

PARK CITY MUNICIPAL CODE

TABLE OF CONTENTS

TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE

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CHAPTER 1 - ABATEMENT OF GARBAGE AND OTHER DELETERIOUS

MATERIAL.....	6-1
6- 1- 1. DISPOSAL REQUIRED.	6-1
6- 1- 2. FIRE MARSHALL.	6-1
6- 1- 3. NOTICE TO PROPERTY OWNERS.	6-1
6- 1- 4. NEGLECT OF PROPERTY OWNERS.	6-2
6- 1- 5. COSTS OF REMOVAL INCLUDED IN TAX NOTICE.	6-2
6- 1- 6. USE OF PUBLIC TRASH RECEPTACLES.	6-3
6- 1- 7. LITTERING PROHIBITED.	6-3
6- 1- 8. HAULING OF REFUSE TO BE IN CLOSED CONTAINER OR COVERED VEHICLE.....	6-3
6- 1- 9. CITY APPROVAL OF DUMPSTER SITES.	6-3
6- 1-10. USE OF PRIVATE DUMPSTERS OR TRASH RECEPTACLES.	6-3
6- 1-11 COLLECTION TIME-PLACEMENT OF PRIVATE TRASH RECEPTACLES.....	6-3
6 1-12 IDENTIFICATION AND LABELING OF PRIVATE TRASH RECEPTACLES.....	6-4

CHAPTER 2 - BURGLARY AND ROBBERY ALARMS 6-4

6- 2- 1. DEFINITIONS.	6-4
6- 2- 2. NOTIFICATION REQUIRED.	6-4
6- 2- 3. FALSE ALARMS.....	6-4
6- 2- 4. CASH DEPOSIT TO BE POSTED.	6-5
6- 2- 5. PRIVATE SECURITY RESPONSE.	6-5
6- 2- 6. PENALTY.	6-5
6- 2- 7. DIRECT ACCESS ALARM SYSTEMS.	6-6

CHAPTER 3 - NOISE 6-7

6- 3- 1. DEFINITIONS.	6-7
6- 3- 2. PURPOSE.	6-8
6- 3- 3. JURISDICTION.	6-9
6- 3- 4. POWERS AND DUTIES.	6-9
6- 3- 5. SCOPE.	6-9
6- 3- 6. EMERGENCY ORDERS.	6-9

PARK CITY MUNICIPAL CODE

TABLE OF CONTENTS

TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE

6- 3- 7.	GENERAL PROHIBITION OF NOISE.	6-9
6- 3- 8.	SPECIFIC NOISE PROHIBITIONS.	6-9
6- 3- 9.	NOISE LEVELS.	6-12
6- 3-10.	EXEMPTIONS.	6-13
6- 3-11.	RELIEF FROM RESTRICTIONS.	6-13
6- 3-12.	MOTOR VEHICLE NOISE.	6-14
6- 3-13.	ENFORCEMENT RESPONSIBILITY.	6-14
6- 3-14.	ENFORCEMENT.	6-14
6- 3-15.	PENALTY.	6-14
 CHAPTER 4 - MINE SHAFTS AND TUNNELS		6-15
6- 4- 1.	DEFINITIONS	6-16
6- 4- 2.	MAINTENANCE OF PHYSICAL MINE HAZARDS PROHIBITED	6-16
6- 4- 3.	VIOLETIONS - NUISANCE - ABATEMENT	6-16
6- 4- 4.	OTHER CLAIMS NOT PRECLUDED	6-16



**TITLE 6 - HEALTH, NUISANCE ABATEMENT,
NOISE**

**CHAPTER 1 - ABATEMENT OF
GARBAGE AND OTHER
DELETERIOUS MATERIAL**

6- 1- 1. DISPOSAL REQUIRED.

Every owner or occupant of any structure, lot or property within Park City shall have the obligation to properly dispose of and keep those premises free from refuse, including garbage, trash and debris, junked automobiles, flammable materials, as defined in the Uniform Fire Code, noxious weeds, or any deleterious or unsightly material, objects or structures.

6- 1- 2. FIRE MARSHALL.

It shall be the duty of the City Fire Marshall or his/her designee to act as City inspector for the purpose of enforcing this ordinance.

6- 1- 3. NOTICE TO PROPERTY OWNERS.

Under the authority of U.C.A. Section 10-11-2 and this title, it shall be the duty of the City inspector to make careful examination and investigation of the City to determine which properties, if any, are not in

compliance with Section 6-1-1 of this title. The inspector shall ascertain the names of the owners and descriptions of properties not in compliance with Section 6-1-1 of this title and serve notice either personally or by mail, postage prepaid, to the owner and occupant at their last known mailing address as disclosed by the records of the County Assessor for owners and the records of the water department or the address assigned to the property for occupants. Notice shall also be posted upon the property. The notice shall require the owner or occupant to eradicate, remove, destroy or to abate the condition within such a time as designated by the city inspector, but in no case less than ten (10) days from the date of service of such notice. The inspector shall make proof of service of such notice under oath and file the same with the County Treasurer. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth for that year.

**6- 1- 4. NEGLECT OF
PROPERTY OWNERS.**

If any owner or occupant of lands described in such notice shall fail or neglect to eradicate, remove, destroy or abate such

refuse, garbage, trash, debris, junked automobiles, flammable materials, noxious weeds, deleterious or unsightly material, objects or structures in accordance with such notice the owner or occupant shall be guilty of a Class B misdemeanor, and the inspector may, at the expense of the City, employ necessary assistance and cause such weeds, garbage, refuse or deleterious objects to be removed or destroyed. He shall prepare an itemized statement of all expenses incurred in the removal and destruction of same, and shall mail a copy thereof to the owner, demanding payment within twenty (20) days of the date of the mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the property owners' and tenants' last known address and posted on the property. In the event the owner fails to make payment of the amount set forth in the statement to the City Treasurer within twenty (20) days, the inspector, on behalf of the City, may cause suit to be brought in an appropriate court of law or may refer the matter to the Summit County Treasurer as provided in this ordinance. In the event collection of costs are pursued through the courts, the City may execute on any judgment in the manner provided by law. In the event that the City inspector elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the City inspector shall make, in triplicate, an itemized statement of all expense incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer together with an affidavit stating the owner and occupant were served notice to eradicate, abate or destroy and remove the weeds,

garbage, refuse, and objects within ten (10) days after completion of the work of removing such weeds, garbage, refuse, objects or structures.

**6- 1- 5. COSTS OF REMOVAL
INCLUDED IN TAX NOTICE.**

Upon receipt of the itemized statement of the cost of destroying, abating or removing such weeds, refuse, garbage, objects or structures, the County Treasurer shall forthwith mail one copy to the owner of the land from which the same were removed or abated, together with a notice stating that objections to the whole or any part of the statement so filed may be made, in writing, within thirty (30) days to the Board of County Commissioners. If objections to any statement are filed with the County Commissioners, the Commissioners shall set a date for hearing, giving notice thereof, and upon the hearing, fix and determine the actual cost of removing or abating the weeds, garbage, refuse or unsightly or deleterious objects or structures, and report their findings to the County Treasurer. If no objections to the items of the account so filed are made with thirty (30) days of the date of mailing such itemized statement, the County Treasurer shall enter the amount of such statement on the assessment roles of the County in the column prepared for that purpose, and likewise within ten (10) days from the date of the action of the Board of County Commissioners upon objections filed shall enter in the prepared column of the tax rolls the amount found by the Board of County Commissioners as the cost of abating or removing and destroying the said weeds, refuse, garbage or unsightly and

deleterious objects or structures. If current tax notices have been mailed, said taxes may be carried over on the rolls to the following year. After entry by the County Treasurer of the costs of abating or removing weeds, garbage, refuse, or unsightly and deleterious objects or structure, the amount so entered shall have the force and effect of a valid judgment of the District Court, and shall be a lien upon the lands where the weeds, refuse, garbage or unsightly and deleterious objects or structures were removed and destroyed or abated and shall be collected by the County Treasurer at the time of payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax received issued by the Treasurer.

6- 1- 6. USE OF PUBLIC TRASH RECEPTACLES.

Public trash receptacles are for the occasional non-commercial use of the general public and no individual or business entity may deposit the refuse from its commercial activity in a public trash receptacle in lieu of regular garbage disposal.

6- 1- 7. LITTERING PROHIBITED.

No waste or other material including soils, rocks, and earth of any kind may be thrown, permitted to be deposited or placed in an open container in such manner that it may blow upon or be scattered upon any sidewalk, street, alley, or public passageway or upon any private property.

6- 1- 8. HAULING OF REFUSE TO BE IN CLOSED CONTAINER OR COVERED VEHICLE.

All refuse hauled or conveyed within the city limits of the City shall be hauled in a closed container, or if being hauled or conveyed in a vehicle, shall be covered or closed in so that the contents cannot fall or be blown from the container or vehicle used for such hauling or conveying.

6- 1- 9. CITY APPROVAL OF DUMPSTER SITES.

Written approval of the site by the Community Development Director must be received prior to locating any dumpster in or on City rights-of-way or properties.

6- 1-10. USE OF PRIVATE DUMPSTERS OR TRASH RECEPTACLES.

Private dumpsters or trash receptacles are for the exclusive use of the lessee or owner and no individual or business or commercial entity may deposit more than one cubic foot (1 ft.³) of solid waster or refuse into a private dumpster or trash receptacle without the prior written consent of the lessee or owner.

(Created by Ord. No. 15-54)

6-1-11. COLLECTION TIME - PLACEMENT OF PRIVATE TRASH RECEPTACLES.

Trash receptacles to be collected and emptied curbside by the County, or a

licensed collector, shall be set out for collection at the time and place as may be designated by the County, or licensed contractor. Such receptacles must not be set out for collection prior to 6:00 PM of the day before collection.

With the exception for property in the HCB Zone which is regulated by 15-2.6-11, all empty trash receptacles in HCB, HR-1, HR-2 A/B, HRC, HRL, and HRM must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.

Each day that a violation of this section occurs shall constitute a separate offense.

This ordinance does not apply to municipal receptacles or dumpsters approved pursuant to Section 6-1-9.

Violations of this Section are infractions, punishable by a fine, fee or civil penalty not to exceed Seven Hundred and Fifty Dollars

CHAPTER 2 - BURGLARY AND ROBBERY ALARMS

6-2-1. DEFINITIONS.

All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context:

(A) **ALARM**. Any telephonic or electronic device used to notify the police about acts of a crime or emergency.

(\$750), including confiscation of the garbage container by the City, but not imprisonment.

(Created by Ord. No. 15-54)

6-1-12. IDENTIFICATION AND LABELING OF PRIVATE TRASH RECEPTACLES

Private trash receptacles to be collected and emptied curbside by the County, or a licensed collector, shall be labeled on the street facing panel and on the lid of the receptacle. The label must contain, at minimum, the street number of the receptacles associated address. Labels must be at least two (2) inches in height and one (1) in width. Labels may be stickers, written, painted, or otherwise applied. Labels must not interfere with the collection of the receptacle.

Any receptacle that is not labeled prior to December 17, 2015 is subject to confiscation.

(B) **ALARM BUSINESS**. The business by any individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any Alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any Alarm system in or on any building structure, or facility.

(C) **ALARM USER**. The person, firm, partnership, association, corporation, company, or organization of any kind in possession and control of any building,

structure or part thereof, or facility wherein an Alarm system is maintained.

(D) **AUTOMATIC DIALING DEVICE**. A device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

(E) **CHIEF OF POLICE**. The Director of the Park City Police Department or his/her authorized and designated representative.

(F) **DIRECT ACCESS ALARM SYSTEM**. A system, which has remote access to the automatic monitoring devices installed in the City dispatch center.

(G) **FALSE ALARM**. An alarm signal, eliciting a response by police officials when a situation requiring a police response does not in fact exist, but does not include an Alarm signal caused by violent conditions of

(B) **MISUSE OR TEMPERING WITH AN ALARM SYSTEM**. It shall be unlawful for any person or Alarm User to misuse, tamper with, alter, or obstruct any Alarm System, whether or not such misuse, tampering, alteration, or obstruction causes the Alarm to signal entry into the premises, unless such person is an authorized technician duly authorized by the Alarm User to perform maintenance or testing on such Alarm, and provided that such technician has notified the Park City Police Department, Summit County Sheriff's

nature or other extraordinary circumstances not reasonable subject to control by the Alarm Business operator or Alarm User.

**6-2-2. NOTIFICATION
REQUIRED.**

It shall be unlawful for a person to maintain an Alarm on any premises without first providing the Park City Police Department a list of persons with telephone numbers, who are authorized and responsible to enter the Alarm User's premises and deactivate the Alarm. It is unlawful for any person named on such list, who has been personally contacted by police, to fail to appear within the time designated by police and inactivate the Alarm for which he is responsible.

6-2-3. FALSE ALARMS.

(A) **FALSE ALARMS PROHIBITED**. It shall be unlawful for a person to cause a False Alarm deliberately or through inadvertence or neglect.

Department, and the Alarm User of such maintenance.

**6-2-4. CASH DEPOSIT TO BE
POSTED.**

It shall be unlawful for any person or corporation to maintain an Alarm System on any premises unless there shall have been posted with the Park City Municipal Corporation a cash deposit in the amount of One Hundred Dollars (\$100.00), portions of which are to be forfeited upon the giving of False Alarms as hereinafter provided.

**6-2-5. PRIVATE SECURITY
RESPONSE.**

(A) If an Alarm is answered or monitored by a private security firm or other such individual not associated with publicly-funded law enforcement, and the Alarm User or monitoring agency does not wish response by the Park City Police Department until such Alarm has been verified by the Alarm User or monitoring agency, then the deposit pursuant to Section 6-2-4 of this Chapter shall not apply, provided, however, that the Park City Police Department and the Summit County dispatch have been notified in writing that no police response is desired unless specifically requested by an alarm user, responsible party for the alarm, or private security firm.

(B) All Alarms, whether monitored and responded to by the Park City Police Department, private security firm, or other such person or agency responsible for the Alarm, must be registered with the Park City

(B) **PENALTY FEES SUBSEQUENT RESPONSES.** For a second response to the same premises within six (6) months after such "first response," and for all subsequent responses, The Police Chief shall charge Twenty-Five Dollars (\$25.00) and deduct each such charge from the posted deposit. In the event such deposit becomes exhausted, the Alarm shall be disconnected and/or responses to such Alarm shall be discontinued by emergency services personnel until such time as all fees are paid and a new deposit in the amount of One Hundred Dollars (\$100.00) is posted with the Park City Police Department and the

Police Department pursuant to Section 6-2-2 of this Chapter.

6-2-6. PENALTY.

For a police response to a False Alarm, the Police Chief shall charge and collect the following fees from the Alarm User, which fees shall be initially deducted from the deposit posted with Park City Municipal Corporation:

(A) **PENALTY FEES FIRST RESPONSE.** For response to premises at which no other False Alarm has occurred within the preceding six (6) month period, hereinafter referred to as "first response," no fee shall be charged and no deduction from the deposit shall occur. The police responding to the "first response" Alarm shall provide written notification to the Alarm User that subsequent responses to False Alarms will cause deductions from the posted deposit.

Alarm has been inspected by a qualified technician.

(C) **SENTENCING.** Any person convicted of a violation of, or failure to comply with, any of the provisions of this Chapter shall be punishable in accordance with Section 8-1-19 through 8-1-33 of the Municipal Code of Park City.

(D) **WILLFUL FALSE ALARM.** Any person, including Alarm User, who knowingly and deliberately activates an Alarm System when no emergency situation exists at the premises, shall be guilty of a

Class B misdemeanor and be subject to a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment for six (6) months, or both.

**6-2-7. DIRECT ACCESS
ALARM SYSTEMS.**

Direct Access Alarm Systems are allowed under the following terms and conditions:

(A) **EQUIPMENT.** Any direct access equipment shall be approved in advance by the Chief of Police for compatibility with existing equipment in the dispatch center, and to eliminate duplicate or overlapping equipment. Automatic telephone tape dialing devices, which dial the emergency phone number and give a taped message will not be allowed. Some kind of alarm transmitting device that provides the information from the Alarm to the City monitor is required.

(B) **INSTALLATION.** Installation will be to Park City Police Department specifications, and all the costs of

(D) **ALARM SERVICE CONTRACT.**

Each Alarm company making a Direct Access Alarm System connection to the dispatch center shall sign a contract with the City setting forth the nature of its expected response to the Alarm, the protocol of notifying the Alarm company and the conditions under which the Park City Police Department will make the initial response to the Alarm, penalties for repeated False Alarms (which will include loss of that location's Direct Access Alarm System privilege, or in the case of a company that has an unusually large number of False

installation will be on the private alarm company making the installation. The City does not insure private alarm monitoring devices. Direct Access Alarm Systems equipment is installed at the sole risk of the owner.

(C) **CHARGES.** In lieu of the One Hundred Dollar (\$100.00) Deposit charged for alarms that are not installed as a Direct Access Alarm System, there shall be an initial charge of One Hundred Dollars (\$100.00) per alarm connected through a Direct Access Alarm System device for the installation of the Alarm. For purposes of this section, each remote Alarm installation location is a separate Alarm for which \$100.00 is charged, whether that system monitors burglary, fire, mechanical failure or other functions at that location. For each subsequent year, the Direct Access Alarm System user shall pay a fee of Fifty Dollars (\$50.00) per year or part thereof for each Alarm installation location.

Alarms, the loss of that company's Direct Access Alarm System privilege), insurance of Alarm equipment and response personnel, and similar mechanical items that deal with the relationship between the City as the dispatch monitoring center and the Park City Police Department as the primary law enforcement agency in the City, and the Alarm company and its customers as the persons requesting emergency service through automatic devices.

(E) **ELIGIBILITY.** The City will permit only private security firms which are

licensed by the state of Utah, and which have Park City business licenses, to connect to the Direct Access Alarm System devices.

Each private security system must agree to maintain locally-based twenty-four (24) hour a day response personnel. Private security companies not meeting these standards will not be permitted to connect to the City dispatch by Direct Access Alarm System devices. If a private company that was in compliance at the time of connection is later found not to comply, the Direct Access Alarm System privilege will be terminated by the City.

CHAPTER 3 - NOISE

6- 3- 1. DEFINITIONS.

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

(A) **CONTINUOUS SOUND.** Any sound that exists, essentially without interruption, for a period of ten minutes or more.

(B) **CYCLICALLY VARYING NOISE.** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

(C) **DEVICE.** Any mechanism that is intended to produce, or that actually produces noise when operated or handled.

(D) **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 "Jacob's Brake" or "Jake Brake".

(E) **EMERGENCY.** A situation or occurrence, which in the opinion of the City Manager, Chief of Police, Chief Building Official, or City Engineer, presents an imminent threat to the health, safety or welfare of any person, place or property.

(F) **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.

(G) **EMERGENCY VEHICLE**. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(H) **IMPULSIVE NOISE**. A noise containing excursions usually less than one second.

(I) **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-bikes, go-carts, snowmobiles, and racing vehicles.

(J) **MUFFLER**. An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.

(K) **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).

(L) **NOISE**. Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

(M) **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.

(N) **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.

(O) **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 at finite speed to distant points.

(P) **STATIONARY NOISE SOURCE**. Any device, fixed or movable, that is located or used on property other than a public right-of-way.

6- 3- 2. PURPOSE.

These regulations establish minimum standards to:

(A) Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Park City, Utah;

(B) 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, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and

(C) Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the City.

6- 3- 3. JURISDICTION.

All noise control in this Chapter shall be subject to the direction and control of the Police Department, Building Department and City Manager.

6- 3- 4. POWERS AND DUTIES.

The Police Department and Building Department shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders as necessary to effect the purposes of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

6- 3- 5. SCOPE.

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

6- 3- 6. EMERGENCY ORDERS.

Whenever the Chief of Police, Building Official, City Manager or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

(A) **PUBLIC CALAMITY.** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of seventy-two (72) hours, at which time the incident will be assessed and further suspension of these rules ended or extended.

(B) **APPROVE APPLICATION FOR EXEMPTION FOR EMERGENCY REASONS.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances. See definitions.

6- 3- 7. GENERAL PROHIBITION OF NOISE.

It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City as defined in this Chapter.

6- 3- 8. SPECIFIC NOISE PROHIBITIONS.

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

(A) **HORNS AND SIGNALING DEVICES.** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.

(B) **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:

(1) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible beyond the property boundary of the source; or

(2) on public property, public rights-of-way, or private property at any time so as to be plainly audible fifty feet (50') (15.25 meters) from the device. Permits to exceed the limits of this section may be issued for special events on public property by the Chief of Police, Building Official or City Manager upon approval from the agency operating the public property.

(C) **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 or private 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 6-3-9, or cause a noise disturbance, unless a permit is first obtained as provided by Section 6-3-11 or approval is granted in a master festival license.

(D) **HAWKERS AND PEDDLERS.** Selling anything by outcry within any area of the City in such a manner as to violate Section 6-3-9. It shall be unlawful for any person to solicit from any motor vehicle.

(E) **ANIMALS.** Owning, keeping, possessing, or harboring any animal or animals that, by frequent or habitual noise making, violates Section 6-3-9. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.

(F) **LOADING OPERATION.** Loading, unloading, opening, or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m.

(Amended by Ord. No. 11-03)

(G) **CONSTRUCTION WORK.** In the Historic Residential (HR-1), Historic Transitional Overlay (HTO), Residential Development (RD), Residential Development-Medium Density (RDM), Residential (R-1), Residential-medium Density (RM), Recreation Open Space (ROS), Estate (E), Historic Residential Development Low-Density (HR-L), Single Family (SF), Single Family Nightly Rental (SF-N), Historic Residential Low Intensity

Commercial Overlay Zone (HR-2), and Regional Commercial Overlay (RCO) Districts; it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of 10 p.m. and 7 a.m. of the following day, or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. and 6 a.m. of the following day. The Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

(H) **DOMESTIC POWER EQUIPMENT**. Operating or permitting the operation of any power equipment rated five 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 outdoors between the hours of 10 p.m. and 7 a.m. of the following day or before 9 a.m. on Sunday.

(I) **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 6-3-11. The provision shall not be construed to permit activities prohibited by other statutes,

ordinances, or regulations governing such activity.

(J) **LIQUOR LICENSED PREMISES**:

(1) **FAILURE TO CONTROL NOISE**. Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(2) **OUTDOOR SPEAKERS**. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(K) **MAIN STREET BUSINESSES - OUTDOOR SPEAKERS**. Permitting or causing to exist any speaker or sound amplification equipment on the outside of

any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as a part of a master festival license.

As defined in the Land Management Code, conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(L) **RACING EVENTS.** Permitting any motor vehicle racing event at any place in violation of Section 6-3-9, without first obtaining a permit as provided by Section 6-3-11.

(M) **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 6-3-9.

(N) **DYNAMIC BRAKING DEVICES.** Operating any motor vehicle with a dynamic braking device engaged, except:

- (1) To avoid imminent danger; or
- (2) Where permitted as posted on the following streets:
 - Ontario Canyon
 - Royal Street
 - Aerie Drive

during the following hours: 7 a.m. thru 10 p.m., Monday thru Saturday, and 9 a.m. thru 10 p.m. on Sundays.

(O) **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 6-3-9.

(O) **GARBAGE COLLECTION.** Collecting garbage, waste, or refuse between the hours of 10 p.m. and 7 a.m. in any area zoned residential or within three hundred feet (300') of an area zoned residential.

(Q) **STANDING MOTOR VEHICLES.** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 6-3-9, or in such a way as to cause a disturbance in a residential zone for a consecutive period of fifteen (15) minutes or longer.

(R) **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 6-3-9 for longer than five (5) minutes in any hour.

(S) **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 6-3-9,

except as a sound signal of imminent danger.

(T) **RECREATION VEHICLES AND SNOWMOBILES.** Operating a recreational vehicle or snowmobile in a way that violates Section 6-3-9.

6- 3- 9. NOISE LEVELS.

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

(A) On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') or on private property, as to be plainly audible at the property line.

(B) The noise shall be measured at a distance of at least twenty-five feet (25') from the source of the device upon public property or within the public right-of-way or twenty-five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.

(C) Hours of restriction are as follows:

Residential- 10 pm to 7 am Monday
through Saturday
Not before 9 am Sunday

Commercial 10 pm to 6 am- Monday
through Saturday

6- 3-10. EXEMPTIONS.

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

(A) Noise of safety signals, warning devices, and emergency pressure relief valves;

(B) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

(C) Noise resulting from emergency work;

(D) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

(E) Any noise resulting from activities of temporary nature during periods permitted by law for which a license or permit has been approved by the Director in accordance with Section 6-3-11;

(F) Any noise resulting from snowmaking activities at ski areas; and

(G) Any noise resulting from the maintenance of golf courses.

(H) Any noise resulting from snow plowing or removal services.

(I) Ten o'clock whistle.

(J) Noise resulting from a duly licensed and operated Public Outdoor Music Plaza pursuant to Title 4, Chapter 8A, of the Municipal Code of Park City.

(Amended by Ord. No. 00-36)

**6- 3-11. RELIEF FROM
RESTRICTIONS.**

Requests for relief from the noise restrictions in these rules and regulations may be made by the Building Official as it pertains to building issues and by the Chief of Police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied by the applicant and failure to do so will cause the relief agreement to be suspended.

**6- 3-12. MOTOR VEHICLE
NOISE.**

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction; equipped with a muffler or other noise dissipation device; and not equipped with any cut-out, by-pass or similar device.

**6- 3-13. ENFORCEMENT
RESPONSIBILITY.**

Enforcement responsibility will reside jointly with the Police Department and the Building Department.

6- 3-14. ENFORCEMENT.

The Police Department and Building Department may, upon discovery or report of a violation or violations of this Chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Prosecutor's Office for review and issuance of an information and summons to court to answer the charges.

6- 3-15. PENALTY.

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 U.C.A. Section 26-23-6, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor, pursuant to U.C.A. Section 26-23-6, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City 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. 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.

CHAPTER 4 - MINE SHAFTS AND TUNNELS

6-4-1. DEFINITIONS.

All words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) **MINING OPERATIONS.** Any activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.

(B) **MITIGATE.** The completion of Mitigation.

(C) **MITIGATION.** Actions taken that are reasonably designed to prevent accidental or unauthorized intentional access to an underground working, which actions may include but shall not be limited to backfilling, installing block or stone wall enclosures, installing bat gates, or installing corrugated metal pipe or rebar grates.

(D) **PHYSICAL MINE HAZARD(S).** Any open mine shaft, mine tunnel, horizontal opening, adit, or other mine related opening that extends more than 5 feet into the ground. None of the following is a Physical Mine Hazard:

- (1) above-ground structures;

- (2) vertical opening where the Chief Building Official has made a written determination that due to the physical characteristics of an opening it does not present a potential health or safety concern; or

- (3) sites previously the object of Mitigation so long as Mitigation has not failed.

6-4-2. MAINTENANCE OF PHYSICAL MINE HAZARDS PROHIBITED.

It is unlawful for any Owner, to knowingly permit or maintain on their premises any Physical Mine Hazard, unless the Physical Mine Hazard:

- (1) is a necessary part of a public water system as determined by the applicable public water system operator;

- (2) is presently part of Mining Operations as defined in this Chapter or U.C.A. § 40-8-4;

- (3) was previously issued a Permit by the Utah Division of Oil, Gas and Mining as defined in U.C.A. § 40-8-4;

- (4) prior to December 1, 2012, is within the Mine Hazard Mitigation Area as defined in Section 11-20-1 so long as the Chief Building Official has not made a written determination that the Physical Mine

Hazard represents a substantial hazard to the public; or

(5) after December 1, 2012, is identified in Section 11-20-3, Section 11-20-4, or Section 11-20-6(B) and is in compliance with the submitted schedule for Mitigation.

**6-4-3. VIOLATION--
NUISANCE – ABATEMENT.**

Any Physical Mine Hazard not otherwise exempt from this Chapter is declared to be a public nuisance. An Owner shall within ninety (90) days of written notice from the City as to the existence of a Physical Mine Hazard submit a plan for Mitigation to the Chief Building Official. An Owner shall complete Mitigation within one (1) year of written notice from the City. If the Owner fails to abate the same through Mitigation within this time frame, the Chief Building Official may direct its summary abatement through Mitigation at the full expense of the Owner.

**6-4-4. OTHER CLAIMS NOT
PRECLUDED.**

Nothing in this Chapter shall prevent an Owner, other individuals or entities from asserting any claim in law or equity regarding any Physical Mine Hazard.