

TOWN OF ALPINE

268 ORDINANCE NO. 2019-05

HEALTH, SAFETY, AND SANITATION NOISE CONTROL

AN ORDINANCE TO REGULATE, PREVENT OR SUPPRESS NOISE IN THE TOWN OF ALPINE AND APPROVING NOISE CONTROL IN THE TOWN OF ALPINE

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE:

STATE LAW. For state law as to power of towns to regulate, prevent, or suppress noise, see W.S. 1977 § 15-1-103.

§ 001	DEFINITIONS
§ 002	CLASSIFICATION OF USE DISTRICTS
§ 003	MOTORIZED VEHICLES
§ 004	EXCEPTIONS
§ 005	APPLICATION FOR SPECIAL PERMIT
§ 006	VIOLATIONS
§ 007	ADDITIONAL REMEDY

Section 001. DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

"A" weighted sound pressure level. Sound pressure level as measured with a sound level meter using the "A" weighting network. The standard unit notation is dB (A).

Construction or Demolition Activity. Means the erection (including excavation), demolition, alteration, or repair of any building, structure or roadway, for which all necessary and proper governmental permits have been obtained.

Decibel. Logarithm and dimensionless unit of measure used in describing the amplitude of sound. Denoted as dB.

Emergency Vehicle. Means any type of vehicle or device with a motor to operate or to be used in an emergency.

Emergency work. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Event. Means a planned public or social occasion thing that happens, especially one of importance.

Excessive. Means to a greater degree or in greater amounts than is necessary, normal, or desirable; inordinately.

Health. Means an optimal state of physical, mental and emotional well-being and not merely the absence of disease.

Intensity. Means the magnitude and strength of noise.

Legal Holidays. Means a public holiday established by law.

Motorized Vehicle. Means a vehicle or device with a motor to operate or propel.

Noise. The intensity, frequency, duration and character of sound or sounds from a source or sources. When related to all other sounds, from whatever source, including by not limited to outdoor construction activities, construction equipment, vehicles and/or machinery associated with any such construction activities; the term means any such sound which exceed one hundred ten (110) decibels, during the hours of 8 p.m. to 6:30 a.m., the following day, on regular weekdays and 7:30 p.m. to 9 a.m., the following day, on weekends and legal holidays.

Nonconforming. Means the existence of any operation, vehicle, building or structure that does not conform to the permitted use established.'

Property. Meaning a building or buildings and the land belonging to it and/or them.

Property Line. Means the separation to one or more property(ies) and the boundary line that establishes the separation.

Right-of-Way. Means any road, street, avenue, alley, boulevard, highway, lane or court, including berms, shoulder or any public property adjacent thereto, bridge, viaduct, trestle and the approaches to them or sidewalk.

Special Use/Authorization. Means the action or fact of authorizing or being authorized; a document giving permission or authority.

Temporary. Means serving or lasting for a limited period of time.

Vehicle. Any machine or device in, on, or by which any person or property is or may be transported or drawn on any right-of-way or parking lot. This definition applies to motorized and/or emergency vehicles.

Weekends. Means a period from Friday evening through Sunday evening.

All technical terminology used in this chapter, unless its context otherwise requires, shall be defined in accordance with American National Standard Institute (ANSI) Publication S 1.1-1960, revised 1971, or successor publications.

Sound level meter. Instruments including a microphone, and amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specified manner, as per American National Standards Institute S 1.4-1971.

Sound pressure level. Twenty (20) times the logarithm to the base ten (10) of the ratio of the root mean square pressure of a sound to the reference pressure, which is 20×10^{-6} newtons per square meter.

Section 002. CLASSIFICATION OF USE DISTRICTS.

(a) It shall be unlawful to project a sound level, excluding noise emanating from the operation of cars, trucks or motorcycles, on town streets and alleys from one property into another property within the boundary of a use district which exceeds the limiting noise spectra set forth in Table 1 below. Sound level shall not be projected for more than ninety (90) percent of any measurement period, which shall not be less than ten (10) minutes.

(b) Sound projected from one use district into another use district with a different noise level limit shall not exceed the limits of the districts into which the noise is projected.

(c) (1) The measure of sound shall be made with a sound level meter and shall meet the standards prescribed by the American National Standards Institute Type II or better.

(c) (2) The slow meter response of the sound level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise spectra set forth in Table I below.

(c) (3) The measurement shall be made at or beyond the property line of the property on which the sound pressure level is generated, or perceived, at approximately five (5) feet above ground.

(c) (4) In the case of an elevated or directional sound source, compliance with the noise limits is to be maintained at any elevation at the boundary.

TABLE I
LIMITING NOISE LEVELS FOR USE DISTRICT
Maximum permissible sound pressure levels in decibels db (A)
Day 7:00 A.M. - 9:00 P.M.
Night 9:00 P.M. - 7:00 A.M.

	Residential	Business Industrial	Light Industrial
Day	55	60	70
Night	50	55	65

Section 003. MOTORIZED VEHICLES.

It shall be unlawful to operate a motorized vehicle within the Town limits which creates a sound pressure level which exceeds the noise level limits set forth in Table II below to be measured in accordance with Section 002 (c), at speeds of forty (40) m.p.h. or less.

TABLE II
MAXIMUM ALLOWABLE LIMIT

(a) Vehicles over 10,00 pounds:

Ninety (90) dB (A) measured at or beyond twenty-five (25) feet from near edge of lane or roadway - maximum limit.

(b) Under 10,000 pounds:

Eighty (80) dB (A) measured at or beyond twenty-five (25) feet from near edge of lane or roadway - maximum limit.

(c) Motorcycles:

Eighty-four (84) dB (A) measured at or beyond twenty-five (25) feet from near edge of lane or roadway - maximum limit.

(d) Domestic power equipment:

Eighty-four (84) dB (A) measured at a point beyond property line - maximum limit.

(e) Mufflers - prevention of noise:

It shall be unlawful for any person to operate, or for the owner to cause or knowingly permit the operation of any vehicle or a combination of vehicles, within the Town which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise; no muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device.

(f) Engine Brakes – Prohibition of:

It shall be unlawful for any person to operate an engine compression brake within the Town.

Section 003.01 TEST FOR EXCESSIVE NOISE.

For the purpose of determining and classifying any noise as excessive and in violation of this chapter, the following test measurement and requirements shall be applied:

(a) The noise shall be measured on a sound meter which conforms to ANSI standards and quality, operated on an “A weighting scale.

(b) The noise shall be measured at the property line from its source, when located within a dedicated public right-of-way.

(c) If the noise is located on private property or public property, other than a dedicated public right-of-way, it shall be measured at the property line from the property line of the property on which its source is located.

Section 003.02 USE OF LOUD SPEAKERS

Use of loudspeakers and sound producing devices to attract public to buildings prohibited. Notwithstanding provisions in this chapter to the contrary it is unlawful for any person, firm or corporation to use, operate, or permit to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine

or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of twenty-five feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section.

Attaching sound amplifying equipment to vehicles for advertising prohibited.
No person shall operate, or cause to be operated within the Town of Alpine, any motor vehicle or horse drawn vehicle having mounted thereon or attached thereto any sound amplifying equipment with such sound amplifying equipment in operation for commercial or political sound advertising purposes.

Section 004. EXCEPTIONS.

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

- (a) Noise of safety signals and warning devices;
- (b) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (c) Noises resulting from emergency work or noise levels for which a special permit has been granted as hereinafter provided for.
- (d) Noise resulting from the operation of town equipment by town work crews.
- (e) Noise resulting from the operation of motorized lawn, yard care, and snow removal equipment between the hours of 6:00 A.M. and 9:00 P.M.
- (f) Noise resulting from the use of pyrotechnics during town celebrations and/or holidays.
- (g) Noise resulting from events, parties, or celebrations organized or permitted by the the town.

Section 005. APPLICATION FOR SPECIAL PERMIT.

Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Mayor or his duly authorized representative. Any permit granted by the Mayor hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit may be effective. The Mayor or his duly authorized representative may grant the relief as applied for if he finds:

- (a) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter, or
- (b) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other subsections of this Section; or

(c) The Mayor or his duly authorized representative may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Section 006. VIOLATIONS.

(a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and may be fined Seven Hundred Fifty (\$750.00) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense.

(b) A person commits a breach of peace if he disturbs the peace of a community or its inhabitation by creating excessive noise, or by using threatening, abusive or violent acts or language which a reasonable person would determine would disturb the peace, or by using excessive noise as defined during any construction and/or demolition activities within the Town boundaries.

Section 007. ADDITIONAL REMEDY.

The operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision hereof and 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 summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 008 CONFLICTS REPEALER.

190 Ordinance No. 2009-46 is herewith repealed in its entirety. Any ordinance or part of any ordinance that may conflict herewith is hereby repealed.

SECTION 009 THIS ORDINANCE PASSED AND APPROVED ON THE FOLLOWING DATES.

Passed First Reading this 20th day of August, 2019

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

Passed Second Reading this 17th day of September, 2019

VOTE: 3 YES, 0 NO, 0 ABSTAIN, 2 ABSENT, (FARNSWORTH, LUTZ)

Passed on Third and Final Reading this 15th day of October, 2019

VOTE: 4 YES, 0 NO, 0 ABSTAIN AND 1 ABSENT, (FARNSWORTH).


PASSED, APPROVED AND ADOPTED THIS 15TH DAY OF OCTOBER, 2019

TOWN OF ALPINE


W. KENNIS LUTZ, MAYOR

ATTEST:




SHARON L. BACKUS, CLERK / TREASURER

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the forgoing 268 Ordinance No. 2019-05 shall be duly posted for ten (10) days in the Town Office.

I further certify that the foregoing Ordinance will be posted on the Town website in final form, upon its passing and approved by the Town Council as soon as is practicable.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES VI, TOWN OF ALPINE; LINCOLN COUNTY, WYOMING.

ATTEST:




SHARON L. BACKUS, CLERK/TREASURER