

SALT LAKE VALLEY HEALTH DEPARTMENT

HEALTH REGULATIONS

#21

NOISE CONTROL

Adopted by the Salt Lake Valley
Board of Health
September 6, 1984
Amended August 1, 1991
Amended December 7, 1995
Amended May 3, 2001

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953 as amended

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SALT LAKE VALLEY HEALTH DEPARTMENT

HEALTH REGULATIONS

#21

NOISE CONTROL

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1.0 DEFINITIONS

- 1.1 A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound-level meter using the A-weighted network. The standard notation is dB(A) or dBA.
- 1.2 Ambient Sound Pressure Level: The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeding 90 percent of the time based on a measurement period, which shall not be less than 10 minutes.
- 1.3 Continuous Sound: Any sound that exists, essentially without interruption, for a period of 10 minutes or more.
- 1.4 Cyclically Varying Noise: Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- 1.5 Decibel: Logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB.
- 1.6 Department: The Salt Lake Valley Health Department.
- 1.7 Device: Any mechanism that is intended to produce, or that actually produces noise when operated or handled.
- 1.8 Director: The Salt Lake Valley Health Department Director of Health or authorized representative.
- 1.9 Dynamic Braking Device: a Device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as a “Jacob’s Brake.”
- 1.10 Emergency Vehicle: A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- 1.11 Emergency Work: Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- 1.12 Impulsive Noise: A noise containing excursions usually less than one second, or a sound-pressure level using the fast meter characteristics.

- 1.13 Motor Vehicle: Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bike, go-carts, snowmobiles and racing vehicles.
- 1.14 Muffler: An apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound.
- 1.15 Ninetieth Percentile Noise Level: 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. It is abbreviated L90.
- 1.16 Noise: Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- 1.17 Noise Disturbance: Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).
- 1.18 Owner: Any person who alone or jointly or severally with others:
- (a) has legal title to any premise, dwelling, building, or structure with or without accompanying actual possession thereof; or
 - (b) has charge, care, or control of any premise, dwelling, building, or structure as legal or equitable owner or agent of the owner, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 1.19 Person: Any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any of its departments or political subdivisions, institution, bureau or agency thereof, county, city, or any legal entity that is recognized by the law.
- 1.20 Plainly Audible Noise: Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- 1.21 Property Boundary: An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

- 1.22 Public Right-of-Way: Any street, avenue, boulevard, highway, alley, or similar place that is owned or controlled by a public or governmental entity.
- 1.23 Pure Tone: Any sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measure, a pure tone shall consist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for frequencies of 500 Hz and above, by 8dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz.
- 1.24 Repetitive Impulsive Noise: Any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at “fast” meter characteristic will show changes in sound pressure level greater than 10 dB(A).
- 1.25 Sound: A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distant points.
- 1.26 Sound Level Meter: An instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter or visual display or both, and weighted networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level if properly calibrated and is of type 2 or better as specified in American National Standards Institute Publication. S1. 4-1971 or its successor publications.
- 1.27 Sound Pressure: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.
- 1.28 Sound Pressure Level: Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals and abbreviated LP or SPL.
- 1.29 Stationary Noise Source: Any device, fixed or movable, that is located or used on property other than a public right-of-way.
- 1.30 Steady Noise: A sound pressure level that remains essentially constant during the period of observation and does not vary more than 6 dB(A) when measured with the “slow” meter characteristic of a sound level meter.

- 1.31 Tenth Percentile Noise Level: 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 to 1 minute in a 10 minute period) and is denoted L10.
- 1.32 Use District: Those districts established by the zoning ordinances of Salt Lake County or the appropriate city's zoning ordinance.

2.0 PURPOSE

These rules and regulations establish minimum standards:

- 2.1 To reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Salt Lake County;
- 2.2 To prevent the making, creation, or maintenance of such excessive, unnecessary or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, and that effect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of Salt Lake County; and
- 2.3 To secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the inhabitants of Salt Lake County.

3.0 JURISDICTION

All noise control enumerated in Section 2.0 shall be subject to the direction and control of the Department.

4.0 POWERS AND DUTIES

The Department, by the Director, shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall:

- 4.1 Make inspections of any premises and issue orders as necessary to effect the purpose of these regulations; and
- 4.2 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

5.0 SCOPE

It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.

6.0 EMERGENCY ORDERS

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or well being, the Director may issue an order declaring the existence of an emergency and require that remedial action be taken. The order shall be effective immediately, but on application to the Department, the recipient of the order shall be granted a hearing in 48 hours before the Director. On the basis of the hearing and not more than 24 hours after the adjournment of the hearing, the Department shall continue in effect, modify, or revoke the order.

7.0 GENERAL PROHIBITION OF NOISE

In addition to the specific prohibitions outlined in Sections 8.0, 9.0, 13.0, and 17.3 of these rules and regulations, it shall be unlawful for any person to produce, continue or cause to be produced or continued, any noise disturbance within the limits of Salt Lake County or any city therein.

8.0 SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations:

- 8.1 Horns and Signaling Devices. The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the county, except as a danger warning signal as provided in the Vehicle Code of the State of Utah.
- 8.2 Radios, Television Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices. Using, operating or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound:
 - (a) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible at the property boundary of the source; or
 - (b) on public property or on a public right-of-way at any time so as to be plainly audible 50 feet (15.25 meters) from the device.
 - (c) Permits to exceed the limits of Section 8.2 (a) and (b) may be issued for special events by the Director.
- 8.3 Public Loudspeakers. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any

sound vehicle in or upon any street, alley, sidewalk, park, place, or public property 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 Section 9.0, or cause a noise disturbance, unless a permit is first obtained as provided by Section 12.0.

- 8.4 Hawkers and Peddlers. Selling anything by outcry within any area of the County or any city therein zoned primarily for residential uses in such a manner as to violate Section 9.0. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar public entertainment events.
- 8.5 Animals. Owning, keeping, possessing, or harboring any animals that, by frequent or habitual noise making, violates Section 9.0. The provisions of this section shall apply to all private and public facilities, including any animal pounds that hold or treat animals.
- 8.6 Loading Operation. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of 10 p.m. and 7 a.m.
- 8.7 Construction Work. Operating or causing to be operated by equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto:
- (a) in residential or commercial land use districts between the hours of 10 p.m. and 7 a.m.; or
 - (b) in any land use district where such operation exceeds the sound level limits for an industrial land use as set forth in Section 9.0.
- 8.8 Domestic Power Equipment. Operating or permitting the operation of any power equipment rated 5 horsepower or less in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment, or snow removal equipment for home or building repair or ground maintenance:
- (a) outdoors between the hours of 10 p.m. and 7 a.m.; or
 - (b) any such power equipment that emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15.25 meters).

- 8.9 Commercial Power Equipment. Operating or permitting the operation of any power equipment rated more than 5 horsepower, including but not limited to, chain saws, pavement breaker, log chippers, powered hand tools, except equipment used for construction activities:
- (a) in residential or commercial land use districts between the hours of 10 p.m. and 7 a.m.; or
 - (b) in any land use district if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15.25 meters) from the source.
- 8.10 Enclosed Places of Public Entertainment. In any place of public entertainment, permitting the operation of any loudspeaker or other source of sound which produces, at a point that is normally occupied by a customer maximum sound pressure level of 100 dB(A) as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least 225 square inches in area is posted near each public entrance stating in large letters "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in violation of Section 9.0 of these rules and regulations.
- 8.11 Fireworks or Explosives. The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way, without first obtaining a permit as provided by Section 12.0. The provision shall not be construed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.
- 8.12 Racing Events. Permitting any motor vehicle racing event at any place in violation of Section 9.0, without first obtaining a permit as provided by Section 12.0.
- 8.13 Powered Model Mechanical Devices. Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices, between the hours of 10 p.m. and 7 a.m. or in such a way as to violate Section 9.0.
- 8.14 Dynamic Braking Devices. Operating any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger.
- 8.15 Defect in Vehicle. Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair

or mode of operation violates Section 9.0.

- 8.16 Refuse Compacting Vehicles. Operating, causing, or permitting the operation or use of any refuse compacting vehicle that creates a sound pressure level in excess of 74 dB(A) at 50 feet (15.25 meters).
- 8.17 Garbage Collection. Collecting garbage, waste, or refuse between the hours of 10 p.m. and 7 a.m.
- (a) in any area zoned residential or within 300 feet of an area zoned residential; or
 - (b) in any land use district so as to cause a noise disturbance.
- 8.18 Standing Motor Vehicles. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 9.0, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- 8.19 Quiet Zones. Creating noise in excess of the residential standard as defined in Section 9.0 within the vicinity of any school, hospital, institution of learning, court, or other designated areas that requires exceptional quiet while in session. Conspicuous signs shall be displayed in the streets indicating that the same is a quiet zone.
- 8.20 Bells and Alarms. Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental buildings that fail to meet the standards in Section 9.0 for longer than 5 minutes in any hour.
- 8.21 Fixed Siren, Whistles and Horns. Sounding or causing the sounding of any whistle, horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of Section 9.0, except as a sound signal of imminent danger.
- 8.22 Recreational Vehicles and Snowmobiles.
- (1) Operating a recreational vehicle or snowmobile in a way that violates Section 9.0; or
 - (2) Selling or operating within Salt Lake County any recreational vehicle or snowmobile built after model year 1977 unless the vehicle produces no more than a maximum sound level of 82 dB(A)

at 50 feet (15.25 meters) from the source.

9.0 USE DISTRICT NOISE LEVELS

9.1 Maximum Permissible Sound Levels.

- (a) It shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary noise source of sound creating a ninetieth percentile sound pressure level (L90) for any measurement period (not less than 10 minutes unless otherwise provided in these regulations) that exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise:

| <u>Use District</u> | <u>10 p.m. - 7 a.m.</u> | <u>7 a.m. - 10 p.m.</u> |
|-------------------------|-------------------------|-------------------------|
| Residential | 50 dB(A) | 55 dB(A) |
| Commercial-Agricultural | 55 dB(A) | 60 dB(A) |
| Industrial | 75 dB(A) | 80 dB(A) |

- (b) When a noise source can be identified and measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

9.2 Correction for Duration of Sound.

- (a) It shall be a violation of these rules and regulations for any person to operate or permit the operations of any stationary source of sound within any land use district that creates a tenth percentile sound pressure level (L10) of 15 dB(A) greater than the levels set forth for the receiving land use districts in Section 9.1 for any measurement period. Such period shall not be less than 10 minutes.
- (b) Notwithstanding the requirements of Section 9.2(a), it shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound within any land use district that creates a tenth percentile sound pressure level (L10) greater than 15 dB(A) above the ambient sound pressure level (L90) of any measure period. Such period shall not be less than 10 minutes.

9.3 Correction for Character of Sound.

- (a) For any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Section 9.1 shall be reduced by 5 dB(A).
- (b) Notwithstanding compliance with Section 9.3(a), it shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound that creates a noise disturbance.

10.0 SOUND LEVEL MEASUREMENT

Sound level measurements shall be made with a sound level meter using the "A" weighted scale in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the Department.

11.0 EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- 11.1 Noise of safety signals, warning devices and emergency pressure relief valves;
- 11.2 Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- 11.3 Noise resulting from emergency work;
- 11.4 Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday or used with specific approval of the appropriate local governing body.
 - (a) For special events not including regular holidays involving fireworks approved by the local governing body, notice of the event shall be provided to the Department at least seven days prior to the event.
 - (b) Fireworks and noisemakers may not be approved by a local governing body beyond 10:30 p.m; and
- 11.5 Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the Director in

accordance with Section 12.0.

12.0 PERMITS

- 12.1 Applications for a permit for relief from the noise restrictions in these rules and regulations on the basis of undue hardship may be made to the Department. Any permit granted by the Director shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level or equipment limitation. The requested relief may be granted upon good and sufficient reason showing:
- (a) that additional time is necessary for the applicant to alter or modify his activity or operation to comply with these rules and regulations;
 - (b) that the activity, operating, or noise source will be of temporary duration and cannot be performed in a way that would comply with these rules and regulations; and
 - (c) that no reasonable alternative is available to the applicant.
- 12.2 The Director may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.
- 12.3 The sponsor of a special event, including professional fireworks displays, seeking relief from the noise restrictions in these regulations or local municipal codes, must first submit their request to the appropriate municipality.
- (a) The Department shall review requests for relief from noise restrictions associated with special events if forwarded by a municipality within Salt Lake County.
 - (b) The request shall include:
 - (i) the date(s), time and duration of the event;
 - (ii) the location of the event;
 - (iii) the sponsor of the event;
 - (iv) contact information for the event operator;

- (v) a description of the event and the types of noise-making activities expected;
 - (vi) a map of the event location and the probable location of any stage, speakers, or mixing boards if applicable;
 - (vii) identification of surrounding zoning districts and any anticipated “sound sensitive” neighbors;
 - (viii) a completed Health Department Temporary Mass Gathering Permit application form or equivalent information;
 - (ix) a request by the municipality for review by the Health Department and containing their recommendations; and
 - (x) any fees that may be required.
- (c) The Department shall receive this request at least 30 days prior to the event.
 - (d) The Department shall review the request and make recommendations to minimize impacts on the surrounding incorporated or unincorporated areas.
 - (e) The Department shall return the request with its recommendations to the municipality.
 - (f) The municipality’s final review and recommendation for approval or denial shall be filed with the Department at least 10 business days prior to the scheduled event and shall include:
 - (i) any changes to the original application; and
 - (ii) any variations to the Department’s recommendations that the municipality has approved.
 - (g) The Department may issue a permit if the municipality incorporates the recommendations made by the Department. If the Department’s recommendations are not adopted by the municipality, a permit shall not be issued until the request, the Department’s recommendations, and the municipality’s position are reviewed by the Board of Health.
 - (h) The mayor or executive officer shall assume full and complete responsibility for responding to any noise-related matters

associated with the events approved by the municipality.

- (i) A fee may be charged for the plan review.

13.0 MOTOR VEHICLE NOISE

13.1 No person shall drive, move, or knowingly permit to be driven or moved a motor vehicle or combination of vehicles exceeding the following noise limits for the category of motor vehicle shown below at any time. Noise shall be measured at a distance of at least 25 feet (7.62 meters) from the near side of the nearest lane(s) being monitored and at a height of at least 4 feet (1.22 meters) above the immediate surrounding surface.

| | Sound Pressure Level, dB(A) | |
|---|-------------------------------|----------------------------|
| | Speed limit 40 mph or less | Speed limit over 40 mph |
| Motor vehicles with a manufacturers gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more or any combination of vehicles towed by such motor vehicle. | 90 | 94 |
| Any other motor vehicle or any combination of vehicles towed by any motor vehicle | 80 | 84 |

13.2 Section 13.0 shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these rules and regulations concerning motor vehicle mufflers for noise control.

13.3 No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:

- (a) free from defects that effect sound reduction;
- (b) equipped with a muffler or other noise dissipative device; and
- (c) not equipped with any cut out, bypass or similar device.

14.0 ENFORCEMENT RESPONSIBILITY

The Department shall have primary, but not exclusive, enforcement responsibility for these rules and regulations as it concerns stationary sources. A municipality may have enforcement responsibility for a stationary source operating under an approved special permit. Enforcement responsibility for vehicular sources shall be shared between the Department and appropriate law enforcement agencies.

15.0 CONTRACTS

Neither Salt Lake County nor any city within its boundaries shall enter into any written agreement, purchase order, or instrument requiring a commitment for the expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination thereof, unless the agreement, purchase order, or instrument contains provisions of these rules and regulations and will be operated, construed, conducted, or manufactured in compliance therewith.

16.0 NOTICE

- 16.1 Department to notify owner(s) of others of violations. If the Director has inspected any real property, personal property, or person and has found and determined that the property or person is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof.
- 16.2 Department to issue written notice of violations. Prior to initiating a court complaint for the violation of these rules and regulations, the Department shall issue a notice pursuant to Section 16.1 and shall:
- (a) describe the property;
 - (b) give a statement of the cause for its issuance;
 - (c) set forth an outline of the remedial action that complies with the provisions of these regulations; and
 - (d) set a reasonable time for the performance of any required remedial act.
- 16.3 Department to serve notice. The Department shall service notice pursuant to Sections 16.1 and 16.2 upon the owner(s) of the property or other responsible person(s) of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:

- (a) served in person;
- (b) sent by certified mail to the last known address of the owner or other responsible person(s); or
- (c) published in a newspaper of general circulation.

17.0 ENFORCEMENT

- 17.1 Department to ensure compliance. It shall be the duty of the Director, upon the presentation of proper credentials, to make inspections of any property on or where noise disturbance is or may occur as is necessary to ensure compliance with these regulations.
- 17.2 Inspection made with consent. Departmental inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.
- 17.3 Additional remedies. Any violation of Sections 7.0 through 13.0 of these rules and regulations is declared to be a nuisance and may be subject to summary abatement by a restraining order or injunction issued by a court of competent jurisdiction.
- 17.4 Owner(s) may request a factual report of inspections. Upon request, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to this compliance status.

18.0 RIGHT TO APPEAL

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request is received. A written notice of the Director's final determination shall be given 10 calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.

19.0 PENALTY

- 19.1 Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-24-22, Utah Code Annotated, 1953, as amended. If a

person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor, pursuant to Section 26A-24-22, Utah Code Annotated, 1953 as amended.

- 19.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 19.3 The city attorney, or if appropriate the county attorney or district attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.
- 19.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

20.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provision or application and to this end the provisions of these regulations are hereby declared to be severable.

21.0 EFFECTIVE DATE

These rules and regulations shall become effective after their adoption by the Salt Lake Valley Board of Health on May 3, 2001.

APPROVED AND ADOPTED this 1 day of August , 2002.

SALT LAKE VALLEY BOARD OF HEALTH

BY: _____
Barbara Thomas, Chair

ATTEST:

Patti Pavey, M.S., Executive Director
Salt Lake Valley Health Department