

## ORDINANCE NO. 05-14-2013-1

### An Ordinance Establishing Noise Restrictions within Eureka City limits:

- A. Horns And Signaling Devices: No person shall, at any time, sound 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; create by means of any such signaling device any unreasonably loud or harsh sound; or sound any such device for an unnecessary or unreasonable period of time.
- B. Truck Idling: No person shall 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 parked on a residential premises; within one hundred feet (100') of a residential structure or on a public street adjacent to a residential premises; provided, however, that vehicles confined and operated within an enclosed structure, or vehicles being used directly in construction activity or the operation of construction equipment shall not be subject to the provisions of this subsection.
- C. Motor Vehicle Operation: No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:
1. Free from defects that affect sound reduction;
  2. Equipped with a muffler or other noise dissipative device; or
  3. Not equipped with any cutout, bypass, or similar device.
- D. Sound Amplification Devices; Musical Instruments:
1. Affecting Residential Premises only: No person shall operate a sound amplification device or musical instrument:
    - a. Between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. during the weekdays or between eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. on weekends in a way that is clearly audible at the property line of a residential premises; or
    - b. In a way that at any time is clearly audible inside of a residential premises, when all exterior doors and windows of such dwelling unit are closed.
  2. Operation In A Motor Vehicle: No person shall operate a sound amplification device 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:
    - a. At a distance of thirty feet (30') from the motor vehicle; or
    - b. Within another motor vehicle on a public street, at any distance, when all doors and windows of such other vehicle are closed.
  3. Public Parks: No person shall 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 permit issued by Eureka City or an event sanctioned by Eureka City.
  4. Commercial Operation On Public Street Without Permit: No person shall 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.

5. Projection from Building On Public Street: No person shall maintain and operate in any building a sound amplification device or musical instrument where the sound therefrom is cast directly upon a public street and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.
  
- E. Construction Equipment Or Activity: The operation of construction equipment or the performance of 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.
  
- F. Commercial Power Equipment: The operation of any commercial power equipment shall only be allowed 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.
  
- G. Domestic Power Equipment: The operation of any domestic power equipment shall only be allowed 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.
  
- H. Engine Brakes: The use of engine brakes, also known as "jake brakes", shall be prohibited within city limits.
  
- I. Penalty: A violation of this Section will be considered a Class C misdemeanor.

This ordinance shall take effect immediately upon its passage and posting as provided by Law.

PASSED AND APPROVED AND MADE EFFECTIVE May 14, 2013.

Milton R. Hanks  
Mayor

ATTEST:  
Patricia Bigler  
Recorder