

ORDINANCE 2023-19

AN ORDINANCE REGULATING SOUND IN NORTH OGDEN CITY

WHEREAS; The City has the responsibility to pass rules from time to time to regulate how property owners interact with each other; and

WHEREAS; The City wishes to provide for some exceptions to the ordinance as necessary and appropriate; and

WHEREAS; The City wishes to effectively regulate sound in the city; and

WHEREAS; The City desires to protect property values and individuals quiet enjoyment, while still accommodating necessary activities.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code be amended as follows.

SECTION 1: The North Ogden Code Title 5 Chapter 3 renamed "Sound Regulations" and rewritten as outlined below.

5-3 SOUND REGULATIONS

5-3-1 Purpose. The purpose of this chapter is to regulate sound levels in the City within acceptable limits.

5-3-2 Definitions.

Commercial Receiving Zone: The category of property which includes all commercial and industrial zones, multi-family zones, mixed use zones, and all public owned property directly adjacent to commercial and industrial zones.

Day: 7:00 a.m. to 10:00 p.m.

DECIBEL (dB): The unit of measurement for sound pressure level at a specified location. The symbol is "dB".

Events: any formally organized sporting, cultural, or other activity which has obtained an official reservation from the Parks and Recreation Department and any relevant Special Event Permits if so required.

La: The A-weighted sound level.

LAeq: The A-weighted unit equivalent continuous sound level in La (dB-SPL) measured over a stated period of time. It is the equivalent continuous sound level which contains the same sound pressure as the varying sound levels over time.

LAmaz: The maximum A-weighted sound level permitted in a receiving zone.

Night: 10:01 p.m. to 6:59 a.m.

Noise Control Officer (NCO): means any individual authorized by State or Municipal Code to enforce the laws and regulations found in State or Municipal Code. All sworn officers are by default NCOs.

Property Line: means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed.

Residential Receiving Zone: The category of property which includes all single family residential zones, and all publicly owned property surrounded by single family residential zones.

SOUND: An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

Special Event Permit – a permit required by the City for public gatherings.

5-3-3 Sound Level. No use shall create sound levels which exceed the following standards:

Receiving Zone sound levels

Land Use Classification	LAeq	LAeq 2 hr	LAeq 1 hr	LAeq 15 min	LAeq 2 min	LAmaz
Residential/Night	40	42	43	44	45	60
Residential/Day	55	70	75	80	93	108
Commercial/Night	65	66	68	71	74	77
Commercial/Day	80	81	83	90	103	118

5-3-4 Measurement.

A. Sound shall be measured at the property line of the individual concerned about the sound level.

B. Sound shall be measured on the A-weighted scale.

5-3-4 Hours enforced. The sound standards above shall be modified as follows to account for the impacts the time of day can have on the enjoyment of property.

5-3-5 Exceptions.

- A. Vehicles operated by the Police, Sheriff, and Fire Departments are exempted from this ordinance.
- B. Work undertaken by Utility companies for emergency repairs is exempted from this ordinance. Provided they are undertaking the minimum work necessary to re-establish service or make the utilities safe. All equipment must utilize mufflers or other sound dampening devices.
- C. Work undertaken to remove snow, water, or other naturally occurring materials which constitute a hazard to vehicular, bicycle, or pedestrian traffic. During night time hours, audible reverse indicators should be disabled for reverse movements which exceed five (5) seconds. All equipment must utilize mufflers or other sound dampening devices.
- D. Fireworks lit within timelines established under State Code.
- E. Any aircraft or railroad equipment operated in conformity with, or pursuant to, state statute, federal law or federal regulations, and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.
- F. Collection of Refuse shall be allowed between the hours of 6:00 a.m. and 10:00 p.m.
- G. Agricultural harvesting is permitted.
- H. Road and Utility work on UDOT Highways shall be permitted during hours as authorized by UDOT to manage traffic congestion and safety concerns.
- I. Pouring concrete is allowed for city utility projects upon the approval of the City Engineer after showing a necessity due to the size or the complexity of the concrete pour that it requires early a.m. start times. Any request for approval must also include detailed information about how the activity will impact the neighbors.

5-3-6 Additional Requirements.

- A. Construction Noise is not permitted prior to 7:00 a.m. or after 10:00 p.m.. A violation of this provision is a Class B Misdemeanor. Repeated offenses shall incur additional penalties as established in the fee schedule.

- B. Noises made by animals shall be regulated by Title 6 Chapter 1 of this code.
- C. All engines shall be operated with a muffler or other sound dampening device. Specifically, any vehicle or equipment which originally came from the manufacturer with a muffler must always be operated with a muffler in place.
- D. No individual may broadcast sound at any level which is intentionally designed to disrupt a neighboring property owner's quiet enjoyment or activity or an Event on public property.
- E. Noises caused by engine brakes ("jake brakes") are prohibited on all roads which are 6.0% or less of a grade.
- F. Individuals may not disrupt Events on public property with sound amplification devices. It is considered a disruption if sound is broadcast at a level more than 55 dBA and on the property where the Event is being held.

5-3-7 Penalties.

- A. Except as otherwise indicated a violation of any subsection of this chapter shall be considered an infraction and may also be charged under Utah Code § 76-9-102.

SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this 12th day of September 2023.

North Ogden City:



S. Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

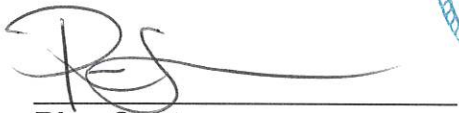
	Aye	Nay
Council Member Barker:	<u>X</u>	___
Council Member Covering:	<u>X</u>	___
Council Member Dalpias:	<u>X</u>	___
Council Member Ekstrom:	___	___
Council Member Swanson:	<u>X</u>	___

excused

(In event of a tie vote of the Council):

Mayor Berube ___ ___

ATTEST:



Rian Santoro
City Recorder

