

Salt Lake County Health Regulation

#21

**COMMUNITY NOISE
POLLUTION CONTROL**

**Adopted by the Salt Lake County Board of Health
September 6, 1984**

**Amended:
August 1, 1991,
December 7, 1995,
May 3, 2001,
August 7, 2008
August 2, 2012
October 3, 2019
XXXXXX X, 2025**

**Under Authority of
Utah Code Ann. §§ 26A-1-109(8), 26A-1-114, 26A-1-121(1)**

1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1 The purpose of this Regulation is to establish standards for the control of noise pollution within Salt Lake County. It is intended to address excessive noise disturbances that affect the health, safety, and welfare of the community and to promote a healthy and livable environment for residents, workers and visitors. ~~and to by reduce the making and creation of harmful sound to secure, protect, and promote the public health and safety of the residents of Salt Lake County.~~

2. DEFINITIONS

- 2.1 “dBA or A-Weighted Sound Pressure Level” ~~shall~~ means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The unit for reporting is dB(A) or dBA. Sounds measured with the “A” weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity.
- 2.2 “Ambient Sound” ~~shall~~ means the sound pressure level which represents the summation of the sound from all the discrete sources affecting a given site at a given time, exclusive of the source under investigation.
- 2.3 “Best Management Practices or BMPs” ~~shall~~ means auxiliary operational procedures implemented by a business or facility that are reasonably designed to effectively reduce or mitigate noise levels. BMPs include but are not limited to scheduling of activities, prohibitions of practices, maintenance procedures, and other management practices or institutional controls that prevent or reduce noise decibel levels.
- 2.4 ~~“Board” shall mean the Salt Lake County Board of Health.~~
- 2.4 “CFR” ~~shall~~ means Code of Federal Regulations.
- 2.5 “Construction” ~~shall~~ means any site preparation, assembly, erection, substantial repair, alteration or similar action.
- 2.6 “Construction equipment” ~~shall~~ means any mechanical apparatus used in excavation, construction or demolition.
- 2.7 “Crowd Noise” means noise naturally produced by people through unamplified vocalizations or physical activity, such as cheering, chanting, clapping, singing, or noise resulting from participation in an event. Crowd noise does not include sound produced or augmented by any mechanical, electrical, or electronic device, including but not limited to megaphones, bullhorns, air horns, sirens, musical instruments, or other sound-emitting or sound-amplifying devices.

- 2.8 “Decibel” ~~shall~~ means a logarithmic unit used in measuring the magnitude of sound. Decibel is abbreviated dB.
- 2.9 “Demolition” ~~shall~~ means any dismantling, intentional destruction or removal of any right-of-way surfaces, building, structure, utility or similar property.
- 2.10 “Department” ~~shall~~ means the Salt Lake County Health Department.
- 2.11 “Director” ~~shall~~ means the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.12 “Dwelling” ~~shall mean a building or structure that is intended or designed to be used, —rented, leased, let or hired out for human habitation. —~~ means a building or structure permanently or semi-permanently affixed to privately or publicly owned land that is intended or designed to be used, rented, leased, let, or hired out for human habitation.
- 2.12 ~~“Dynamic braking device” shall mean a device used to transform a motor vehicle’s internal combustion engine into an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as “Jake brakes,” “compression brakes,” or “engine brakes.”~~
- 2.13 “Emergency power generator” ~~shall~~ means the equipment used to generate electrical power in the event of an interruption, malfunction, or failure of the electrical power otherwise supplied by the service provider.
- 2.14 “Emergency vehicle” ~~shall mean an authorized motor vehicle, motorboat, or aircraft that is authorized by law for use in which can lawfully be used for the transportation of emergency personnel, equipment, and or supplies, whether in response to an emergency or in the performance of official emergency duties. while responding to the scene of an emergency.~~
- 2.15 “Emergency work” ~~shall~~ means;
- 2.15.1 Work required to restore property to a safe condition following a disaster or declaration of emergency;
- 2.15.2 Work required to protect ~~persons~~ people or property from an imminent exposure to danger; or
- 2.15.3 Work authorized to that be performed at any time, day or night, by private or public entities when required to protect life, health, safety, or to restore essential services. absolutely cannot be done otherwise during the daytime hours to protect the public’s health by private or public entities for providing or restoring immediately necessary utility service.
- 2.16 “EPA” ~~shall~~ means the U.S. Environmental Protection Agency.

- 2.17“Exhaust system” shall mean all components responsible for conducting exhaust gasses or reducing sound from a motor vehicle or motorboat including, but not limited to, mufflers, baffles, header pipes, manifolds, air intakes, or any other similar component.
- 2.18“Gross Vehicle Weight Rating” or “GVWR” shall mean the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination of vehicle, shall be used.
- 2.16“Heating, Ventilation, and Air Conditioning (HVAC)” shall means any system installed in or on or on within a dwelling, facility, building, or structure for the purpose of to providing provide heating, ventilation, or air conditioning cooling. HVAC may includes furnaces, air exchangers, central air condensing units, evaporative “swamp” coolers (commonly known as swamp coolers), heat pumps, exhaust fans, and other heating and cooling similar equipment.
- 2.17“Impulse sound” shall means sound of short duration, generally less than one second, especially of high intensity, abrupt onset, and rapid decay, and often rapidly changing spectral composition.
- 2.18“Infrasound” includes any sound frequency less than or equal to 16 Hz.
- 2.18“ L_{eq} ” shall means the average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same time period. For the purposes of this Regulation, an L_{eq} measurement ~~will~~ shall be taken for a minimum of two minutes.
- 2.19 “ L_{max} ” shall means the highest root-mean-square (RMS) sound level measured over 1000 milliseconds in a slow response. For the purpose of this Regulation L_{max} will be the highest A-weighted sound level occurring during a noise event.
- 2.20“Motor vehicle” shall mean any vehicle required to be licensed for on-road use in the State of Utah and is propelled by a motorized power source.
- 2.21“Muffler” shall mean a properly functioning sound dissipative device or system consisting of a series of chambers, baffle plates, or other mechanical devices for abating the sound of escaping exhaust gases.
- 2.20“Multi-dwelling unit building” shall means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.
- 2.21“Municipal Approved Event” shall means an event or activity ~~an assembly of people which continues, and can reasonably be expected to continue for two or more hours per~~

~~day, and that~~ has received a permit, license, or authorization from the municipality in whose jurisdiction the event is located.

2.22 “Noise” ~~shall~~ means sound that may be harmful to health.

2.23 “Noise control system” ~~shall mean parts, mufflers, assemblies or systems, including all exhaust system components, originally installed by the manufacturer which controls or reduces noise emissions.~~

2.23 “Noise Sampling Plan (NSP)” means a formal, Department-approved strategy that identifies representative noise measurement locations on a receiving property. For the purposes of this Regulation, the Noise Sampling Plan may vary depending on the property type, noise source, and alleged noise impacts of the occupants at the receiving property. The NSP establishes a standardized enforcement approach to mitigate noise impacts at the receiving property.

2.24 “Octave band” ~~shall~~ means an interval in Hertz between two frequencies having a ratio of 2:1. For purposes of this Regulation, octave band sound pressure levels shall be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 Hz.

2.25 ~~“Off highway vehicle” shall mean any vehicle not permitted to be licensed for on-road use in the State of Utah and is propelled by an engine.~~

2.25 “Owner” shall means any person who alone or jointly and severally with others:

2.25.1 ~~has~~ holds legal title to any premises, dwelling, or dwelling unit, whether or not in with or without accompanying actual possession thereof; or

2.25.2 has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, or ~~is an~~ as executor, ~~executrix,~~ administrator, ~~administratrix,~~ trustee, or guardian of the ~~estate of the owner’s estate.~~

2.26 “Person” shall means any individual; corporation, whether public or private, corporation and including its officers; partnership; limited liability company; association; firm; trustee; executor or administrator of an estate; unincorporated organization; or any government the State or its departments, agencies, institutions, political subdivisions, municipalities, bureau or agency thereof, municipal corporation, county, city, or any or other legal entity entities recognized by the law.

2.27 “Public assembly” shall means ~~an activity regardless of whether or not a ticket or payment of any type is required for admission.~~ the gathering of people for a shared purpose.

- 2.28 “Pure tone” ~~shall~~ means any sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Regulation, a pure tone ~~shall~~ exists if the one-third octave band sound pressure level, within the investigated band of the tone and frequency range, exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by:
- 15 dB for bands with center frequencies less than 160 Hz
 - 8 dB for bands with center frequencies of 160 Hz to 400 Hz
 - 5 dB for bands with center frequencies greater than 400 Hz
- 2.29 ~~“Receiving property” shall mean any property, including an individual unit of a multi-dwelling or multi-use property, that is adversely affected by noise transmitted by another property or from another unit within the same multi-dwelling or multi-use property.~~ “Receiving Property” means any property, including residential, commercial, industrial, or public, that is impacted by noise from a separate ownership or occupancy. For the purposes of this Regulation, a receiving property is a location(s) where occupants are reasonably expected to work, rest, or socialize and that is intended for regular daily living activities rather than incidental use.
- 2.30 “Repetitive impulse sound” ~~shall~~ means any impulse sound repeated at intervals such that a sound level meter set at “fast” meter characteristic will ~~show~~ demonstrate changes in sound pressure level greater than 10 dB(A) within one second.
- 2.31 “Salt Lake County Board of Health” ~~shall~~ means the Salt Lake County Board of Health as authorized by ~~Section~~ Utah Code § 26A-1-109, Utah Code Ann.
- 2.32 “Snow removal equipment” ~~shall~~ means any mechanical equipment used ~~for to removing~~ remove snow from land or building surfaces, including snowplows, snow blowers, snow sweepers, and ~~any~~ spreaders or applicators ~~employed~~ used to apply a snow- or ice-melting products.
- 2.33 “Sound” ~~shall~~ means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with interval forces that cause compression or rarefaction of the medium.
- 2.34 “Sound level meter” ~~shall~~ means an instrument that meets applicable calibration standards and that includes a microphone, amplifier, RMS detector, integrator, or time-averager, output meter, and weighting networks used to measure sound pressure levels. For the purposes of this Regulation and to ensure the accurate recording of sound measurements when implementing an NSP, the Department will take into account the margin of error as specified by the manufacturer.
- 2.35 “Sound pressure level” ~~shall~~ means ~~twenty~~ 20 times the logarithm to the base 10 of the ratio of the root-mean-square (RMS) sound pressure to the reference pressure of 20

micro-pascals (20 micronewtons per square meter). The sound pressure level is denoted Lp or SPL and is expressed in decibels (dB).

~~2.36 “Ultrasound” includes any sound frequency higher than 20 kHz.~~

~~2.37 “Z-Weighted Sound Pressure Level or dBZ or dB(Z)” shall mean the sound pressure level in decibels as measured with a sound level meter using the Z-weighted filter. Infrasound shall be measured with the Z-weighted filter.~~

3. GENERAL PROVISIONS

3.1 Jurisdiction of the Department.

3.1.1 This Regulation is promulgated by the Salt Lake County Board of Health as authorized by Utah Code § Section 26A-1-121(1), Utah Code Ann. and Chapter 9.04, Salt Lake County Code of Ordinances.

3.1.2 The Department is ~~empowered~~ authorized to enforce this Regulation ~~in all incorporated and unincorporated areas served by the Department~~ as authorized by Utah Code Section § 26A-1-114(1)(a), Utah Code Ann. and Chapter 9.04, Salt Lake County Code of Ordinances.

3.2 The Department and local law enforcement agencies shall have enforcement responsibility for this Regulation.

3.3 ~~Except as otherwise provided for, no person it shall be unlawful for any person not to~~ may violate or fail to comply with any regulation promulgated by the Department unless granted an express variance by the Salt Lake County Board of Health.

3.4 Compliance with this Regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.

3.5 Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime ~~that may have been committed~~ or for violation of any other local, state, or federal law.

3.6 Nothing in this Regulation ~~affects or modifies in any way~~ shall be construed to limit or affect any ~~the obligations or liability of any person under any other Department regulations; or provision thereof issued by the Department, any ordinance adopted by Salt Lake County ordinances; or ordinances of any municipalities located within Salt Lake County;~~ or applicable any state or federally issued law, including common law. ~~However, except as otherwise provided for, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.~~

- 3.7 **Severance.** If any section, sub-section, sentence, clause, or phrase of this Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the such decision shall not affect the validity of the remaining portions of this Regulation.

4. SUBSTANTIVE PROVISIONS

- 4.1 **General Prohibition of Noise.** Notwithstanding the specific noise restrictions in ~~Sub-section 4.7~~ 4.6, no person shall emit, ~~nor shall any person or~~ cause, allow, ~~or permit, or fail to control~~ the emission of any noise source so as to that exceeds the maximum allowable sound pressure levels set forth in Sub-section Table 1 of Section 4.2 Tables 1a and Sub-section 4.7 Table 2 when measured from the a receiving property. Noise measurement locations at the receiving property(s) will be selected in accordance with the Noise Sampling Plan. In determining whether a violation exists, the Department will take into account the margin of error specified by the manufacturer of the measuring device.

4.2 Maximum Permissible Sound Pressure Level Tables.

- 4.2.1 Maximum Permissible Sound Pressure Levels shall not exceed 100 dBA at all times and for all property types.

Table 1a
Maximum Permissible Sound Pressure Levels (L_{eq}) Table

Receiving Property Use*	Between 10:00 p.m. and 7:00 a.m.	Between 7:00 a.m. and 10:00 p.m.
Type A	5 dBA above ambient sound not to exceed 50 dBA	10 dBA above ambient sound not to exceed 60 dBA
Type B	5 dBA above ambient sound not to exceed 55 dBA	10 dBA above ambient sound not to exceed 65 dBA
Type C	5 dBA above ambient sound not to exceed 70 dBA	10 dBA above ambient sound not to exceed 70 dBA
Type D	5 dBA above ambient sound not to exceed 75 dBA	10 dBA above ambient sound not to exceed 75 dBA

*See Appendix A referencing property use examples.

<u>Receiving Property Use</u>	<u>Nighttime</u> <u>(10:00 p.m. – 7:00 a.m.)</u>	<u>Daytime</u> <u>(7:00 a.m. – 10:00 p.m.)</u>
<u>Type A</u> <u>(e.g., single-family residential)</u>	<u>50 dBA, or 5 dBA above ambient if when adding 5 dBA to the ambient results in a number above 50 dBA</u> <u>50 dBA, or 5 above ambient, whichever is greater</u>	<u>60 dBA, or 10 dBA above ambient if when adding 10 dBA to the ambient results in a number above 60 dBA</u> <u>60 dBA, or 10 above ambient, whichever is greater</u>
<u>Type B</u> <u>(e.g., apartments, schools, hospitals, etc.)</u>	<u>55 dBA, or 5 dBA above ambient if when adding 5 dBA to the ambient results in a number above 55 dBA</u> <u>55 dBA, or 5 above ambient, whichever is greater</u>	<u>65 dBA, or 10 dBA above ambient if when adding 10 dBA to the ambient results in a number above 65 dBA</u> <u>65 dBA, or 10 above ambient, whichever is greater</u>
<u>Type C</u> <u>(e.g., retail, business services, etc.)</u>	<u>70 dBA, or 5 dBA above ambient if when adding 5 dBA to the ambient results in a number above 70 dBA</u> <u>70 dBA, or 5 above ambient, whichever is greater</u>	<u>70 dBA, or 10 dBA above ambient if when adding 10 dBA to the ambient results in a number above 70 dBA</u> <u>70 dBA, or 10 above ambient, whichever is greater</u>
<u>Type D</u> <u>(e.g., industrial, event venues, undeveloped, etc.)</u>	<u>75 dBA, or 5 dBA above ambient if when adding 5 dBA to the ambient results in a number above 75 dBA</u> <u>75 dBA, or 5 above ambient, whichever is greater</u>	<u>75 dBA, or 10 dBA above ambient if when adding 10 dBA to the ambient results in a number above 75 dBA</u> <u>75 dBA, or 10 above ambient, whichever is greater</u>

*See Appendix A for property use examples and procedures for determining the proximity between differing property types.

Table 1b
Maximum Permissible Sound Pressure Levels (L_{max}) Table

Receiving Property Use*	Between 10:00 p.m. and 7:00 a.m.	Between 7:00 a.m. and 10:00 p.m.
Type A & B	70 100 dBA	100 dBA
Type C & D	100 dBA	100 dBA

*See Appendix A referencing property use examples.

4.3 Sound Pressure Level Measurements.

4.3.1 Sound pressure level measurements shall be made with a calibrated and certified Type 2 sound level meter, or better, meeting the specifications of instrument as specified in the American National Standards Institute's (ANSI) publication S1.4-1983 (Reaffirmed 2001) entitled, "Specifications for Sound Level Meters", or its current successor; or the International Electrotechnical Commission (IEC) class or type 1 and 2 standard 61672, Class/Type 1 or 2.

4.3.2 All sound level measurements required by this Regulation shall be taken in dBA, ~~unless specifically measuring infrasound and ultrasound which shall be taken in dBZ.~~

4.4 ~~**Infrasound and Ultrasound.** For any source of sound which emits infrasound (below 16 Hz) or ultrasound (above 20 kHz) frequencies, the sound pressure level shall not exceed 100 dBZ when measured from the receiving property.~~

4.4 **Pure Tone and Repetitive Impulse Sound.** For any stationary source of sound ~~which that~~ emits a pure tone or repetitive impulse sound, the limits set forth in Tables 1a shall be reduced by 5 dBA ~~when measured between the hours of 7:00 a.m. to 10:00 p.m., and reduced by 10 dBA for Type A and Type B property uses when measured between the hours of 10:00 p.m. to 7:00 a.m.~~

4.5 **Non-Sound Based Vibrations.** ~~This Regulation does not restrict the transmission of vibrations that are not sound-based and cannot be measured with by a sound pressure level meter are not restricted by this Regulation.~~

4.6 Specific Noise Restrictions.

4.6.1 **Commercial Refuse Compactors.** No person shall operate or use, ~~or nor~~ shall any person cause, allow, ~~or permit or fail to control~~ the operation or use of, any commercial refuse compactor within 300 feet of a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m., unless the

responsible party demonstrates to the Department compliance with Sub-section 4.2 Tables 1 ~~to the Department a and 1b.~~

4.6.2 **Construction Equipment and Construction Activities.** No person shall operate, ~~nor shall any person or cause, allow, or permit, or fail to control~~ the operation of, any mechanical construction equipment, or conduct any construction or demolition activities outdoorside, between the hours of 10:00 p.m. and 7:00 a.m., unless a permit has been issued ~~in accordance with Section under 5.2.~~

4.6.3 **~~Fireworks or Explosives.~~** ~~No person shall use fireworks or other explosive devices between the hours of 10 p.m. and 7 a.m. unless the responsible party demonstrates to the Department compliance with Sub-section 4.2 Tables 1a and 1b.~~

4.6.3 **Garbage Collection.** No person shall collect, ~~or cause or permit the collection or,~~ garbage, waste, or refuse ~~nor shall any person cause, allow, permit, or fail to control the collection of garbage, waste, or refuse~~ within 300 feet of a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m., unless the responsible party demonstrates ~~to the Department compliance with Sub-section 4.2 Tables 1a, to the Department 1b and Sub-section 4.7 Table 2.~~

4.6.4 **Loading/Unloading Operations.** No person shall load, ~~or unload, open, close, or otherwise handle~~ any equipment, vehicle, box, crate, container, garbage container, or other similar object ~~or open, close, or otherwise handle these objects~~ within 300 feet of a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m., unless the responsible party demonstrates ~~to the Department compliance with Sub-section 4.2 Tables 1a, to the Department 1b and Sub-section 4.7 Table 2.~~

4.6.3 **~~Motor Vehicles.~~**

- (i) ~~No person shall operate or use, nor shall any person cause, allow, permit, or fail to control the operation or use of any motor vehicle:~~
 - a. ~~Without a noise control system that meets the original specifications installed by the manufacturer;~~
 - b. ~~Unless the noise control system is in constant operation and free of defects that affect sound reduction;~~
 - c. ~~With any cut out, bypass or similar device which increases sound pressure levels;~~
 - d. ~~When the noise control system has been modified, punctured, or rendered inoperative; and~~

- e. ~~Unless the noise control system of the motor vehicle or combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration does not exceed the maximum allowable sound pressure levels set forth in Table 2 at a distance of 25 feet or more for the category of motor vehicle, based on the legal speed limit, posted or not, of the road on which such vehicle or vehicles are operated using testing methods as prescribed by the Department.~~

Table 2
Maximum Sound Pressure Levels for Motor Vehicles
Sound Pressure Level, dBA

	Measured at a Distance of	Speed limit 40 mph or less	Speed limit over 40 mph
Any motor vehicle with a gross manufacturer's 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	25 ft.	88 dBA	94 dBA
Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle	25 ft.	80 dBA	84 dBA

- (ii) ~~**Defect in Vehicle.** No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation or use of any motor vehicle that emits excessive or unusual noises because of disrepair or mode of operation.~~
- (iii) ~~**Dynamic Braking Devices.** No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger.~~
- (iv) ~~**Motorcycles and Motorcycle Exhaust Systems.**~~
- a. ~~**EPA Noise Emission Control Requirements.** No person shall cause, allow, permit or fail to control the operation or use of any motorcycle manufactured after December 31, 1982, without its required Motorcycle Noise Emission Control Label on the motorcycle vehicle itself in accordance with 40 CFR § 205.158 and on any motorcycle exhaust system as required by 40 CFR § 205.169. i. The following is an example of an EPA Noise Control Label: "This (manufacturer's name) exhaust system (serial~~

number) meets EPA Noise Emission Requirements of (noise emission standard) dB(A) for the following motorcycles: (list of model specific codes). Installation of this exhaust system on motorcycle models not specified may violate federal law.”

- b. ~~**Label Tampering.** No person shall deface or allow any person to deface any noise emission control label required by federal law which is affixed to any motorcycle or motorcycle part for purposes of identifying the motorcycle or motorcycle part as a federally regulated product.~~
- e. ~~**Mismatched Mufflers.** No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorcycle manufactured to federal noise law standards that does not bear a label or mark on the exhaust system that matches the model specific code of the motorcycle vehicle on which the system is installed.~~
- d. ~~**Competition Motorcycles.** No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorcycle identified by the noise emission control label or mark as being for “competition use only” on any property other than within a motor sports facility for the purpose of participating in a practice session or racing event.~~
- e. ~~**Competition Motorcycle Exhaust System.** No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any motorcycle fitted with an exhaust system or exhaust system component identified by the noise emission control label or mark as being for “competition motorcycles only” on any property other than a motor sports facility for the purpose of participating in a practice session or racing event.~~
- (iv) ~~**Motor Vehicle Repair and Testing.** No person shall repair, rebuild, modify, idle, run, accelerate, or test any motor vehicle, nor any auxiliary equipment attached to such vehicle within 300 feet of a Type A or Type B property use between the hours of 10 p.m. and 7 a.m. unless this activity complies with Sub section 4.2 Tables 1a, 1b and Sub section 4.7 Table 2.~~
- (v) ~~**Off Highway Vehicles.** No person shall operate, nor shall any person cause, allow, permit, or fail to control the operation of any off highway vehicle between the hours of 10 p.m. and 7 a.m. unless this activity complies with Sub section 4.2 Tables 1a and 1b.~~

4.6.5 **Parking Lot or Road Sweepers.** No person shall operate, ~~nor shall any person~~ or cause, allow, or permit, or fail to control the operation of any motorized mechanical sweeper, blower, or vacuum within 300 feet of a Type A or Type B property use between the hours of 10:00 p.m. and 7:00 a.m., unless the responsible party demonstrates ~~to the Department~~ compliance with Sub-section 4.2 Tables 1 to the Departmenta, 1b and Sub-section 4.7 Table 2.

4.6.6 **Public Assembly.** No person shall operate, or play, ~~nor shall any person~~ cause, allow, or permit, or fail to control the operation or playing of, any noise emitting device in such a manner:

- (i) That the maximum sound pressure level exceeds 100 dB(A) at a ~~point~~ location normally occupied by a patron on the premises of a public assembly, unless conspicuous and legible written notice ~~notification~~ is provided to the public prior to entrance ~~into the event~~ stating,;

“WARNING: SOUND LEVELS ON THESE PREMISES MAY CAUSE HEARING DAMAGE. HEARING PROTECTION IS AVAILABLE.”

~~In the alternative, the above warning may~~ The notice may instead be provided on a sign ~~of a color and with~~ lettering design in high contrast ~~with~~ to its background, and posted in a where it is plainly visible location at each public entrance, in bold letters ~~of~~ at least one inch in height. Nothing in tThis Sub-part subsection shall not be construed to permit conduct prohibited by any other provision of this Regulation; and

- (ii) ~~That e~~Every public assembly with the potential ~~ofto~~ exceeding 100 dB(A) shall ~~have~~ make readily available, for public distribution, ~~at a cost not to exceed~~ excessive of the retail value, single-use earplugs ~~that have~~ with a Noise Reduction Rating (NRR) of at least 20 decibels, at a cost not greater than their retail value.

4.7 Exemptions.

4.7.1 In the ~~rare~~ event that no feasible alternative exists to achieve the same operational objective while complying with this Regulation ~~compliance causes extreme or undue hardship to a facility, business or community activity,~~ the Department may allow the activity if the responsible party demonstrates to the Department that best management practices are being applied.

4.7.2 **Construction Equipment or Construction Activities.** Construction equipment and activities are exempt from this Regulation between the hours of 7:00 a.m. and 10:00 p.m. All construction activities shall comply with best management practices, industry standards, and other applicable regulations.

4.7.3 **Emergency Events and Equipment.** Noise resulting from a response to any emergency event ~~shall be~~ is exempt from this Regulation. ~~This exemption includes~~ the use of emergency equipment, emergency vehicles, emergency relief valves, emergency work, and emergency power generators ~~that~~ which provide emergency power or potable water to ~~any~~ hospitals, health clinics, nursing homes, similar facilities, or ~~Department-approved physician prescribed home-based personal medical equipment prescribed by a physician as approved by the Department,~~ where the loss of electrical power or potable water poses an immediate risk to the health, safety, ~~or~~ and welfare ~~of any person,~~ or as required by federal or state law. ~~shall be exempt from this Regulation.~~ During a power failure, other commercial or personal emergency power generators operating between the hours of 10:00 p.m. and 7:00 a.m. may reach but shall not exceed the maximum day-time sound pressure levels set forth in ~~Sub-section 4.2 Table 1a and 1b~~ when measured from the receiving property.

4.7.4 **Fireworks and Explosives.** Noise resulting from lawful fireworks and explosives is exempt from this Regulation. ~~when discharged:~~

- ~~(i) For lawful mining activities between the hours of 7 a.m. and 10 p.m. the same day;~~
- ~~(ii) By the public:~~
 - ~~a. Between the hours of 11 a.m. and 11 p.m. on the days allowed by statute which include July 1 through July 7 and July 21 through July 27, except that on July 4 and July 24, the hours are 11:00 a.m. to midnight;~~
 - ~~b. Between the hours of 11 a.m. December 31 and 1 a.m. the following day, except when New Year's Eve falls on a Sunday and the local municipality determines to celebrate New Year's Eve on the prior Saturday; and~~
 - ~~c. Between the hours of 11 a.m. on Chinese New Year's Eve and 1 a.m. the following day.~~
- ~~(iii) By a licensed display or special effects operator to conduct a professional fireworks display:~~
 - ~~a. Between the hours of 7 a.m. and 10 p.m. the same day;~~
 - ~~b. Between the hours of 11 a.m. and midnight on the day officially celebrated as and including July 4th and July 24th;~~
 - ~~c. Between the hours of 11 a.m. and 11 p.m. for a special event sponsored by a local municipality, provided the municipality has made application and received a mass gathering permit;~~

- ~~d. Between the hours of 11 a.m. on December 31 and 1 a.m. the following day; and~~
- ~~e. Between the hours of 11 a.m. on Chinese New Year's Eve and 1 a.m. of the following day.~~

- 4.7.5 **Heating, Ventilation, and Air Conditioning (HVAC).** Noise ~~resulting~~ from the operation of an HVAC system used on or within a Type A property use, including central air conditioning units, evaporative coolers, ~~or~~ and window cooling units, is exempt from this Regulation regardless of the time or frequency of operation, ~~shall be exempt from this Regulation,~~ provided the system is in good repair and operating within the manufacturer's specifications.
- 4.7.6 **Mechanical Equipment.** Noise ~~resulting~~ from the use of portable mechanical equipment is ~~shall be~~ exempt from this Regulation between the hours of 7:00 a.m. and 10:00 p.m., provided so long as the equipment is in good repair, performs a legitimate service, and is ~~being used according to~~ under the manufacturer's specifications.
- 4.7.7 **Municipal Approved Event.** ~~Except as otherwise provided for, a~~ Noise ~~resulting~~ from a municipally approved event ~~shall be~~ is exempt from this Regulation, provided ~~on the condition that~~ the municipality ~~shall~~ assumes responsibility for responding to any noise-related complaints ~~matters~~ associated with the event, ~~approved by the municipality.~~ The Department ~~shall~~ may, upon request, provide noise-related technical assistance to a municipality.
- 4.7.8 **Public Assembly.** Noise directly resulting from crowd noise ~~associated with~~ at a public assembly ~~shall be~~ is exempt from this Regulation.
- 4.7.9 **Snow Removal.** Noise ~~resulting~~ from the operation of snow removal equipment ~~shall be~~ is exempt from this Regulation;
- i. Beginning at 4:00 a.m. when snow has accumulated during the prior 12 hours for a Type A or Type B property use;
 - ii. At any time for a Type C or Type D property use that is NOT within 300 feet of a Type A or Type B property use; and
 - iii. At any time on any street, avenue, road, boulevard or highway by a governing entity.

5. TEMPORARY NOISE PERMIT and FEES

5.1 **Department Authority.** The Department ~~has the authority to~~ may grant a permit from the requirements and restrictions of this Regulation when no reasonable alternative exists and denial would cause irreparable economic loss without substantially reducing community health protection. ~~on the basis of undue hardship or for a temporary event. The Department may prescribe any reasonable conditions or requirements upon a permit deemed necessary to minimize adverse health effects upon a community or the surrounding neighborhood.~~

5.2 Temporary Noise Permit Requirements.

5.2.1 **Application.** To apply for a Temporary Noise Permit, the applicant shall complete and submit the Department-approved application form.

5.2.2 **Permit Duration.** A Temporary Noise Permit is valid only ~~at~~ for the location ~~stated~~ identified in the application and for the ~~length period~~ of time approved by the Department on the application.

5.3 Notice Requirements.

5.3.1 Upon approval of ~~any~~ a permit granted by the Department, the applicant shall ~~notify, in writing,~~ provide written notice to each dwelling and facility located within 800 feet of the event or activity, unless otherwise ~~required~~ directed by the Department, at least 48 hours in advance. The Department shall approve the content of each notice before ~~it is distributed.~~

5.3.2 The notice shall contain the following information:

- (i) The name of the event or company ~~name~~;
- (ii) The name of the coordinator or project manager;
- (iii) The contact phone number(s) of the coordinator or project manager;
- (iv) The name and contact phone number(s) of the on-site manager;
- (v) The address of the event;
- (vi) The specific date(s) and operating time(s);
- (vii) A detailed description of the activities; and
- (viii) A brief description of all measures taken to ~~maximize the abatement of the~~ reduce noise emissions ~~(or to minimize the noise emission) by~~

~~means of~~ through Source Reduction Practices, Best Management Practices, and Best Operational Practices.

- 5.4 The Department may establish and collect ~~appropriate~~ fees for licenses, certificates, ~~and~~ permits, ~~and~~ related services, including plan reviews, as set out in this Regulation. ~~The Department may collect appropriate fees as set out in this Regulation for the performance of services, including plan reviews.~~ If information on a license, certificate, or permit application changes, the applicant shall notify the Department in writing within 20 calendar days.

5.4.1 **Temporary Noise Permit Fee.** ~~A~~ The fee for a Temporary Noise Permit shall be ~~remitted~~ paid to the Department at the time of application, ~~in an~~ the amount set forth ~~as provided for or as approved by the Director in the~~ Department's Fee Schedule or as approved by the Director.

~~5.4.2 The Department may waive the temporary noise permit fees for governmental agencies, departments or municipalities provided compliance with all other requirements of Section 5 are met.~~

~~5.4.3 If a governmental agency, department or municipality approves an activity otherwise regulated by the Department as a temporary noise permitted activity, the Department may waive the temporary noise permit fee provided compliance with all other requirements of Section 5 are met.~~

5.5 Late Fees.

5.5.1 The Department may impose penalties and charges on ~~upon~~ any party subject to this Regulation ~~penalties and charges~~ for failure to timely pay service or ~~and~~ permit fees as set out in this Regulation. Attorney's fees and collection ~~fees~~ costs may also be ~~applied~~ assessed.

5.5.2 Fees unpaid to the Department after one month ~~of~~ from the due date will be assessed a penalty of 10% of the outstanding balance. Fees and additional charges unpaid ~~Failure to pay the fees and additional charges~~ after two months ~~of~~ from the due date will be assessed an additional penalty of 15% of the outstanding balance, including previous penalties. ~~Failure to pay the fees~~ and additional charges unpaid after 100 days ~~of~~ from the due date will result in suspension of the permit and the right to operate. A ~~\$40.00~~ charge will be assessed for each returned check.

5.5.3 **Temporary Noise Permit Late Application Fee.** An applicant who fails to ~~give~~ provide at least ~~a~~ ten (10) days' notice to the Department of their intent to obtain a Temporary Noise ~~p~~Permit shall ~~remit~~ pay to the Department a late application fee in the amount ~~as provided for~~ set forth in the Department's Fee Schedule or as approved by the Director ~~in the Department's fee schedule.~~

5.6 Denial, Suspension, or Revocation of License or Permit. Any permit applied for or issued ~~pursuant to~~ under this Regulation may be denied, suspended, or revoked by the Department for any of the following reasons:

- 5.6.1 Failure of the applicant to show that the temporary noise event will be held or operated in accordance with the requirements of this Regulation;
- 5.6.2 Submission of incorrect, incomplete, or false information in the application;
- 5.6.3 Failure to pay applicable fees;
- 5.6.4 The temporary noise event will be in violation of law;
- 5.6.5 Failure of the coordinator, owner, or operator ~~at~~ of a temporary noise event to allow the Department to conduct inspections as necessary to determine compliance with this Regulation;
- 5.6.6 Operation of a temporary noise event in a waymanner that ~~causes or~~ creates a hazard to the public health, safety, or welfare;
- 5.6.7 Failure to operate or maintain the temporary noise event in accordance with the application, reports, plans, and specifications approved by the Department; or
- 5.6.8 Failure to comply with any provision of this Regulation.

6. INSPECTIONS & INVESTIGATIONS

6.1. To ensure compliance with this Regulation, the Department may conduct ~~has the authority to perform~~ inspections, investigations, reviews, and other actions as necessary.

6.2. Authority for Department to Enter Premises.

- 6.2.1. **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter ~~upon the premises of properties~~ regulated by the Department to ~~perform~~ conduct routine inspections ~~to ensure~~ for compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the Division of Occupational and Professional Licensing.
- 6.2.2. **Unregulated Commercial Properties.** The Department may enter ~~upon~~ the premises of commercial properties not pervasively regulated by the Department upon with the consent of the owner or other party person with ~~having~~ legal authority, or upon pursuant to a court order.

6.2.3. **Private Dwellings.** Inspections of private dwellings to conduct investigations ~~are~~ may be made ~~by~~ with the consent of the owner or other party ~~having person with~~ legal authority, or ~~upon~~ pursuant to a court order.

6.2.4. **Consent by Permit.** The Department shall require permit holders to allow access for inspections as a condition ~~part~~ of their permit. Failure to ~~allow~~ provide access for inspections as required ~~set out in the permit~~ may result in ~~the~~ suspension or revocation of the permit.

7. **ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this Regulation or the Department has other reasonable grounds to believe that there has been a violation of any part of this Regulation or that the property owner or otherwise responsible party is not in compliance with this Regulation, the Department may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

7.1. **Civil Enforcement Actions.** The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.2. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors:

7.2.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;

7.2.2. The degree to which the violation was designed to provide economic gain or cost avoidance, or involved a pattern of conduct or a common attitude of illegal conduct;

7.2.3. The degree to which the offender is a known violator and has avoided prior actions by the Department;

- 7.2.4. The degree to which prosecution might deter future violations;
- 7.2.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.2.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.2.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.2.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.3. **Administrative Actions.**

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via certified mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:
 - (i) Describe the property and the persons believed to be in violation;
 - (ii) Describe the violation;
 - (iii) Describe remedial action that will comply with the provisions of this Regulation;
 - (iv) Set a reasonable time for the performance of any required remedial action(s);
 - (v) Describe the procedure to contest the NOV and the time limits for such a contest; and

- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** As detailed in the Department's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the Department's Adjudicative Hearing Procedures.

- (ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals.** Parties aggrieved by an NOV may also request a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the Department's Adjudicative Hearing Procedures. Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the Department's Adjudicative Hearing Procedures.

- (i) **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority.**

7.4.1. Any variances allowed by the Department to the requirements of this Regulation shall be only by written approval of the Salt Lake County Board of Health.

- 7.4.2. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, ~~he or she~~ they may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as ~~he~~ they deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the ~~nuisance~~ health hazard immediately but may petition the Director for a hearing in accordance with the Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES

8.1. Criminal Penalties.

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this Regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code § Section 26A-1-123, Utah Code Ann.
- 8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. Civil & Administrative Penalties.

- 8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:
- (i) The violator's history of compliance or non-compliance;
 - (ii) The violator's economic benefit of non-compliance;
 - (iii) The documented costs associated with environmental or health damage;
 - (iv) The violator's degree of willfulness or negligence; and
 - (v) The violator's good faith efforts to comply and cooperate.

8.2.2 The Director may multiply the penalty by the number of days the violation occurred.

8.3. Recovery of Investigation & Abatement Costs.

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. EFFECTIVE DATE

9.1. This Regulation shall become effective upon its adoption by the Salt Lake County Board of Health.

APPROVED AND ADOPTED this _____ day of _____, 2019~~XX~~.

SALT LAKE COUNTY BOARD OF HEALTH

By: _____
~~Dr. William Cosgrove, Chair~~
Dan Eckersley, Chair

ATTEST:

~~GARY L. EDWARDS, M.S.~~
DOROTHY ADAMS, MPA, LEHS
Executive Director
Salt Lake County Health Department

APPENDIX A
Noise Area Classifications

Type A Property Use Activities/Examples

- ~~Single family residential structure that does not share a common wall with residential or any other use.~~

Type B Property Use Activities/Examples

- ~~All other residential use not included in Type A including but not limited to:~~
 - ~~Apartment/Condominium/Twin Home/Poli-Plex~~
 - ~~Group home, community living~~
 - ~~Residential hotel/motel~~
 - ~~Mobile home park or court~~
 - ~~Transient lodging~~
- ~~Correctional institution~~
- ~~Medical/other health service~~
- ~~Religious, Church activity~~
- ~~School, Educational Institution activity~~
- ~~Cultural activity and nature exhibition~~
- ~~Camping and picnicking areas (designated)~~
- ~~Resort, group camp~~
- ~~Other cultural, recreational activity~~

Type C Property Use Activities/Examples

- ~~Retail trade~~
 - ~~building materials~~
 - ~~hardware~~
 - ~~farm equipment~~
 - ~~general merchandise~~
 - ~~food, eating and drinking, other recreation (bar, discotheques, clubs)~~
 - ~~automotive & accessories, gas stations~~
 - ~~marine craft & accessories~~
 - ~~aircraft & accessories~~
 - ~~apparel & accessories~~
 - ~~furniture, home furnishings and equipment~~
- ~~Other retail trade~~
 - ~~Finance, insurance, and real estate services~~
 - ~~Personal services~~
 - ~~Business services~~
 - ~~Repair services~~
 - ~~Legal services~~
 - ~~Other professional services~~
 - ~~Contract construction services~~
 - ~~Governmental services (except correctional institutions)~~
 - ~~Miscellaneous services (except religious activities)~~

- Amusements (except fairgrounds and amusement parks)
- Parks
- Automobile parking

Type D Property Use Activities/Examples

- Food and kindred products—manufacturing
- Textile mill products—manufacturing
- Apparel & other finished products made from fabrics, leather & similar materials—manufacturing
- Lumber and wood products (except furniture)—manufacturing
- Furniture and fixtures—manufacturing
- Paper and allied products—manufacturing
- Printing, publishing, and allied industries
- Chemicals and allied products—manufacturing
- Petroleum refining and related industries
- Rubber and miscellaneous plastic products—manufacturing
- Stone, clay, & glass products—manufacturing
- Primary metal industries
- Fabricated metal products—manufacturing
- Professional, scientific, and controlling instruments, photographic & optical goods, watches and clocks—manufacturing
- Miscellaneous manufacturing (except motion picture production)
- Railroad, rapid transit, and street railway transportation (except passenger terminals)
- Motor vehicle transportation (except passenger terminals)
- Aircraft transportation (except passenger terminals)
- Marine craft transportation (except passenger and freight terminals)
- Highway and street right-of-way Communication (except telegraph message centers)
- Utilities
- Other transportation, communication & utilities (except transportation services and arrangements)
- Event and entertainment venues
- Racetracks
- Fairgrounds and amusement parks
- Agricultural
- Agricultural and related activities
- Forestry activities and related services (including commercial forest land, timber production, and other related activities)
- Fishing activities and related services
- Mining activities and related services
- Other resource production and extraction
- All other activities not otherwise listed
- Undeveloped and unused land area (excluding noncommercial forest development)
- Noncommercial forest development

- ~~Water areas~~
- ~~Vacant floor area~~
- ~~Under construction~~
- ~~Other undeveloped land and water areas~~
- ~~All other property uses not previously identified~~

Type A – Single-Family Residential

Examples:

Detached single-family homes (no shared walls)

Type B – Multi-Family Residential & Similar Uses

Examples include, but are not limited to:

Apartments, condominiums, townhouses, duplexes and twin homes

Mobile home parks and courts

Group homes, residential hotels or motels

Correctional institutions, medical or health service facilities

Schools, educational institutions, camps, designated recreational or cultural areas, parks

Type C – Commercial, Retail, Office & Services

Examples include retail and service-oriented uses such as:

Retail trade (e.g., general merchandise, food services, hardware, automotive, apparel, furniture)

Business, professional, legal, personal, repair, or insurance services

Governmental services (excluding correctional facilities), churches and religious activities

Parks, amusement venues, parking facilities, business services, contract construction services

Type D – Manufacturing, Agricultural & Forestry

Examples include industrial and large-scale agricultural/forestry operations such as:

Manufacturing industries (e.g., textiles, wood, paper, chemicals, metal, plastics, printing, machinery)

Lumber and furniture production, petroleum and allied industries, fabricated metal, professional and scientific instruments

Farming, dairying, timber production, livestock feed yards, large-scale raising and marketing of animals

Note: These examples are illustrative, not exhaustive. The Department retains the discretion to classify specific property uses and assign applicable maximum noise limits under Types A through D.