

ORDINANCE 2018-11

AN ORDINANCE OF NORTH OGDEN CITY AMENDING REGULATIONS RELATED TO NOISE RESTRICTIONS AND ESTABLISHING REGULATIONS RELATED TO AMPHITHEATER USAGE

WHEREAS: North Ogden City has received questions and concerns regarding the noise regulations; and

WHEREAS: North Ogden City has reviewed noise issues in the municipal boundaries; and

WHEREAS: North Ogden City desires allow for performing arts activities within prescribed limits; and

WHEREAS: North Ogden City desires to promote the quiet enjoyment of individual real properties while still allowing for individuals to hold activities on private property and on public space; and

WHEREAS: North Ogden City believes it promotes the general wellbeing of the residents of the community by allowing for sounds within acceptable limits.

WHEREAS: The North Ogden City Council has reviewed the issue and determined that as a matter of good public policy that the following sound regulations be established.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 5-3-4 SOUND AMPLIFICATION DEVICES; MUSICAL INSTRUMENTS be amended to read; and North Ogden City Code 8-6-5 be retitled and amended to read; and 8-6-6 be established

SECTION 1:

5-3-4: SOUND AMPLIFICATION DEVICES; MUSICAL INSTRUMENTS

- A. Affecting Residential Premises: No person shall operate a sound amplification device or musical instrument:
 - 1. Between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. in a way that exceeds 65 dBC at the property line of a residential premises, except on the 4th of July when the hours shall be extended to eleven o'clock (11:00) P.M.; or
 - 2. In a way that at any time is offensive to a reasonable person from inside a residential premises, when all exterior doors and windows of such dwelling unit are closed.
- B. Operation In A Motor Vehicle: No person shall operate a sound amplification device within a motor vehicle parked or operated on a public street, which is offensive to a reasonable person or which causes a person to be aware of vibration accompanying the sound either:

1. At a distance of thirty feet (30') from the motor vehicle; or
 2. Within another motor vehicle on a public street, at any distance, when all doors and windows of such other vehicle are closed.
- C. Public Parks: No person shall operate a sound amplification device within a public park, which exceeds 75 dBc at a distance of seventy five feet (75') from the device, unless operated pursuant to a special permit issued under CCNO 5-3-12 of this chapter or related to Amphitheater use under CCNO 8-6-5 .
- D. Commercial Operation On Public Street Without Permit: No person shall operate a sound amplification device in a fixed or movable position or mounted upon any vehicle, in or upon a public street, for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of other sound levels/restrictions, unless a permit is first obtained under CCNO 5-3-12 of this chapter.
- E. Projection From Building On Public Street: No person shall operate in any building a sound amplification device or musical instrument, the sound wherefrom is cast directly upon a public street and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public unless a special permit issued under CCNO 5-3-12 of this chapter.
- F. Amphitheater Usage: Any activity in or around the Barker Park Amphitheater which has received a special events permit from the Parks and Recreation Department shall be exempt from the rules in this chapter, but must comply with Title 8 Chapter 6 Section 5 of this code.

8-6-5 AMPHITHEATER RULES:

The amphitheater will be used on a priority basis by North Ogden City during the show season as established by the Parks and Recreation Director. Other users may reserve the amphitheater provided all fees are paid and rules are followed. Reservation fees shall be as established in the consolidated fee schedule prior to any rental of the facility.

A. Use Number Permitted: A maximum not to exceed three (3) events or productions a week that require the use of any loudspeakers will be allowed at the amphitheater in a calendar week Sunday to Saturday.

B. Sound Level: Sound broadcast from any loudspeakers at the amphitheater may not exceed a ninety (90) dBc at the park boundaries.

1. All amplified events shall utilize the City installed sound system unless approved by the Parks and Recreation Director. If the City owned sound system is unavailable then speakers may be used which operate within the approved dBc limits.

C. End Time: All events, productions, concerts, festivals, etc., held at the amphitheater must end by ten o'clock (10:00) P.M. with the exception of the 4th of

July fireworks and corresponding show. All loudspeakers must be turned off by this time and patrons begin exiting the facility.

D. Time of Loudspeaker Use: No loudspeakers may be used to broadcast sound at the amphitheater before ten o'clock (10:00) A.M. any day of the week unless authorized for City sponsored events.

E. Outside Agreements: North Ogden City may enter into an agreement to partner with or cosponsor with any outside agency or promoter to bring events to the amphitheater when it is deemed to be beneficial to the amphitheater and a valuable opportunity.

1. All negotiations and agreements/contracts must be finalized to be official. This includes contracts with the promoter and talent agency.
2. All fees including a "per ticket" fee charged by the City to the partner/promoter must be as in the consolidated fee schedule.
3. Some or all production costs, including lights, sound, talent purchase, director's costs, etc., are to be paid by the promoter or cosponsoring agency.
4. If ticket sales are to be sold through a ticket outlet other than the current North Ogden Amphitheater ticket outlet, it must be approved by the Parks and Recreation Director and all payments for ticket sales made to the City within five (5) business days.
5. Ticket sales shall be limited to four (4) tickets per authorized Park parking space.

F. Rental By Private Contractors: The amphitheater may be rented by private contractors once the City Council has approved the facility for private rentals under the following conditions:

1. The North Ogden Amphitheater rental agreement is signed and executed by the renter and North Ogden City Parks and Recreation Director.
2. All rental fees are paid as per the consolidated fee schedule and are non-refundable within two (2) months of the event.
3. All North Ogden City police or Northview Fire staff as deemed necessary by the Parks and Recreation Director are paid for per the consolidated fee schedule.

G. Parking: All event parking must be located within an approved location as authorized by the City, and be limited to four (4) tickets per authorized Park parking space. The City is allowed to charge for parking or authorize others to charge for parking. No event parking is allowed along the southern curb of Deer Meadows Drive or the eastern curb of Barker Parkway. Homeowners in Deer Meadows Subdivision and their guests may park along the restricted curbs provided a proper permit is displayed in the window of the vehicle except on the

4th of July from nine o'clock (9:00) P.M. to eleven o'clock (11:00) P.M. Any individual violation this provision shall be a class C misdemeanor subject to all associated fines, and subject to immediate towing and impoundment of the vehicle.

H. Interference with Events: It shall be a Class B Misdemeanor for any individual to:

1. Interfere with an event;
2. Obstruct patrons from attending an event;
3. Use loudspeakers within six hundred feet of an event;
4. Attempt to gain admittance to a paid event without a ticket;
5. Use lighting or other visual methods to disrupt an event;
6. Interfere with a scheduled event in any way.

8-6-6: PENALTY

Unless otherwise specified, any person violating any provision of this chapter shall be deemed guilty of an infraction.

SECTION 2: This ordinance shall take effect upon adoption.

SECTION 3: This ordinance shall expire and revert to the previous versions within 30 days of the first amplified event at the Amphitheater unless modified or reaffirmed by the Council in a Council meeting.

PASSED and ADOPTED this 19th day of June, 2018.

North Ogden City:



**Brent Chugg
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 Stoker:	<u>X</u>	___
Council Member Swanson:	<u>X</u>	___

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

Mayor Chugg _____

ATTEST:



S. Annette Spendlove
S. Annette Spendlove, MMC
City Recorder