

## ORDINANCE 2020-20

### 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 has utilized a sound ordinance which has lost some effectiveness over time; and

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

**WHEREAS;** The City desires to add more clarity to the sound regulations while providing for adequate flexibility to account for the numerous uses and activities which routinely occur in various parts of the city.

**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.

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.

**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 11<sup>th</sup> day of August, 2020.**

**North Ogden City:**



**S. Neal Berube**  
North Ogden City Mayor

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>	
<b>Council Member Barker:</b>	<u>X</u>	—	
<b>Council Member Covering:</b>	<u>X</u>	—	
<b>Council Member Ekstrom:</b>	<u>X</u>	—	
<b>Council Member Stoker:</b>	—	—	(excused)
<b>Council Member Swanson:</b>	<u>X</u>	—	
<b>(In event of a tie vote of the Council):</b>			
<b>Mayor Berube</b>	—	—	

ATTEST:



*S. Annette Spendlove*

S. Annette Spendlove, MMC  
City Recorder