

## Utah Noise Related Statutes and Policies

### **10-8-76. Noise abatement -- Street performances.**

They may prevent the ringing of bells, blowing of horns and bugles, crying of goods by auctioneers and others, and the making of other **noises**, for the purpose of business, amusement or otherwise, and prevent all performances and devices tending to the collection of persons on .....

### **41-6a-212. Emergency vehicles -- Policy regarding vehicle pursuits -- Applicability of traffic law to highway work vehicles -- Exemptions.**

.....

(3)

(a) Except as provided in Subsection (3)(b), privileges granted under this section to the operator of an authorized emergency vehicle, who is not involved in a vehicle pursuit, apply only when:

- (i) the operator of the vehicle sounds an **audible signal** under Section 41-6a-1625; or
- (ii) uses a visual signal with emergency lights in accordance with rules made under Section 41-6a-1601, which is visible from in front of the vehicle.

### **41-6a-1506. Motorcycles -- Required equipment -- Brakes.**

(1) A motorcycle and a motor-driven cycle shall be equipped with the following items:

- (g) a **horn or warning device** in accordance with Section 41-6a-1625;

### **41-6a-1625. Horns and warning devices -- Emergency vehicles.**

(1) (a) A motor vehicle operated on a highway shall be equipped with a horn or other warning device in good working order.

(b) The horn or other warning device:

- (i) shall be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet; and
- (ii) may not emit an unreasonably loud or harsh sound or a whistle.

(c) The operator of a motor vehicle:

- (i) when reasonably necessary to insure safe operation, shall give audible warning with the horn;  
and
- (ii) except as provided under Subsection (1)(c)(i), may not use the horn on a highway.

(2) Except as provided under this section, a vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell.

(3)

(a) A vehicle may be equipped with a theft alarm signal device if it is arranged so that it cannot be used by the operator as an ordinary warning signal.

(b) A theft alarm signal device may:

- (i) use a whistle, bell, horn or other audible signal; and
- (ii) not use a siren.

(4)

(a) An authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.

(b) The type of sound shall be approved by the department based on standards adopted by rules under Section 41-6a-1601.

(c) The siren on an authorized emergency vehicle may not be used except:

- (i) when the vehicle is operated in response to an emergency call; or
- (ii) in the immediate pursuit of an actual or suspected violator of the law.

(d) The operator of an authorized emergency vehicle shall sound the siren in accordance with this section when reasonably necessary to warn pedestrians and other vehicle operators of the approach of the authorized emergency vehicle.

**41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.**

(1)

(a) A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual **noise**.

(b) A motor vehicle shall be equipped with a muffler or other effective **noise** suppressing system in good working order and in constant operation.

(c) A person may not use a **muffler** cut-out, bypass, or similar device on a vehicle.

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(4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean fuel, as defined under Section 59-13-102, when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor vehicle of the same class.

**72-6-111. Construction and maintenance of appurtenances -- Noise abatement measures.**

(1) The department is authorized to construct and maintain appurtenances along the state highway system necessary for public safety, welfare, and information. Appurtenances include highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining walls, fire hydrants, guard rails, noise abatement measures, storm sewers, and rest areas.

(2) A **noise** abatement measure may only be constructed by the department along a highway when:

(a) the department is constructing a new state highway or performing major reconstruction on an existing state highway;

(b) the Legislature provides an appropriation or the federal government provides funding for construction of retrofit noise abatement along an existing state highway; or

(c) the cost for the noise abatement measure is provided by citizens, adjacent property owners, developers, or local governments.

- (3) In addition to the requirements under Subsection (2), the department may only construct **noise** abatement measures within the unincorporated area of a county or within a municipality that has an ordinance or general plan that requires:
- (a) a study to be conducted to determine the **noise** levels along new development adjacent to an existing state highway or a dedicated right-of-way; and
  - (b) the construction of **noise** abatement measures at the expense of the developer if required to be constructed under standards established by a rule of the department.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing:
- (a) when noise abatement measures are required to be constructed, including standards for decibel levels of traffic noise;
  - (b) the decibel level of traffic noise which identifies the projects to be programmed by the commission for the earliest construction of retrofit noise abatement measures funded under Subsection (2)(b) based on availability of funding; and
  - (c) a priority system for the construction of other retrofit noise abatement measures that meet or exceed the standards established under this section and are funded under Subsection (2)(b) which includes:
    - (i) the number of residential dwellings adversely affected by the traffic noise;
    - (ii) the cost effectiveness of mitigating the traffic noise; and
    - (iii) the length of time the decibel level of traffic noise has met or exceeded the standards established under this section.

**72-6-112. Traffic Noise Abatement Program -- Uses.**

- (1) There is created the Traffic Noise Abatement Program.
- (2) The program consists of money generated from the following revenue sources:
- (a) any voluntary contributions received for traffic noise abatement; and
  - (b) appropriations made to the program by the Legislature.
- (3) The department shall use program money as prioritized by the commission and as provided by law for the study, design, construction, and maintenance of noise abatement measures.
- (4) All funding for the Traffic Noise Abatement Program shall be nonlapsing.

**47-3-2. Assumption of risk.**

Each person who participates in shooting at a shooting range accepts the associated risks to the extent the risks are obvious and inherent. Those risks include injuries that may result from noise, discharge of projectile or shot, malfunction of shooting equipment not owned by the shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.

**47-3-3. When nuisance action permitted.**

(1) Each state agency or political subdivision shall ensure that any of its rules or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any shooting range that was established, constructed, or operated prior to the implementation of the rule or ordinance regarding public nuisance unless that activity or operation substantially and adversely affects public health or safety.

(2) A person who operates or uses a shooting range in this state is not subject to civil liability or criminal prosecution for noise or noise pollution resulting from the operation or use of the range if:

(a) the range:

(i) was established, constructed, or operated prior to the implementation of any noise ordinances, rules, or regulations; and

(ii) does not substantially and adversely affect public health or safety; or

(b) the range:

(i) is in compliance with any noise control laws, ordinances, rules, or regulations that applied to the range and its operation at the time of establishment, construction, or initial operation of the range; and

(ii) does not substantially and adversely affect public health or safety.

(3) For the purposes of this section, noise generated by a shooting range that is operated in accordance with nationally recognized standards and operating practices is not a public health nuisance.

(4) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed, or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

"Shooting Range Area

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities."

**41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.**

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(b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.

(c) A person may not use a **muffler** cut-out, bypass, or similar device on a vehicle.

**41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

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(c) a **noise** control device and except for a snowmobile, a spark arrestor device; and

**41-22-13. Prohibited uses.**

No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical **noise**.

**76-9-108. Disrupting a funeral or memorial service.**

(1) As used in this section:

- (a) "Funeral procession" means a procession of two or more motor vehicles where:
  - (i) the operators of the vehicles identify themselves as being part of the procession by having the lamps or lights of the vehicle on and by keeping in close formation with the other vehicles in the procession;
  - (ii) at least one vehicle contains the body or remains of a deceased person being memorialized; and
  - (iii) the vehicles are going to or from a memorial service.
- (b) "Memorial service" means a wake, funeral, graveside service, burial, or other ceremony or rite held in connection with the burial or cremation of an individual.
- (c) "Memorial site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, grave site, mausoleum, or other place at which a memorial service is conducted.
- (d) "Disruptive activity" means:
  - (i) a **loud or disruptive oration or speech** that is not part of the memorial service;
  - (ii) the display of a placard, banner, poster, flag, or other item that is not part of the memorial service; or
  - (iii) the distribution of any handbill, pamphlet, leaflet, or other written material or other item that is not part of the memorial service.

(2) A person is guilty of a class B misdemeanor if the person, with intent to disrupt the memorial service, does any of the following during the period beginning 60 minutes immediately before the scheduled commencement of a memorial service and ending 60 minutes after the conclusion of a memorial service:

- (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the memorial site;
- (b) obstructs, hinders, impedes, or blocks a funeral procession;
- (c) makes **unreasonable noise**; or
- (d) engages in a disruptive activity within 200 feet of the memorial service.

**63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

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(5) The **Traffic Noise Abatement Program** created in Section **72-6-112**.

## POLICIES

80A2-01 Noise Abatement