

## **NOISE CONTROL**

### **ORDINANCE NO. 06-12-2023**

**NOISE RESTRICTIONS.** AN ORDINANCE REPEALING ORDINANCE NO. 05-14-2013-1, AND ADOPTING A REVISED ORDINANCE ESTABLISHING NOISE RESTRICTIONS WITHIN EUREKA CITY LIMITS AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

**WHEREAS**, Eureka City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of Eureka, Utah;

**WHEREAS**, THE Eureka City Council finds it is in the best interest of the City to amend the existing noise restrictions within the City boundaries;

**WHEREAS**, the Eureka City Council finds that the adoption of this ordinance would further promote the public health, safety, and welfare of the city.

**NOW THEREFORE**, be it ordained by the City Council of Eureka, Utah that:

### **PART I TEXT OF ORDINANCE**

1. Eureka City Ordinance No. 05-14-2013-1 is hereby repealed and replaced as follows:

Section 1. Prohibited Noise. It is unlawful for any person to willfully or with reckless disregard create the following noise disturbances within the City:

- a. Horns and Signaling Devices: To make, cause, or permit the sounding of 1) any horn or audible signaling device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal or traffic warning as provided under the Utah motor vehicle act; 2) create by means of any such signaling device any unreasonably loud or harsh sound; or 3) sound any such device for an unnecessary or unreasonable period of time.
- b. Truck Idling: To operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds' manufacturer's gross vehicle weight (GVA) for a period in excess of ten (10) minutes when such vehicle is: 1) parked on a residential premises; 2) within one hundred feet (100') of a residential structure; or 3) on a public street adjacent to a residential premises. Vehicles confined and operated within an enclosed structure or vehicles actively engaged in construction activity shall not be subject to the provisions of this subsection.

- c. Motor Vehicle and Off-Road Vehicle Operation: To operate or permit the operation of a motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of any unnecessary rapid acceleration, deceleration, engine revving or tire squealing.
- d. Sound Amplification or Musical Instruments: To operate or allow to be operated a sound amplification device in a way that is clearly audible inside of a residential premises or commercial establishment when all exterior doors and windows of such dwelling unit or commercial establishment are closed unless the sound amplification device or musical instrument is operated pursuant to a Special Event Permit issued by Eureka City or an event sanctioned by Eureka City.
- e. Motor Vehicle Sound Amplification. To operate a sound amplification device (i.e. speakers, public address system, musical instruments) within a motor vehicle parked or operated on a public street, which is clearly audible or which causes a person to be aware of vibration accompanying the sound either:
  - i. At a distance of thirty feet (30') from the motor vehicle; or
  - ii. Within another motor vehicle on a public street, at any distance, when all doors and windows of such other vehicle are closed.
- f. Public Parks. To operate a sound amplification device within a public park, which is clearly audible at a distance of seventy five feet (75') from the device, unless operated pursuant to a Special Event Permit issued by Eureka City or an event sanctioned by Eureka City.
- g. Commercial Operation On Public Street Without Permit. To 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, or lectures to any persons or assemblages of persons unless a permit has been obtained by Eureka City. City, EMS, Fire and Law Enforcement are exempt from this restriction when acting in the course of a lawful function.
- h. Engine Brakes: The use of engine brakes, also known as "jake brakes."

Section 2. Regulated Noise. It shall be unlawful to cause, permit or perform the following acts within the City during the regulated times when said acts reasonably create a disturbance:

- a. Sound Amplification or Musical Instruments: To operate or allow to be operated a sound amplification device in a way that is audible at the property line of the

premises between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M.

- b. Construction Equipment Or Activity: To operate construction equipment or to perform construction activity, except as required for emergencies, shall only be allowed between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. on weekdays or between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on weekends.
- c. Power Equipment. To operate any power equipment between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. unless there is a power outage of more than 6 hours and or power is required for heating or any medical necessity when primary power is unavailable. No power generation equipment shall be used as primary source of power. This section does not apply to power generated by wind or solar.

Section 3. Penalty. Any person violating any of the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00). A person who commits a subsequent violation of any provision of this chapter shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall forfeit his permit and be punishable by a fine not to exceed seven hundred fifty dollars (\$750.00), or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.

## **PART II**

### **CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION**

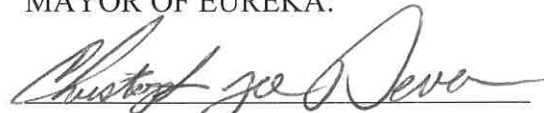
**SECTION 1. Conflicting Provisions.** Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution, or part thereof, the more stringent shall prevail.

**SECTION 2. Provisions Severable.** This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the ordinance shall not be affected thereby.

This amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

PASSED AND ADOPTED THIS 12<sup>TH</sup> DAY OF JUNE, 2023.

MAYOR OF EUREKA:

  
CHRISTOPHER J. DEVER

ATTEST:

  
CITY RECORDER