUM INDOOR SOUND PRESSURE LEVELS (L<sub>MAX</sub>)**

Residential property, or residential portion of a multi-use property	Commercial Facility, or non-residential portion of a multi-use property
<b>7 a.m. – 10 p.m.</b>	<b>10 p.m. – 7 a.m.</b>
<b>+5 dB(A) above ambient</b>	<b>+3 dB(A) above ambient</b>
	<b>24 Hours</b>
	<b>+5 dB(A) above ambient</b>

**4.5. Specific Noise Restrictions.**

4.5.1. Aircraft. No person shall fly, repair, or operate nor shall any person allow the flight or operation of any aircraft within 800 feet of a dwelling between the hours of 10 pm and 7 am the following morning unless expressly exempted from this regulation so as to cause a noise disturbance or create a nuisance.

4.5.2. Bells and Clocks. No person shall sound, operate, or permit the sounding or operation of an electronically amplified signal from any bell, chime or clock including, but not limited to schools, houses of religious worship, or governmental buildings:

- (i) Between the hours of 10 p.m. and 7 a.m. the following morning; or
- (ii) Between the hours of 7 a.m. and 10 p.m. that exceeds the maximum allowable sound pressure levels set forth in Table 1 for longer than 5 minutes in any one hour so as to cause a noise disturbance.

4.5.3. Construction Equipment and Activities. No person shall operate nor shall any person cause, allow, permit, or fail to control the operation of any construction equipment or conduct any construction or demolition activities:

- (i) Outside between the hours of 10 p.m. and 7 a.m. the following morning unless a waiver has been issued in accordance with section 5.0;

- (ii) Inside an enclosed structure between the hours of 10 p.m. and 7 a.m. the following morning if the activities are plainly audible at the property line; or
- (iii) In such a way as to create a nuisance.

4.5.4. Fireworks or Explosives. No person shall use fireworks, discharge guns, or other explosive devices that emit a plainly audible noise across the property line, between the hours of 10 p.m. and 7 a.m. the following morning. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.

4.5.5. Fixed Sirens, Whistles, and Horns. No person shall sound, nor shall any person cause, allow, permit, or fail to control the sounding of any whistle, horn, or siren used as a signal for commencing or suspending work, or for any other purpose so as to cause a noise disturbance, except when used as a signal of an emergency or imminent danger.

4.5.6. Garbage Collection. No person shall collect garbage, waste, or refuse nor shall any person cause, allow, permit, or fail to control the collection of garbage, waste, or refuse within 800 feet of a dwelling or within a noise sensitive area between the hours of 10 p.m. and 7 a.m. the following morning.

4.5.7. Hawkers and Peddlers. No person shall offer for sale, distribute, solicit, or sell anything by shouting or outcry within 800 feet of a dwelling or within a noise sensitive area. The provisions of this section shall not be construed to prohibit the selling by shouting or outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar public entertainment events.

4.5.8. Heating, Ventilation, and Air Conditioning (HVAC) Systems.

- (i) No person shall operate, install, or replace nor permit the operation, installation, or replacement of any HVAC system installed on or within any commercial property that exceeds the maximum allowable sound pressure levels set forth in Table 1 or Table 2 when measured at the property line of the source.

- (ii) No person shall operate nor permit or allow the operation of any HVAC system installed on or within any residential property that is not in good repair or not operating within manufacturer's specifications so as to cause a noise disturbance.

4.5.9. Loading/Unloading Operations. No person shall load or unload any equipment, vehicle, box, crate, container, garbage container, or other object or open, close, or otherwise handle these objects within 800 feet of a dwelling or within a noise sensitive area or so as to cause a noise disturbance between the hours of 10 p.m. and 7 a.m. of the following morning.

4.5.10. Motor Vehicles and Motorboats.

- (i) This section shall apply to the total noise from a motor vehicle, motorboat, or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provision of this regulation relating to mufflers or noise control.

- (ii) 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, or any motorboat upon any lake, river, stream, or other waterway:

- a. Without a noise control system that meets the original specifications installed by the manufacturer;
- b. Unless the noise control system is in constant operation and free of defects that affect sound reduction;
- c. With any cut out, bypass or similar device which increases sound pressure levels;
- d. When the noise control system has been modified, punctured, or rendered inoperative;

- e. Unless the noise control system of the motor vehicle or combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration does not exceed the maximum allowable sound pressure levels set forth in Table 3 at a distance of 25 feet or more for the category of motor vehicle, based on the legal speed limit, posted or not, of the road on which such vehicle or vehicles are operated using testing methods as prescribed by the Department; or
- f. Unless the motorboat’s noise control system complies with Utah Admin. Rule R651-222.

**TABLE 3: MAXIMUM SOUND PRESSURE LEVELS FOR MOTOR VEHICLES**

	Sound Pressure Level, dB(A)		
	Measured at a distance of:	Speed limit 40 mph or less	Speed limit over 40 mph
Any motor vehicle with a manufacturer’s gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more or any combination of vehicles towed by such motor vehicle	25 feet	88 dB(A)	94 dB(A)
Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle	25 Feet	80 dB(A)	84 dB(A)
Any motorcycle or moped	25 Feet	82 dB(A)	84 dB(A)

(iii) Consumer Warning Signage.

a. At every point of sale where a noise control system for a motor vehicle or motorboat is offered for sale or sold including, but not limited to a new or used dealership, part store, muffler shop, or other local retail outlet, written notification that is conspicuous and clearly legible shall be given to the public prior to sale and/or a conspicuous and legible sign shall be posted of a color and lettering design in high contrast with its background and of at least 90 square inches in large bold letters stating:

**WARNING: ANY NOISE CONTROL SYSTEM, INCLUDING MUFFLERS AND EXHAUST SYSTEMS, THAT DO NOT MEET THE ORIGINAL SPECIFICATIONS OF THE NOISE CONTROL SYSTEM INSTALLED BY THE MANUFACTURER MAY BE A VIOLATION OF THE SALT LAKE VALLEY HEALTH DEPARTMENT’S COMMUNITY NOISE POLLUTION REGULATION.**

(iv) 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 or motorboat that emits excessive or unusual noises because of disrepair or mode of operation.

- (v) Dynamic Braking Devices. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger.
- (vi) Horns and Other Signaling Devices. No person shall sound any horn or audible signaling device on any motor vehicle or motorboat, except to prevent or avoid an accident. Any advertisement or solicitation which encourages or requests a person to honk their horn in violation of this regulation is expressly prohibited.
- (vii) Motorcycles and Motorcycle Exhaust Systems.
- a. EPA Noise Emission Control Requirements. No person shall operate, use, or park nor shall any person cause, allow, fail to control the operation or use, or permit the parking of any motorcycle on any right-of-way or public property, manufactured after December 31, 1982, without its required Motorcycle Noise Emission Control Label on the motorcycle vehicle itself in accordance with 40 CFR § 205.158 and on any motorcycle exhaust system as required by 40 CFR §205.169. i. The following is an example of an EPA Noise Control Label: “This (manufacturer’s name) exhaust system (serial number) meets EPA Noise Emission Requirements of (noise emission standard) dB(A) for the following motorcycles: (list of model specific codes). Installation of this exhaust system on motorcycle models not specified may violate federal law.”
  - b. Label Tampering. No person shall deface nor permit or allow any person to deface any noise emission control label required by federal law which is affixed to any motorcycle or motorcycle part for purposes of identifying the motorcycle or motorcycle part as a federally regulated product.
  - c. Mismatched Mufflers. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorcycle manufactured to federal noise law standards that does not bear a label or mark on the exhaust system that matches the model specific code of the motorcycle vehicle on which the system is installed.
  - d. Competition Motorcycles. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorcycle identified by the noise emission control label or mark as being for “competition use only” on any property other than within a motor sports facility for the purpose of participating in a practice session or racing event.
  - e. Competition Motorcycle Exhaust System. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorcycle fitted with an exhaust system or exhaust system component identified by the noise emission control label or mark as being for “competition motorcycles only” on any property other than a motor sports facility for the purpose of participating in a practice session or racing event.
- (viii) Motorsports. No person shall allow or conduct any sponsored or sanctioned motorsport activities in such a manner that emits a sound pressure level which exceeds:
- a. The maximum allowable sound pressure levels set forth in Table 1 when measured at the property line of the source for motor vehicles; or
  - b. 75 dB(A) at the shoreline for motorboats when using testing methods prescribed by the Department.

(ix) Motor Vehicle or Motorboat Repair and Testing. No person shall repair, rebuild, modify, idle, run, accelerate, or test any motor vehicle, motorboat, nor any auxiliary equipment attached to such vehicle or boat:

- a. within 800 feet of a dwelling between the hours of 10:00 PM and 7:00 AM the following morning;
- b. within a noise sensitive area between the hours of 10:00 PM and 7:00 AM the following morning;
- c. that exceeds the maximum allowable sound pressure levels in Table 1 when measured at the property line of the source; or
- d. so as to cause a noise disturbance.

(x) Off-Highway Vehicles. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any off-highway vehicle or off-road motorcycle whether or not duly registered:

- a. Either within 800 feet of a dwelling, within a noise sensitive area, or so as to cause a noise disturbance.
- b. Between the hours of 10 p.m. and 7 a.m. the following morning anywhere within Salt Lake County.
- c. Within the public or private right-of-way or on public property unless specifically designated for such use by a government entity.
- d. Without a noise control system in constant use and in good working order so as to not emit excessive or unusual sounds.
- e. When the off-highway vehicle's noise emissions exceeds 96 dB(A) when measured from a distance of 20 inches using testing methods prescribed by the Department.
- f. This subpart shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.

(xi) Standing Motor Vehicles. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motor vehicle or motorboat to remain in an idling mode or condition for:

- a. A consecutive period of 15 minutes or longer;
- b. Any period of time while the vehicle or boat is left unattended; or
- c. So as to cause a noise disturbance.

(xii) Tire Noise. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motor vehicle in such a manner as to cause or allow any squealing, screeching, or other such noise, from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason.

4.5.11. Music and Sound Amplification. With the exception of declaring an emergency, no person shall operate, play, nor shall any person cause, allow, permit, or fail to control the operation or playing of any personal or commercial sound amplification, or sound reproduction equipment, or musical instruments, or similar devices in such a manner:

- (i) So as to exceed the maximum allowable sound pressure levels set forth in Table 1 or Table 2 when measured at the property line of the source;
- (ii) Which emits a plainly audible noise at the property line of the source between the hours of 10 p.m. and 7 a.m. the following morning;

(iii) Which emits a plainly audible noise on public property or within the public or private right-of-way at a distance of 50 feet or more in any direction from the operator between the hours of 7 a.m. and 10 p.m.;

(iv) Which emits a plainly audible noise to any person other than the operator on public property or a public or private right-of-way between the hours of 10 p.m. and 7 a.m. the following morning;

(v) Which emits a plainly audible noise to any person other than the operator when operated on a common carrier by any passenger;

(vi) That crowd noise causes a noise disturbance across a residential receiving property line or within a noise sensitive area between the hours of 10 p.m. and 7 a.m. the following morning;

(vii) That the maximum sound pressure level exceeds 95 dB(A) at a point normally occupied by a patron on the premises of a public entertainment venue unless conspicuous and legible written notification is provided to the public prior to entrance into the venue stating:

**“WARNING: SOUND LEVELS ON THIS PREMISE MAY CAUSE PERMANENT HEARING DAMAGE. HEARING PROTECTION IS AVAILABLE.”**

In the alternative, the above warning may be provided on a sign of a color and lettering design in high contrast with its background and posted where it is plainly visible at each public entrance in bold letters of at least 1” inch in height. This subpart shall not be construed to permit conduct prohibited by any other provision of this regulation; or

(viii) So as to exceed 100 dB(A) at any place within a public entertainment venue at any time.

(ix) Every venue that may have the potential of exceeding 95 dB(A) shall have readily available for public distribution, single-use earplugs that have a Noise Reduction Rating (NRR) of at least 20 decibels.

4.5.12. Parking Lot or Road Sweepers. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorized mechanical sweeper or vacuum:

(i) Within 800 feet of a dwelling between the hours of 10:00 pm and 7:00 am the following morning;

(ii) Within a noise sensitive area between the hours of 10:00 pm and 7:00 am the following morning,

(iii) So as to cause a noise disturbance; or

(iv) That emits a sound pressure level that exceeds 84 dB(A) when measured at a distance of 25 feet.

4.5.13. Personal Motorized Mobility Device.

(i) No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any personal motorized mobility device;

a. Between the hours of 10 p.m. and 7 a.m. the following morning;

b. So as to cause a noise disturbance in any location;

c. Within the public or private right of way or on public property unless specifically designated for use by such vehicle;

d. That is not in good mechanical working condition so as to emit excessive or unusual sounds;

e. Without a noise control system in constant operation and in good working order; or

- f. That emits a maximum sound pressure level that exceeds 78 dB(A) measured at a distance of 25 feet.
  - (ii) This subsection shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.
- 4.5.14. Power Equipment. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any mechanically powered generator, compressor, power washer, vacuum, blower, dryer, lawn or gardening equipment, snow removal equipment, or similar devices, except construction equipment:
- (i) Between the hours of 10 p.m. and 7 a.m. the following morning either within 800 feet of a dwelling, within a noise sensitive area, or so as to cause a noise disturbance;
  - (ii) That emits a sound pressure level that exceeds 78 dB(A) measured at a distance of 25 feet, when the equipment is rated at 5 horsepower or less;
  - (iii) That emits a sound pressure level that exceeds 84 dB(A) measured at a distance of 25 feet, when equipment is rated at more than 5 horsepower;
  - (iv) That is not in good mechanical working condition so as to emit excessive or unusual sounds; or
  - (v) Without a noise control system in constant operation and in good working order.
  - (vi) Routine testing on emergency power generators shall not exceed one hour in any one week period, or two hours in any six week period and shall be confined to the hours of 10:00 am to 4:00 pm or as otherwise approved by the Director.
- 4.5.15. Powered Model Mechanical Devices. No person shall fly a model aircraft powered by a gas engine or an electric motor, whether tethered or not, or fire or operate a model rocket vehicle or other similar noise-producing device:
- (i) Between the hours of 10 p.m. and 7 a.m. the following morning within 800 feet of a dwelling or within a noise sensitive area; or
  - (ii) So as to cause a noise disturbance.
- 4.5.16. Refuse Compactor. No person shall operate or use, nor shall any person cause, allow, permit or fail to control the operation or use of any refuse compactor:
- (i) Between the hours of 10 p.m. and 7 a.m. the following morning within 800 feet of a dwelling or within a noise sensitive area;
  - (ii) So as to cause a noise disturbance; or
  - (iii) That emits a maximum allowable sound pressure level that exceeds 80 dB(A) at a distance of 25 feet.
- 4.5.17. 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 ten seconds.
- 4.5.18. Snowmobiles. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any snowmobile:
- (i) Between the hours of 10 p.m. and 7 a.m. the following morning.
  - (ii) Within 800 feet of a dwelling, or within a noise sensitive area, or so as to cause a noise disturbance.
  - (iii) Within the public or private right-of-way or on public property unless specifically designated for use by a federal, state, or local government entity for such vehicle.
  - (iv) That is not in good mechanical working condition so as to emit excessive or unusual sounds.
  - (v) Without its noise control system in constant operation and in good working order.

(vi) That emits a maximum sound pressure level that exceeds 84 dB(A) when measured at a distance of 13.12 feet (4 meters) using testing methods as prescribed by the Department.

(vii) No person shall modify, alter, nor repair a snowmobile or its noise control system as to increase the sound pressure level above the specifications of the original noise control system installed by the manufacturer.

(viii) This provision shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.

4.5.19. Snow Removal. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any snow removal equipment within 800 feet of a dwelling or within a noise sensitive area between the hours of 10 p.m. and 7 a.m. the following morning unless expressly exempted by this regulation.

4.5.20. Sporting Equipment. No person shall use, nor shall any person cause, allow, permit, or fail to control the impulsive sound from any toy or piece of sporting equipment between the hours of 10 p.m. and 7 a.m. the following morning, if such usage creates a plainly audible noise at the property line of the source so as to cause a noise disturbance.

4.5.21. Sporting Ramps. No person shall build or use nor shall any person cause, allow, or permit anyone to build or allow anyone to use any skateboard, roller blade, bicycle, or snowboard ramp or half-pipe or similar configuration within 800 feet of a dwelling, except within facilities that have been designated for such use by a government entity.

4.5.22. Swimming Pool Equipment. No person shall operate or maintain, nor shall any person cause, allow, permit, or fail to control the operation or maintenance of any swimming pool equipment used to operate a swimming pool or spa, including but not limited to the heater, pump, filter, water conditioner, disinfection equipment, hydrojets, or other accessory equipment that exceeds the maximum allowable sound pressure levels in Table 1 when measured at the property line of the source so as to cause a noise disturbance.

4.5.23. Traffic or Pedestrian Control Devices. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any traffic or pedestrian control measure including, but not limited to flasher barricades, traffic signals, arrow boards, message boards, or similar equipment that is not electrified by a local power utility, solar power, and or battery power.

4.5.24. Tree Maintenance Equipment. No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any tree maintenance equipment between the hours of 10 p.m. and 7 a.m. the following morning.

4.5.25. Water Features. No person shall install, operate, or maintain, nor shall any person cause, allow, permit, or fail to control the installation, operation, or maintenance of any man-made water feature or equipment associated with any man-made water feature including, but not limited to ponds, waterfalls, fountains, recirculating pumps, aerators, or other similar features or equipment

so as to:

- (i) Be plainly audible at the property line between the hours of 10 p.m. and 7 a.m. the following morning so as to cause a noise disturbance; or
- (ii) Exceed the maximum allowable sound pressure levels in Table 1.

## **4.6. Exemptions.**

4.6.1. Agricultural Practices. Noise resulting from the use of farm equipment or off-highway implement of husbandry for recognized and acceptable agricultural practices shall be exempt from this regulation provided that:

- (i) All reasonable efforts have been made to minimize the impact on the community;
- (ii) The equipment is operating within manufacturer's specifications;
- (iii) All noise control systems are in constant use, in good working order, and in compliance with this regulation;
- (iv) All equipment is in good mechanical working condition so as to not emit excessive or unusual sounds;
- (v) The equipment or activities do not create a nuisance in any land district; and
- (vi) The equipment is used between the hours of 7 a.m. and 10 p.m. the same day.
- (vii) This part shall not be construed to prohibit noises resulting from agricultural equipment between the hours of 10 p.m. and 7 a.m. the following morning that result from harvesting a crop or other similar activity within an agriculturally zoned area.

4.6.2. Aircraft Noise resulting from the operations at the Salt Lake International Airport and Salt Lake Airport #2. This includes any aircraft taking off and landing at these airports and any aircraft flying within the controlled airspace of Salt Lake County under the direction of the Federal Aviation Administration ("FAA").

4.6.3. Alarms. Noise resulting from any alarm system used in case of theft, fire, collision, civil defense, or imminent danger shall be exempt from this regulation, provided that the alarm does not:

- (i) Operate on any building or structure for longer than 15 minutes;
- (ii) Operate on any motor vehicle for longer than 3 minutes; and
- (iii) Create a nuisance.

4.6.4. Bells. Noise resulting from the amplified sound of a bell or chime or the striking of a mechanical bell or chime prior to, during, or after a religious service shall be exempt from this regulation, provided that the:

- (i) Combined duration of noise per service does not exceed 5 minutes; and
- (ii) Amplified bell or chime does not exceed the maximum allowable sound pressure levels set forth in Table 1 at the property line.

4.6.5. Clocks. Noise resulting from the striking of a clock's mechanical bell or chime shall be exempt from this regulation, provided the combined duration of noise does not exceed 5 minutes in any one hour between the hours of 7 a.m. and 10 p.m. the same day.

4.6.6. Emergency Power Generator. Noise resulting from the use of an emergency generator which provides emergency power or potable water to any hospital, health clinic, nursing home, similar facilities, or physician prescribed home based personal medical equipment as approved by the Director, where the loss of electrical power or potable water poses an immediate risk to the health, safety, and welfare of any person, or as required by federal or state law shall be exempt from this regulation. During a power failure, other commercial or personal emergency power generators operating between the hours of 10 p.m. and 7 a.m. the following morning may reach but not exceed the maximum day time sound pressure levels set forth in Table 1 or Table 2 when measured at the property line of the source.

4.6.7. Emergency Relief Valves. Noise resulting from the release of an emergency relief valve shall be exempt from this regulation provided the valve and the equipment it serves is properly maintained.

4.6.8. Emergency Vehicles. Noise resulting from an authorized emergency motor vehicle, motorboat, or aircraft when responding to an emergency call or in time of an emergency shall be exempt from this regulation provided that the noise control system of any motor vehicle or motorboat used is in compliance with part 4.5.10 of this regulation.

4.6.9. Emergency Work. Noise resulting from emergency work, as defined, shall be exempt from the restrictions of this regulation provided that all equipment necessary to resolve the emergency is in compliance with this regulation. In cases where an executive order has declared a state of emergency in Salt Lake County, emergency work is exempted only so long as is needed to provide the relief necessary to mitigate the emergency situation or until such time that the order declaring a state of emergency has expired or been rescinded.

4.6.10. Fireworks and Explosives. Noise resulting from lawful fireworks and explosives shall be exempt from this regulation when discharged:

- (i) For lawful mining activities between the hours of 7 a.m. and 10 p.m. the same day;
- (ii) For avalanche control at any time;
- (iii) By the Division of Wildlife Resources, Department of Agriculture and Food, and federal game agents for the purposes of managing wildlife resources;
- (iv) By the public:
  - a. Between the hours of 7 a.m. and 10 p.m. on the days allowed by statute which include the three days before, on the day of, and the three days following July 4, July 24, January 1, and Chinese New Year;
  - b. Between the hours of 7 a.m. and 10:30 p.m. on the day officially celebrated as and including July 4th and July 24th;
  - c. Between the hours of 10:00 p.m. of December 31 and 12:30 a.m. of the following January 1; and
  - d. Between the hours of 10:00 p.m. of the eve of Chinese New Year and 12:30 a.m. of the following day.
- (v) By a licensed display or special effects operator to conduct a professional fireworks display:
  - a. Between the hours of 7 a.m. and 10 p.m. the same day;
  - b. Between the hours of 7 a.m. and 10:30 p.m. on the day officially celebrated as and including July 4th and July 24th;
  - c. Between the hours of 7 a.m. and 10:30 p.m. for a special event sponsored by a local municipality, provided the municipality has made application and received a mass gathering permit;
  - d. Between the hours of 10:00 p.m. of December 31 and 12:30 a.m. of the following January 1; and
  - e. Between the hours of 10:00 p.m. of the eve of Chinese New Year and 12:30 a.m. of the following day.

4.6.11. Heating, Ventilation, and Air Conditioning (HVAC). Noise resulting from the operation of any HVAC system including central air conditioning units, evaporative coolers, or window cooling units when installed on or within any residential property regardless of the time or frequency of operation provided the system is in good repair.

4.6.12. Human Voice. Noise resulting from the un-amplified human voice shall be exempt from this regulation, provided the person is not in a public entertainment venue and is not shouting.

4.6.13. Loading/Unloading Operations. Noise resulting from the loading or unloading operations of the following activities shall be exempt from this regulation while:

- (i) Removing a vehicle from a right-of-way by a licensed towing company;
- (ii) Operating under the direction of law enforcement or fire/emergency medical service's personnel during a police activity or other emergency; or
- (iii) Delivering groceries, milk, or newspapers to any dwelling provided that any vehicle used during this delivery complies with this regulation and any associated noise is minimized.

4.6.14. Military Operations. Noise resulting from the emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty shall be exempt from this regulation.

4.6.15. Off-highway Vehicles. Noise resulting from an off-highway vehicle provided the vehicle complies with chapter 4.5.10 (xii) e.:

- (i) While performing normal routine grounds maintenance on a property between the hours of 7 a.m. and 10 p.m.;
- (ii) While loading the vehicle onto a trailer for transportation; or
- (iii) When used for the purposes of removing snow from a property.

4.6.16. Parades. Noise resulting from a parade within the public right-of-way, including music and sound amplification, provided the parade has been approved and issued a Mass Gathering Permit by the Department.

4.6.17. Permitted Activities. Noise resulting from activities for which a waiver from this regulation has been approved and issued by the Director in accordance with Section 5.0 shall be exempt from this regulation.

4.6.18. Personal Motorized Mobility Device. Noise resulting from a motorized tricycle or motorized quadricycle when operated by a person who, by reason of a physical disability, is otherwise unable to move about as a pedestrian shall be exempt from this regulation, provided that any noise control system originally installed by the manufacturer is in good working order and in compliance with chapters 4.5.13 (i) d., e., and f. of this regulation.

4.6.19. Railway. Noise resulting from railway locomotives and cars, when operating in accordance with all local, state and federal laws shall be exempt from this regulation.

4.6.20. Road Sweepers. Noise resulting from road sweepers when operated for the purposes of cleaning highways on I-15, I-80, I-215, SR201, and Bangerter Highway or any other public right-of-way designated by the Director shall be exempt from this regulation.

4.6.21. Signals. Noise resulting from the sounding of a safety signal, warning device, or emergency signal (e.g. reverse alarms) when necessary for the protection of public health, safety and welfare shall be exempt from this regulation.

4.6.22. Snowmobiles. Noise resulting from the use of snowmobiles shall be exempt from this regulation provided the snowmobile and its noise control system complies with subparts 4.5.18 (iv), (v), (vi) and (vii):

- (i) Within the property lines of any ski resort so as to not cause a noise disturbance within any dwelling; or
- (ii) Where, due to weather conditions, snow mobiles are the sole vehicular access to a property and are being used solely for such access.

4.6.23. Snow Removal. Noise resulting from snow removal equipment and snow removal operations shall be exempt from this regulation provided the noise control system installed on the equipment or vehicle complies with parts 4.5.10 and 4.5.14:

- (i) Beginning at 5:00 AM when snow has accumulated during the prior 12 hours;

- (ii) At any time on any street, avenue, road, boulevard, highway, or airport runway or taxiway;
- (iii) At any time on any public, commercial, or industrial property NOT within 800 feet of a dwelling or noise sensitive area;
- (iv) At any time on any public, commercial, or industrial property within 800 feet of a dwelling or noise sensitive area so long as:
  - a. A dwelling, hospital, nursing home, long term care facility, or other facility designated by the director are not in the line of sight of the snow removal operations;
  - b. The snow removal operations remain on that portion of the property that can use the existing building structures to shield noise from any dwelling, hospital, nursing home, long term care facility, or other facility designated by the director unless (i) is in effect; and
  - c. The snow removal equipment or snow removal operations do not create a noise disturbance.
- (v) A private right-of-way or public or private property that is more than 800 feet from a private dwelling or noise sensitive area at any time;
- (vi) All other private rights-of-way or private or public properties that are within 800 feet of a dwelling or within a noise sensitive area beginning at 5 a.m. when a measurable amount of snow has accumulated during the previous 12 hours.

4.6.24. Sporting Events. Noise resulting from activities directly related to the field of play (e.g. whistles, shouting plays, revving engines) during a sporting contest including, but not limited to football, soccer, baseball, drag racing, or similar event that are sanctioned by the Utah High School Activities Association (UHSAA), National Collegiate Athletic Association (NCAA), other professional organization, or organized sport association as recognized by the Director shall be exempt from this regulation. Events continuing after curfew will be exempted provided the event began sufficiently early that it would be reasonably expected that 95% of a similar class of events would have been completed by 10:00 p.m. This part shall not apply to any amplified sound sources, fireworks, or the maximum sound pressure level restrictions at the property line for motorsports as specified in subpart 4.5.10 (viii).

4.6.25. Swimming and Spa Pools. Noise resulting from the splashing of water caused by reasonable swimming associated activities within a spa or swimming pool between the hours of 7 a.m. and 10 p.m. the same day shall be exempt from this regulation.

4.6.26. Tire Noise. Noise resulting from the squealing or screeching of tires during the course of a drag racing event provided such event complies with subpart 4.5.10 (xii) of this regulation or while engaging emergency brakes to avoid imminent danger shall be exempt from this section.

4.6.27. Tree Maintenance Equipment. Noise resulting from the use of any tree maintenance equipment between the hours of 7 a.m. and 10 p.m. the same day shall be exempt from this regulation, provided that:

- (i) All reasonable effort has been made to minimize the impact on the community;
- (ii) All equipment is operating within manufacturer's specifications;
- (iii) The noise control systems are in constant use, in good working order, and in compliance with this regulation;
- (iv) All equipment is in good mechanical working condition so as to not emit excessive or unusual sounds; and
- (v) That the equipment or activities do not create a nuisance in any district.

## **5. WAIVER.**

5.1. The Director has the authority to waive the requirements and restrictions of this regulation on the basis of undue hardship or for a temporary event. The Director may prescribe any reasonable conditions or requirements upon a waiver deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

### **5.2. Waiver for Undue Hardship.**

5.2.1. An application for a waiver on the basis of an undue hardship shall be submitted to the Department at least 7 days prior to the action which may potentially violate this regulation. To apply for a waiver on the bases of an undue hardship, the applicant shall complete the application form provided by the Department.

5.2.2. Any waiver granted by the Director for undue hardship shall contain all conditions upon which the waiver has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation. The requested relief may be granted upon good and sufficient reason showing:

- (i) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this regulation; or
- (ii) That the activity, operation, or noise source will be of temporary duration and cannot be performed in a way that would comply with this regulation; and no reasonable alternative is available to the applicant.

### **5.3. Waiver for Temporary Event.**

5.3.1. The operator or coordinator of a temporary event, seeking a waiver from the noise restrictions in this regulation shall first submit their waiver request to the municipality in which the event will be held. If the executive of the municipality, or his or her designee approves the waiver request, he or she shall forward the approved request along with the application for provided by the Department and his or her recommendations to the Department at least thirty days prior to the event.

5.3.2. Any waiver request for a temporary event that may affect more than one municipality shall require the approval of each municipality that will be affected.

5.3.3. If an affected municipality determines not to grant approval to a temporary event waiver request, a waiver from the noise restrictions in this regulation shall not be issued.

5.3.4. The executive of the municipality shall assume complete responsibility for responding to any noise-related matters associated with the events approved by the municipality.

### **5.4. Public Notice Requirements.**

5.4.1. Upon approval of any waiver granted by the Director, the applicant shall notify, in writing, each dwelling and facility located within 800 feet of the event or activity unless otherwise required by the Director at least 48 hours in advance. The Director shall approve the content of each notice before it is distributed.

5.4.2. The public notice shall contain the following information:

- (i) The name of the event or company name;
- (ii) The name of the coordinator or project manager;
- (iii) The contact phone number(s) of the coordinator or project manager;
- (iv) The name and contact phone number(s) of the on-site manager;
- (v) The address of the event;
- (vi) The specific date(s) and operating times; and
- (vii) A detailed description of the activities.

**5.5. Appealing a Denial of a Waiver.** Any waiver application that has been denied by the Department or should a party disagree with any conditions set forth in a waiver may appeal the determination pursuant to the Department's Adjudicative Hearing Procedures. Appeals of a denial of a waiver for a temporary event may only be made by the executive of the municipality seeking the waiver.

## **6. INSPECTIONS and INVESTIGATIONS**

6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.

6.2. Authority for Department to Enter Premises.

6.2.1. Regulated Commercial Premises. Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health and Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.

6.2.2. Unregulated Commercial Premises. The Department may enter upon the premises of unregulated commercial properties upon the consent of the owner or otherwise responsible party or upon a warrant issued by a court.

6.2.3. Private Dwellings. Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.

6.2.4. Consent by License or Permit: The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, §§ 63-2-101 to 63-2-1001 Utah Code Ann., 1953 as amended.

## **7. ENFORCEMENT MECHANISMS.**

If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this regulation or the division has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

7.1. Responsibility for Violations of this Regulation Involving Motor Vehicles and Motorboats. If a motor vehicle or motorboat is in violation of this regulation, it shall be presumed that the owner has caused or permitted that violation.

7.2. Criminal Enforcement Actions. The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement

entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

7.2.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;

7.2.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;

7.2.3. The degree to which the offender is a known violator and has avoided prior actions by the department;

7.2.4. The degree to which prosecution might deter future violations;

7.2.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;

7.2.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;

7.2.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and

7.2.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.3. Civil Enforcement Actions. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.4. Administrative Actions.

7.4.1. The Department may, at its discretion, issue a Notice of Violation and Order of Compliance (NOV).

7.4.2. Service of NOV. The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.

7.4.3. Contents of NOV. The NOV shall:

(i) Describe the property and the persons believed to be in violation;

(ii) Describe the violation;

(iii) Describe remedial action that will comply with the provisions of this regulation;

(iv) Set a reasonable time for the performance of any required remedial action(s);

(v) Describe the procedure to contest the NOV and the time limits for such a contest; and

(vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.4.4. Challenging an NOV. As detailed in the SLVHD's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.4.5. Departmental Conference, Settlement Agreements, and Stipulations and Orders.

(i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The processes of requesting a Departmental Conference are more fully described in the SLVHD's Adjudicative Hearing Procedures.

(ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation and Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation and Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation and Consent orders may be enforced in state courts.

7.4.6. Hearings and Appeals. Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLVHD's Adjudicative Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLVHD's Adjudicatory Hearing Procedures.

7.4.7. Failing to respond to an NOV. If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

#### 7.5. Additional Administrative Enforcement Authority.

7.5.1. Any variances allowed by the Department to the requirements of this regulation shall be only by written approval of the Board.

7.5.2. Exercise of Physical Control. The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.

7.5.3. Emergency Enforcement. If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or

directive or without waiting for the expiration of compliance time previously given in an order.

## **8. CRIMINAL, CIVIL and ADMINISTRATIVE PENALTIES**

### **8.1. Criminal Penalties.**

8.1.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.

8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

### **8.2. Civil and Administrative Penalties.**

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation and Consent Order. Penalties may be assessed according to the following factors:

- (i) The violator's history of compliance or non-compliance;
- (ii) The violator's economic benefit of non-compliance;
- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred.

### **8.3. Recovery of Investigation and Abatement Costs.**

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

## **9. EFFECTIVE DATE**

9.1. This regulation shall become effective upon its adoption by the Salt Lake Valley Board of Health.