AGENDA SUMMARY
GRAND COUNTY COMMISSION MEETING
APRIL 6, 2021

Agenda Item: Y

| TITLE: | PUBLIC HEARING RE. REPEALING TITLE 11 (NOISE) OF THE GRAND COUNTY GENERAL ORDINANCES AND RELATED ORDINANCE NO. 602 AND ADOPTING NEW TITLE 11 (NOISE POLLUTION) |
| Fiscal Impact: | Unknown fiscal impact for enforcement. If we increase the Justice Court caseload dramatically, we will need a new Deputy County Attorney in GCAO to handle misdemeanor cases. |
| PRESENTER(S): | Christina Sloan, Grand County Attorney |

**Prepared By:**
Christina Sloan
Grand County Attorney
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**FOR OFFICE USE ONLY:**
Attorney Review: COMPLETE

**SUGGESTED MOTION:** 2/3rds majority vote needed to suspend Commission policy and vote on this item on 4/6

I move to repeal Title 11 (Noise) of the Grand County General Ordinances and related Ordinance No. 602 and adopt new Title 11 (Noise Pollution) of the Grand County General Ordinances.

**BACKGROUND:**
The County’s current Noise Ordinance does not address vehicle noise in particular. Meanwhile, the County has received a historic number of complaints regarding ATV noise in the County, in both residential areas and on our public lands, from locals and visitors alike.

In voting against the City’s ATV curfew bill in the 2021 General Session, a great emphasis was placed on the City and County’s lack of noise enforcement. Thus, the proposed Noise Pollution Ordinance sets maximum sound pressure levels, which may be measured in two different ways, to help address such noise impacts.

**ATTACHMENT(S):**

1. Proposed Ordinance
2. Exhibit A, redlined
GRAND COUNTY, UTAH
ORDINANCE ________ (2021)

REPEALING TITLE 11 (NOISE) AND RELATED ORDINANCE 602 AND ADOPTING
TITLE 11 (NOISE POLLUTION) OF THE GRAND COUNTY GENERAL
ORDINANCES

WHEREAS, Utah Code § 17-50-304 permits Grand County (the “County”) to make and
enforce “all such local, police, building, and sanitary regulations as are not in conflict with
general laws;”

WHEREAS, Grand County has a direct interest in regulating noise to balance residential,
commercial, and tourism interests;

WHEREAS, Grand County has received an increased number of complaints regarding noise
pollution in recent years;

WHEREAS, it is in the best interest of Grand County and its citizens if the County establishes
regulations to govern noise pollution within the County;

WHEREAS, the previously named Grand County Council held a public hearing on Title 11
(Noise) to solicit input from local residents and visitors on November 19, 2019 and adopted
Title 11 on December 3, 2019 in open session of a public meeting via Ordinance No. 602;

WHEREAS, since 2015 and increasingly since the adoption of Ordinance No. 602, the rapid
growth of street-legal all-terrain vehicle (“ATV”) tourism in the County has resulted in a sharp
increase in noise impacts to the residents of the County during all hours of the day and night;

WHEREAS, numerous studies have found: noise pollution increases anxiety, depression, high
blood pressure, heart disease, and stroke; small increases in unwanted ambient sound have
significant health effects; and noise aggravates health conditions by inducing higher levels of
stress;1

WHEREAS, at least one additional study has found that people living in areas with more road
traffic noise were 25 percent more likely than those living in quieter neighborhoods to have
symptoms of depression;2

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2 Orban, Residential Road Traffic Noise and High Depressive Symptoms after Five Years of Follow-up: Results from the Heinz Nixdorf Recall Study, https://ehp.niehs.nih.gov/doi/10.1289/ehp.1409400
WHEREAS, studies have shown that continuous noise in excess of 30 dB disturbs sleep, which is well documented to be a prerequisite for good physiologic and mental functioning in healthy individuals,\(^3\) and the U.S. Environmental Protection Agency sound guidance for the protection of human health and welfare in rural areas is 55 dB;\(^4\)

WHEREAS, during operation on streets and roads, most street-legal ATVs in the state of Utah produce decibel levels louder than 92 dBA as measured at twenty inches (20") by the SAE J1287 stationary test;\(^5\)

WHEREAS, the Moab valley is narrow and surrounded by sandstone cliffs, which topography increases the impact of ATV tourism on residents and visitors;

WHEREAS, several popular ATV trails are accessed through residential neighborhoods in the City and County, including the vast trail systems located in the Sand Flats Recreation Area and those accessed via Kane Creek Boulevard, Spanish Valley Drive, Spanish Trail Road, Westwater Drive, and Murphy Lane, which increases the impact of ATV tourism on residents and visitors;

WHEREAS, market conditions and the boom in ATV tourism have impacted other recreational user groups and associated economic activity, including mountain biking, hiking, rafting, and climbing, which economic sectors thrive in natural quiet;

WHEREAS, in the Fall of 2020 and through the Winter of 2021, the County received a historical number of public comments objecting to noise impacts from ATV tourism (and related special events);

WHEREAS, Ordinance No. 602 has been ineffective at reducing the impact of ATV noise because it does not provide dBA limits or specify testing procedures; and

WHEREAS, for the reasons articulated above and under the authority set forth herein, the Grand County Commission finds that updating Title 11 to more effectively regulate noise pollution in the county is in the best interest of the public and Grand County’s economy;

\(^3\) Jariwala, *Noise Pollution and Human Health: A Review*, https://www.researchgate.net/publication/319329633_Noise_Pollution_Human_Health_A_Review


\(^5\) Id.
NOW, THEREFORE, BE IT ORDAINED by the Grand County Commission that it does hereby:

1. Repeal Title 11 (Noise) and related Ordinance No. 602; and

2. Adopt Title 11 (Noise Pollution) of the Grand County General Ordinances, as follows:

   See Exhibit A

ADOPTED by the Grand County Commission in a public meeting on April ___, 2021 by the following vote:

Those voting aye:

Those voting nay: ____________________________________________________________

Those absent: ______

__________________________________   _______________________________
Mary McGann, Chair               Quinn Hall, Clerk/Auditor
Title 11

NOISE POLLUTION

Chapters:
11.01 Purpose; General
11.02 Definitions
11.03 Noise Disturbance Prohibited
11.04 Specific Noise Prohibitions; Levels
11.05 Noise Levels
11.06 Motor Vehicles
11.06 Exemptions; Exceptions Relief
11.07 Enforcement

CHAPTER 11.01

PURPOSE; GENERAL

11.01.010 Purpose
11.01.020 General Prohibition of Noise
11.01.030 Powers and Duties

11.01.010 Purpose.

These regulations establish minimum standards to:

A. Reduce the making and creation of excessive, unnecessary, or unusual loud noises in the unincorporated areas of Grand County; and

B. Prevent excessive, unnecessary, or unusual 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 and visitors to the unincorporated areas of Grand County; and

C. Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of and visitors to the unincorporated areas of Grand County.

11.01.020 General Prohibition of Noise.

It is unlawful for any person to produce, continue, or cause to be produced or continued, any Excessive or Unusual Noise during any hours or Loud Noise during Restricted Hours within the unincorporated areas of Grand County that violates this Title.

11.01.030 Powers and Duties.
The Sheriff, County Attorney, and Planning and Zoning Administrator, or their official designees, shall be responsible for the administration of these rules and regulations and any other powers vested in them 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.

CHAPTER 11.02

DEFINITIONS

11.02.010 Definitions.

A. “Commercial Zones” shall mean Neighborhood Commercial, General Business, Highway Commercial, Resort Commercial and Resort Special and associated permissible overlays established by the Grand County Land Use Code. Commercial Zones shall not include the Heavy or Light Industrial Zones.

B. “db(A)” shall mean the sound pressure level using the “A” weighting network and the Fast Response on a Sound Level Meter, unless otherwise noted or required by testing standards established by the County.

C. “Device” means any mechanism that is intended to produce, or that actually produces noise when operated or handled.

D. “Domestic Power Tools and Equipment” shall mean any device powered mechanically, by electricity, by gasoline, by diesel fuel or by any other fuel, which is intended to be used, or is actually used for residential construction, repair, and maintenance.

E. “Emergency” means a situation or occurrence which may present an imminent threat to the health, safety or welfare of any person, place or property.

F. “Excessive or Unusual Noise” means any Sound or Noise that exceeds the “Maximum Sound Pressure Levels, db(A), during all hours” set forth in Chapter 11.05 when measured at the distances provided therein as measured on a Sound Level Meter of standard design and quality on the “A” weighting scale db[A], aka the “A” weighting network.

G. “Loud Noise” means any Sound or Noise 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), including any Sound or Noise that exceeds the “Maximum Sound Pressure Levels, db(A), during Restricted Hours” set forth in Chapter 11.05 when measured at the distances provided therein as measured on a Sound Level Meter but not limited to those Noises expressly prohibited in Chapter 11.04.
H. “Motor Vehicle” means a self-propelled vehicle intended primarily for use and operation on the highways, as defined in Utah Code § 41-1a-102, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509. Motor Vehicle and Vehicle may be used interchangeably herein.

I. “Muffler” means an apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound, or as otherwise defined by Utah law.

J. “Noise” means any sound that is harmful to the health, well-being, or quality of life of humans or animals, or as otherwise defined by Utah law.

K. “Noise Disturbance” means any sound in an environment which is (a) is harmful to the health, well-being, or quality of life of humans or animals; (b) unreasonably annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property. Noise Disturbance constitutes noise pollution.

L. “Off-Highway Vehicle” means every all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle as defined in Utah Code § 41-22-2, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509.

M. “Plainly Audible Noise” means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound 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” means an imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that property owned by another person.

O. “Residential Property” shall mean any property used for living or dwelling by individuals.

P. “Residential Zones” shall mean the Small Lot Residential, Large Lot Residential, Rural Residential and Multi-Family Residential Zones and
associated permissible overlays established by the Grand County Land Use Code. As used herein, Residential Zone does not include the Range and Grazing Zone.

Q. “Restricted Hours” are from 9 pm to 7 am (and 9 pm to 9 am on Sunday), except during the summer months, defined as May through September, when the Restricted Hours are from 10 pm to 6 am.

R. “Sound” means 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.

S. “Sound Level Meter” or “SLM” means a sound level meter meeting the ANSI S1.4 Type 1 or Type 2 standard for sound level meters, or the IEC 61672 Class 1 or Class 2 standard for sound level meters.

T. “Vehicle” means all Motor Vehicles and Off-Highway Vehicles as defined by Utah Code, Title 41, including street-legal all-terrain vehicles as defined in and regulated by Utah Code § 41-6a-1509. Vehicle and Motor Vehicle may be used interchangeably herein.

CHAPTER 11.03

NOISE DISTURBANCE PROHIBITED

11.03.010 Noise Disturbance Prohibited
No person shall make, continue, or cause to be made or continued any Noise Disturbance.

CHAPTER 11.04

SPECIFIC NOISE PROHIBITIONS LEVELS

Sections:
11.04.010 Measurement

11.04.010 Specific Noise Prohibitions During Restricted Hours
Regardless of the Maximum Sound Pressure Level, the following Noise is declared to be Loud Noise and expressly prohibited outdoors in Residential or Commercial Zones during the Restricted Hours, unless permitted by Grand County; provided, however, that this Section shall not be construed to exclude other Noise violating this Title 11:

A. Horns and Signaling Devices. Sound any horn or signaling device on any Vehicle, except as a danger warning signal as provided by the Utah Vehicle Code;

B. Radios, Receivers, Televisions, Stereos, Speakers, Musical Instruments and Similar Devices. Use, operate or permit the use or operation of any radios, receivers, televisions, stereos, speakers, musical instruments, or similar devices for the production or reproduction of Sound if
Plainly Audible one hundred feet (100’) from a Property Boundary or fifty feet (50’) from the source of the Sound if on public property;

B. Public Loudspeakers. Use or operate a loudspeaker or sound amplifying equipment in a fixed or moveable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place or public or private property for the purposes of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons;

C. Animals. Own, keep, possess or harbor any animal or animals that makes frequent or habitual Noise, which prohibition shall apply to all private and public facilities, including any animal facilities that hold or treat animals;

D. Loading Operations within five hundred feet (500’) of Residential Property, Load, unload, open, or otherwise handle boxes, crates, containers, garbage containers, or other objects except as necessary for the collection of garbage, waste, refuse or recyclables by an operator approved by Grand County;

E. Domestic Power Tools and Equipment. Operate or permit the operation of any power equipment rated five horsepower or more, including, but not limited to, power saws, lawn mowers, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors;

F. Fireworks, Explosives, Guns or other Explosive Devices; provided, however, that this provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity;

K. Racing Events. Operate, permit, or cause any Vehicle or other motor racing event;

G. Powered Model Mechanical Devices. Fly, operate, permit, or fire a model aircraft powered by internal combustion engines, whether tethered or remote-controlled, or a model rocket vehicle, drone or other similar noise-producing devices; or and

H. Bells and Alarms. Sound, operate, or permit 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 for longer than five (5) minutes in any hour except in the event of emergency or natural disaster.

CHAPTER 11.05

NOISE LEVELS

11.05.010 Noise Levels.
Except as expressly provided herein, no person shall make Noise which creates Excessive or Unusual Noise during any hours at any time or Loud Noise during the Restricted Hours, as set forth in Tables 1, 2 and 3 below.
Table 1
Motor Vehicles (Stationary/Equipment Test)
Maximum Sound Pressure Levels, db(A)

Measured at a distance of 20" from Exhaust Outlet at an Angle of 45 degrees

<table>
<thead>
<tr>
<th>Motor Vehicle Type</th>
<th>Stationary Test (Equipment Test)</th>
<th>Maximum Sound Pressure Levels during All Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATVs manufactured in 2021 or earlier</td>
<td>SAE J1287 (at 50% of Maximum RPM)</td>
<td>92 db(A)</td>
</tr>
<tr>
<td>ATVs manufactured in 2022 or 2023</td>
<td>SAE J1287 (at 50% of Maximum RPM)</td>
<td>90 db(A)</td>
</tr>
<tr>
<td>ATVs manufactured in 2024 or later</td>
<td>SAE J1287 (at 50% of Maximum RPM)</td>
<td>88 db(A)</td>
</tr>
<tr>
<td>All Other Motor Vehicles weighing less than 6,000 pounds, manufacturer's gross vehicle weight</td>
<td>SAE J1492 (at 50% or 75% of Maximum RPM) throttle test depending on engine type)</td>
<td>88 db(A)</td>
</tr>
<tr>
<td>Motorcycles</td>
<td>N/A</td>
<td>See Section 11.06.030</td>
</tr>
</tbody>
</table>

Table 2
Motor Vehicles (Moving/Operational Test)
Maximum Sound Pressure Levels, db(A)

Measured at a Distance of 25’ from Centerline of Lane of Travel at Speeds Less than 35 mph (Operational Test)

<table>
<thead>
<tr>
<th>Motor Vehicle Type</th>
<th>Maximum Sound Pressure Level, db(A)</th>
<th>Maximum Sound Pressure Level, db(A), during Restricted Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motorcycles and motor vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight</td>
<td>80 db(A)</td>
<td>78 db(A)</td>
</tr>
<tr>
<td>Motor Vehicle Type</td>
<td>Maximum Sound Pressure Level, db(A)</td>
<td>Maximum Sound Pressure Level, db(A), during Restricted Hours</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>------------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>Motorcycles and motor vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight</td>
<td>74 db(A)</td>
<td>72 db(A)</td>
</tr>
</tbody>
</table>

**Table 3**
**Land Uses**
**Maximum Sound Pressure Levels, db(A)**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Sound Pressure Level, db(A)</th>
<th>Maximum Sound Pressure Level, db(A), during Restricted Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Power Tools and Equipment Impacting Residential Property</td>
<td>75 db(A) or greater limited to a cumulative total of 10 hours over any 7 day period</td>
<td>Noise prohibited under 11.04.010</td>
</tr>
<tr>
<td>All Other Noise Impacting Residential Property, unless prohibited in Section 11.04.010</td>
<td>75 db(A)</td>
<td>70 db(A)</td>
</tr>
<tr>
<td>All Other Noise Impacting Residential and Nonresidential Property, unless prohibited in Section 11.04.010</td>
<td>80 db(A)</td>
<td>70 db(A)</td>
</tr>
</tbody>
</table>

**ALT FOR CONSIDERATION: LES’ RECOMMENDATIONS (NOTE CH 11.07)**
**Table 3**
**Land Uses**
**Maximum Sound Pressure Levels, db(A)**
All Noise Impacting Residential Property, unless prohibited in Section 11.04.010

| 55 db(A) |
| 50 db(A) |

All Noise Impacting Residential and Nonresidential Property, unless prohibited in Section 11.04.010

| 60 db(A) |
| 55 db(A) |

11.03.020 Measurement.
On public property, Noise shall be measured at a distance of fifty (50) feet from the source of the sound; on private property, Noise shall be measured at a distance of twenty-five (25) feet from the Property Boundary closest to the source of the Noise at issue.

Sections:
11.04.010 Specific Noise Prohibitions.

CHAPTER 11.06

MOTOR VEHICLES

11.06.010 Motor Vehicle Regulations
11.06.020 Certain Noises Prohibited on Public Rights-of-Way During All Hours
11.06.030 Motorcycles

11.06.010 Motor Vehicle Regulations
A person shall not:

A. Equip, maintain, or operate a Vehicle that creates or causes Excessive or Unusual Noise;

B. Operate a Vehicle without a spark arrestor device and a muffler or other effective noise suppressing system in good working order and in constant operation; or

C. Use a muffler cut-out, bypass, or similar device on a vehicle.

11.06.020 Certain Noises Prohibited on Public Rights-of-Way During All Hours

The following Noise is declared to be Excessive or Unusual Noise and expressly prohibited during all hours on County roads and public rights-of-ways in the unincorporated County:

A. Horns and Signaling Devices. Sound any horn or signaling device on any Vehicle, except as a danger warning signal as provided by the Utah Vehicle Code;
B. Racing Events—Operate any Vehicle in a motor racing event unless such activity occurs during a permitted Special Event in Grand County;

C. Revving, aka rapid throttle advance, of an engine; and

D. Any noise-creating device, including a Vehicle, operated for the purpose of drawing attention to the source of the noise.

11.06.030 Motorcycles

A. No person shall operate a motorcycle manufactured after December 31, 1985 not equipped with exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle’s model year, stating that the exhaust system meets the 80 dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

B. No person shall operate an off-road motorcycle manufactured after December 31, 1985 not equipped with exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle’s model year, stating that the exhaust system meets the 82 dBA standard at 50 feet, as set out in the Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

CHAPTER 11.07

EXEMPTIONS; EXCEPTIONS

11.07.010 Exemptions
11.07.020 Exceptions

11.07.010 Exemptions

The following Noise shall be exempt from this Title:

A. Safety signals, warning devices and emergency pressure relief valves;

B. That resulting from any emergency or natural disaster, including Noise created by authorized private and public emergency and snow removal vehicles and private or public utilities when restoring service;

C. Lawful fireworks and noisemakers used for celebration of an official holiday;

C. Activities of a temporary nature during periods permitted by ordinance, policy, or permit by the County Council, Planning and Zoning Administrator, or Chair of the Special Events Committee or their official designees, including sporting and recreational activities;

D. Agricultural operations where i) all reasonable efforts have been made to mitigate impact on surrounding properties; ii) any agricultural equipment is used according to the manufacturer’s specifications and is in good working order; and iii) such operations do not occur during the Restricted Hours;
F. Permitted sporting and recreational activities;

G. Motor vehicles that are in good working order, free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, not equipped with any cut-out, by pass or similar device, and operated in accordance with local, state and federal law; and

E. Construction and property maintenance activities where i) all reasonable efforts have been made to mitigate impact on surrounding properties; ii) all construction equipment is used according to the manufacturer’s specifications and is in good working order; and iii) such activity does not occur during the Restricted Hours; and

F. Snow removal.

11.07.020 Exceptions

A. On or before July 31, 2021, the owner of any residential, commercial or industrial source of sound may apply to the County Commission Administrator for an exception in time to comply with the maximum sound pressure levels set forth in Table 3 of Section 11.05.010 above. The County Commission Administrator shall have the authority, consistent with this Section, to grant an exception, not to exceed 365 days from the date of such application unless extended by the County Commission Administrator for good cause.

B. Any person seeking an exception in time to comply shall file an application with the County Commission Administrator. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this Chapter prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The applicant shall mail notice of the application for an exception in time to all neighbors within one hundred feet (100’) of the source of the sound and shall file an affidavit of mailing with the County Commission Administrator. Any individual who claims to be adversely affected by allowance of the exception in time to comply may file a statement with the County Commission Administrator containing any information to support their claim. If the County Commission Administrator finds that a sufficient controversy exists regarding an application, a public hearing may be held.

C. In determining whether to grant or deny the application, the County Commission Administrator shall balance the hardship to the applicant, the community, and other persons of not granting the exception in time to comply, against the adverse impact on health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the exception. Applicants for exceptions in time to comply and persons contesting exceptions may be required to submit any information the County Commission Administrator may reasonably require. In granting or denying an application, the County Commission Administrator shall place on public file a copy of the decision and the reasons for denying or granting the exception in time to comply including a statement that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

D. The County Commission Administrator may grant or deny the application. If the application is granted, the County Commission Administrator may impose conditions, including a schedule for achieving compliance. Noncompliance with any condition of the exception shall
terminate the exception and subject the person holding it to those provisions of this Chapter for which the exception was granted.

E. Appeals of an adverse decision of the County Commission Administrator shall be made to the County Commission. Review by the County Commission shall be limited to whether the decision is supported by substantial evidence.

CHAPTER 11.08

ENFORCEMENT

Sections:

11.08.010 Violation
11.08.020 Nuisance
11.08.030 Enforcement
11.08.040 Severability

11.08.010 Violation
Except where this Title or Utah Statute punishes a violation hereunder as an infraction, Any person who is found guilty of violating this Title 11, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class B misdemeanor punishable by a maximum sentence of up to six months in jail and a maximum fine of $1,000. Each day such violation is committed or permitted to continue shall constitute a separate violation unless limited by Utah law.

11.08.020 Nuisance
As an additional remedy, the operation or maintenance of any device, instrument, Vehicle or machinery in violation of any provisions of this chapter, or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as provided by law.

11.08.030 Enforcement

A. Any peace officer is authorized to enforce the provisions of this section; provided that the County Commission may by administrative order authorize other officers or employees of the County to enforce all or part of the provisions of this Title 11.

B. The County Attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this Title 11. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating this Title 11 shall be liable for all expenses incurred by the County in removing or abating the Loud or Excessive Noise.

11.08.040 Severability
In case any provision of this Title 11 shall be declared invalid, illegal or unenforceable, the
validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.