



CITY OF
REXBURG
America's Family Community

Construction & Other Noises

Resolution 2014 – 11

LET IT BE KNOWN TO ALL PERSONS OF the City of Rexburg that Construction Noise and other noises including snow removal equipment are allowed by the city of Rexburg's noise policy. A noise variance for construction outside the regular hours may be granted for short periods of time, following Staff review. Certain types of construction – including some interior work – are allowed at any time.

- A. Construction noise on property in the Residential Zones, from construction sites, including but not limited to sounds from construction equipment, power tools and hammering before 7:00 a.m. and after 10:00 p.m. are prohibited. Construction noise on Sunday's before 9:00 a.m. and after 10:00 p.m. are prohibited;
- B. Construction activity may be permitted outside the hourly limits set forth in subsection (A) upon application and approval by the city Community Development Director. Criteria for approval shall include project remoteness, undue hardship or other reasonable standards. Approval may only be for specific dates and times and other compelling reasons. The applicant must show the city that the need for expansion of the hours is caused by circumstances of an unforeseen and emergency nature or circumstances where there are no other reasonable alternatives other than the relief requested. Approval may only be for specific dates and times and under terms that the approving official deems appropriate under the circumstances;
- C. The request for the expansion of the hours for construction related noise shall be made in writing to the Community Development Director, on forms available from the planning and development department. Decisions of the

Community Development Director on such requests may be appealed based solely on the above criteria by a party affected by the decision to the city's city council;

- D. It is further provided that the mayor or designee shall be entitled to exempt from the provisions of this subsection (A) public agency projects involving work in public rights-of-way, right-of-way agreements and right-of-way permits, where noise is addressed as a condition of approval or agreement;
- E. Sounds originating from residential property relating to temporary projects performed by the homeowner for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, and any other power motorized equipment before 7:00 a.m. and after 10:00 p.m. on any day of the week except Sunday and before 9:00 a.m. and after 10:00 p.m. on Sundays;
- F. Continuing and/or ongoing sounds from nonemergency motor vehicles audible more than 25 feet away from the vehicle located on or in the vicinity of residential property, which sounds reasonably cause the annoyance or disturbance of two or more neighbors not residing at the same address, due to the ongoing or repetitive nature of the sounds, or the very early or very late hours of the sounds. For the purposes hereof, sounds coming from motor vehicles, including but not limited to engine sounds, horn sounds, hydraulic or air break sounds, or other equipment located on the motor vehicle or attached trailer, that are audible more than 25 feet away from the vehicle located on or in the vicinity of residential property, from 10:00 p.m. to 7:00 a.m. on any day of the week except Sunday and from 10:00 p.m. to 9:00 a.m. on Sundays, shall be presumed to be a public disturbance noise. Such presumption shall only be rebutted upon a showing before the adjudicatory body that the noise was caused by circumstances of an unforeseen and emergency nature.
- G. Continuing and/or ongoing sounds from stereos, radios, televisions, or any musical instruments audible more than 25 feet away which sounds reasonably

cause the annoyance or disturbance of two or more neighbors not residing at the same address, due to the ongoing or repetitive nature of the sounds, or the very early or very late hours of the sounds. For the purposes hereof, sounds coming from musical or viewing devices that are audible more than 25 feet away from 10:00 p.m. to 7:00 a.m. on any day of the week except Sunday and from 10:00 p.m. to 9:00 a.m. on Sundays, shall be presumed to be a public disturbance noise.

H. It is also unlawful, and a violation of this policy, for the owner or other person having control or custody of any dog, cat, or other animal to allow such dog, cat, or other animal to habitually howl, yelp, bark, or make other noises which unreasonably disturb another person.

I. Exclusion. This Resolution shall not apply to community events such as parades, regularly scheduled fireworks lawfully discharged within the city, events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 11:00 p.m.... This Resolution shall also not apply to public safety training activities between the hours of 7:00 a.m. and 11:00 p.m.

BE IT RESOLVED that Resolution 2014 – 11 is hereby approved and adopted by the City Council of the City of Rexburg this 6th day of August, 2014.

This Resolution shall take effect August 6th, 2014.

Richard S. Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk