

**MENDON CITY
ORDINANCE 2024-02**

AN ORDINANCE OF THE CITY COUNCIL OF MENDON, UTAH, AMENDING SECTION 18.00 OF THE MENDON CITY ZONING CODE AND 8.08.080 OF THE MENDON CITY MUNICIPAL CODE, REGULATING THE NOISE RESTRICTIONS AND GENERAL QUIET HOURS WITHIN THE CITY OF MENDON

WHEREAS, the Mendon City Council is passing an ordinance regulating the noise restrictions and general quiet hours with the city of Mendon; and

WHEREAS, Mendon City desires to adopt the following with the applicable attachments provided herein;

NOW, THEREFORE, be it ordained by the mayor and City Council of Mendon City, in the State of Utah, as follows:

SECTION 1: ADOPTION The Mendon City Zoning Ordinance 18.00 and 8.08.080 identified here as 2024-02 attached hereto as Exhibit "A", is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith prior to the date of this Ordinance, are hereby repealed, subsumed, and replaced with the exhibit adopted herein.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and in effect from October 10, 2024 and after the required approval and publication according to law.

PASSED AND ADOPTED ON THE 10th day of October, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Ed Buist <i>N/A</i>	_____	_____	_____	_____
Jon Hardman	<u> x </u>	_____	_____	_____
Bob Jepsen	<u> x </u>	_____	_____	_____
Ian Nemelka	<u> x </u>	_____	_____	_____
Amy Garbe	<u> x </u>	_____	_____	_____
Brian Myers	<u> x </u>	_____	_____	_____

Presiding Officer


Ed Buist, Mayor, Mendon City

Attest


James N. Cannon, City Recorder for Mendon City



Exhibit A

18.13 NOISE REGULATIONS

8.13.010 Findings and Authority

The city council finds that:

- Excessive and unreasonable noise constitutes a nuisance and may be injurious to health and the quiet enjoyment of property.
- The reasonableness of noise and sounds depends on the location, time, type, and purpose of the sound.
- The City has authority pursuant to Utah Code 10-8-47, 10-8-60, and 10-8-76 to declare unreasonable noise as defined by this chapter to be a nuisance and to regulate and restrain the same based on the location, time, type, and purpose of the sound.

0.00.020 Definitions

The following definitions apply to this chapter:

1. "A-Weighted Sound Pressure Level" means the sound pressure level as measured with a sound level meter using the A-weighting network denoted as dBA.
2. "Ambient Sound" means the sound pressure level which represents the summation of the sound from all the discrete sources affecting a given site over a given measurement period which shall not be less than 10 minutes exclusive of the source under investigation.
3. "Daytime" means the hours between 7:00 AM and 10:00 PM.
4. "Nighttime" means the hours between 10:00 PM and 7:00 AM.
5. "Noise" means sound that may be harmful to health and quality of life.
6. "Noise Level" means the level of sound measured over a period of not less than 10 minutes.
7. "Tenth Percentile Noise Level" means the A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period such as the level that is exceeded for 1 minute in a 10-minute period, which includes both continuous noise and repetitive or impulse sounds that result in similar noise levels.
8. "Ninetieth Percentile Noise Level" means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period such as the level that is exceeded for 9 minutes in a 10-minute period, which includes both continuous noise and repetitive or impulse sounds that result in similar noise levels.
9. "Owner" means any person who alone or jointly and severally with others has legal title to any premise, dwelling, or dwelling unit or has charge, care, or control of any premises, dwelling, or dwelling unit as legal or equitable owner, agent of the owner, or is an executor, administrator, representative, trustee, or guardian of the estate of the owner.
10. "Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau, or agency thereof, municipal corporation, county, city, or any legal entity recognized by the law.

11. "Pet(s)" shall refer to animals kept primarily for companionship or personal enjoyment by an individual or family. This excludes animals kept for agricultural purposes or family food production as defined in Section 1.16 of the Mendon City Zoning Code.
12. "Receiving property" means any property, including an individual unit of a multi-dwelling or multi-use property, that is adversely affected by noise transmitted by another property or from another unit within the same multi-dwelling or multi-use property.
13. "Type A Property" means a property used solely for residential purposes.
14. "Type B Property" means a property used for any other use allowed in Mendon City, including but not limited to agriculture, retail, offices, repair, restaurants, gasoline stations, and more.

0.00.030 Regulation of Noise

Noise. The making and creation of unreasonable noise as set forth below is hereby declared to be a public nuisance and may be abated, regulated, and controlled as such.

A. No person shall emit nor shall any person cause, allow, permit, or fail to control the emission of any noise source to exceed the allowable Ninetieth Percentile Noise Level for the type of property from which the noise emits when measured at the receiving property. Measurements are taken at the location of the complainant.

a. Type A Property:

- i. Daytime: 60 dBA
- ii. Nighttime: 50 dBA

b. Type B Property:

- i. Daytime: 70 dBA
- ii. Nighttime: 60 dBA

B. The maximum sound levels are reduced by 5 dBA for stationary sources of sound that emit continuous sounds that continue for at least 10 minutes or more, pure tones of a consistent pitch, or repetitive or impulse sound that result in similar noise levels at reasonably uniform intervals of time.

a. Dogs are not measured by decibel. Dogs are measured by regularity and repetition. Additionally, dogs are measured by repeated barking in a 30-minute time period or 10 minutes of unabated barking.

b. At night, dogs are measured by 5 minutes of continuous barking or any repeated intervals of barking.

C. No person shall emit nor shall any person cause, allow, permit, or fail to control the emission of any stationary source of sound that creates a tenth percentile sound pressure level greater than 15 dBA above the ambient sound pressure level of any measurement period.

D. Notwithstanding the regulations above, all construction of Type A or Type B properties is limited to hours of 7:00 AM to 7:00 PM. This includes all outdoor excavation, earthwork, landscaping (landscaping is understood to be in relation to construction type circumstances, not regular yard maintenance), mining, quarrying, and rock breaking, chipping, drilling, and blasting. The only exception is construction that can be totally contained within an enclosed structure and comply with all noise limitations and City lighting regulations.

0.00.040 Exceptions

The following shall be exempt from these regulations:

- A. Agricultural operations including agricultural equipment and livestock kept as part of an agricultural operation.
- B. Emergency events, equipment, and vehicles.
- C. Commercial or personal emergency generators operating only during power failure or outage.
- D. Fireworks and explosives in accordance with state and local regulations.
- E. Heating, Ventilation, and Air Conditioning (HVAC) systems if the system is in good repair and operating within the manufacturer's specifications.
- F. City, school, or other government-approved events within the parameters of such approvals.
- G. Snow removal equipment.
- H. Temporary or short-term use of equipment or machinery for construction, maintenance, or cleaning during daytime hours.
- I. Any emergency construction or repair of public utilities and transportation infrastructure including water, sewer, electrical, communication, data, gas, and roadways.
- J. The normal operation and maintenance of city public facilities such as water and wastewater treatment plants and pumping.
- K. The construction of critical city water resources including drilling and the development of wells, springs, etc.
- L. Other temporary exceptions may be granted with the approval of the City. In granting exceptions, the City shall strive to limit the amount of noise generated or allowed during nighttime hours.

0.00.050 Enforcement

Violations of this chapter may be enforced by any means available to the city including by abatement, civil citation, or criminal prosecution, and business license forfeiture.

Criminal Penalty. Violations of this chapter shall constitute a class "C" misdemeanor. Each day that the violation continues shall constitute a separate offense.

Civil Penalty. The maximum civil penalty and fine that may be imposed by the city for a violation of this chapter shall not exceed the amount established in state law for a class "C" misdemeanor. Each day a civil violation continues shall constitute a separate offense.

Limitation on Penalties for Residences: For violations pertaining to an individual's use of their residence, the criminal penalty shall be classified as an infraction, and the fine for a civil penalty shall be the maximum allowed for an infraction unless the City has imposed a fine on the individual for a violation involving the same residence on at least three previous occasions within the past 12 months. In no event shall an individual be issued an infraction.

Penalties for Dog-Related Violations: For violations pertaining to an individual's dog, the criminal penalty shall be classified as an infraction. Each incident involving the dog, and its owner will be treated as a separate offense. The City has established a rising fine structure for repeated offenses, with no more than two warnings before the dog is fined and the animal shall be impounded.

Number of Offense

Associated Fine & Penalty

<i>Number of Offense</i>	<i>Associated Fine & Penalty</i>
<i>1st Offense</i>	<i>\$100.00 and impounded</i>
<i>2nd Offense</i>	<i>\$150.00 and impounded</i>
<i>3rd Offense</i>	<i>\$200.00 and impounded</i>

Once the fining process begins, no further warnings will be issued. The City shall also set a limit on the number of times a pet can be retrieved from the pound, not to exceed three visits. Once the retrieval limit is reached, the dog may no longer be reclaimed by its owner.

8.08.080 Noise Regulations

Findings and Authority

The city council finds that:

- A. Excessive and unreasonable noise constitutes a nuisance and may be injurious to health and the quiet enjoyment of the property.
- B. The reasonableness of noises and sounds depends on the location, time, type, and purpose of the sound.
- C. The City has authority pursuant to Utah Code 10-8-47, 10-8-60, and 10-8-76 to declare unreasonable noise as defined by this chapter to be a nuisance and to regulate and restrain the same based on the location, time, type, and purpose of the sound.

Definitions

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