

TEMPORARY NOISE PERMIT

Application Packet



Community Development Department

1020 East Pioneer Road, Draper, UT 84020
(801) 576-6539 Fax (801) 576-6526



Dear Applicant,

This application packet has been developed as a means to assist you, the applicant, in understanding the application procedure and requirements when submitting for a Temporary Noise Permit. This packet includes all of the necessary background information you will need to prepare and file a complete submittal that will allow your application to be processed and reviewed in the timeliest manner possible. The following materials have been included in this application packet for your convenience:

- Application Form

Incomplete applications will not be accepted, receipted, or processed. In order to adequately process your request, the following materials will be required at the time of submission of your application:

- Completed Application Form

Should you have any further questions regarding the application materials, process, or laws and ordinances, please feel free to contact us. For your reference the Draper City Municipal Code and Consolidated Fee Schedule can be accessed via www.draper.ut.us. Thank you for your interest in Draper City, and we look forward to working with you very soon.

Sincerely,

Draper City

Applicant/Owner Information

Date of Submission:	Zone:	Parcel #(s):
Project Name:		Acres:
Project Address:		Units:

Project Description:

Property Owner(s):	Applicant(s):
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Address:	Address:
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City:	State:	Zip:	City:	State:	Zip:
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Phone:	Phone:
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Contact Person:	Address:
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Phone:	City:	State:	Zip:
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Cellular:	Fax:	Email:
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Statement of Activity or Purpose

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Reason(s) Why the Permit is Necessary

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Permit Detail

Date:	Time(s):	Location:
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There is NO processing fee for a Temporary Noise Permit.

A copy of a Temporary Noise Permit issued by the Salt Lake County Health Department for the date, time and location of the Draper City Temporary Noise Permit MUST be submitted with the Draper City Temporary Noise Permit Application.

*The application you are submitting may become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Draper City does not currently share your private, controlled or protected information with any other person or government entity.

For Office Use Only		
Received By:	Date Received:	Salt Lake County Health Department Permit #:

Draper City Municipal Code

7-6-010: PROHIBITED NOISE:

It is unlawful for any person to wilfully or with reckless disregard create the following noise disturbances within the city:

- A. **Disruption Of Dwelling:** To make, cause or permit any excessive noise which annoys, injures, or endangers the comfort, repose, health or safety of any neighborhood or person residing therein which, under the circumstances, would disturb a person of average and reasonable sensitivities.
- B. **Disruption Of Meeting:** To make, cause or permit any excessive noise which prevents or disrupts a lawful meeting, gathering, business or other lawful activity, which under the circumstances would disturb a person of average and reasonable sensitivities.
- C. **Disruption At Draper City Park:** To make, cause or permit any excessive noise which annoys, injures, or endangers the comfort, repose, health, safety or peaceful enjoyment of the park facilities by other members of the public or neighboring residents of the park, which under the circumstances would disturb a person of average and reasonable sensitivities. For purposes of this subsection, it is expressly prohibited for any person to play or cause to be played any amplified sound or music within the park without first obtaining a noise permit in accordance with section 7-6-050 of this chapter.
- D. **Automobiles:** To operate or permit the operation of a motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of any unnecessary rapid acceleration, deceleration, engine revving or tire squealing.
- E. **Street Performances:** To use or permit the use of bells, whistles, sirens, music horns or any other noisemaking device for the purpose of business, amusement or otherwise which tends to collect persons on the streets or sidewalks of the city.
- F. **Emergency Signals:** To make, cause or permit the sounding of any fire, burglar, automobile or civil defense alarm, siren, whistle, or similar emergency signaling device other than for emergency or testing purposes. Any testing permitted herein shall be conducted between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. and shall be conducted for the minimum test cycle time not to exceed three (3) minutes. (Ord. 183, 7-11-1995)

7-6-020: REGULATED NOISE:

It shall be unlawful to cause, permit or perform the following acts between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. within the city when such acts create a noise disturbance within a residential area:

- A. **Loading Operation:** To load, unload, open, close, or otherwise handle boxes, crates, containers, building materials, garbage containers or similar objects.
- B. **Construction Work:** To operate any tools or equipment used in construction, drilling, repair, alteration or demolition work on buildings, structures or streets.

- C. Power Equipment: To operate any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or other similar device, other than powered snow removal equipment.
- D. Garbage Collection: To collect garbage, waste or refuse.
- E. Loudspeakers: To operate or use any loudspeaker, public address system, or mobile sound vehicle amplifying sound therefrom.
- F. Radios: To operate or play any radio, television, musical instrument or similar audio device. (Ord. 183, 7-11-1995)

7-6-030: FACTORS:

The factors to be considered in determining whether a violation of the provisions of this chapter exists include, but shall not be limited to, the following:

- A. The level of the noise;
- B. The nature of the noise; i.e., usual or unusual;
- C. The origin of the noise; i.e., natural or unnatural;
- D. The level and intensity of any background noise;
- E. The proximity of the noise to residential areas;
- F. The nature and zoning of the surrounding area;
- G. The density of inhabitants in the surrounding area;
- H. The time of day of the noise; and
- I. The recurrence or consistency of the noise. (Ord. 183, 7-11-1995)

7-6-040: EXCEPTIONS:

The provisions of this chapter shall not apply to emergency situations, the lawful exercise of free speech, and conduct permitted by license or permit of the city or otherwise authorized by law. In addition, this chapter shall not apply to agricultural equipment or operation, unless such equipment or operation is determined by the city to constitute a nuisance from the negligent or improper operation of any such equipment or operation. (Ord. 183, 7-11-1995)

7-6-050: SPECIAL PERMIT:

Persons may file an application with the city for a special temporary noise permit authorizing the applicant to take certain action or conduct certain activities not otherwise permitted herein. Any permit issued hereunder shall be in addition to any and all other licenses or permits required by law, and shall be subject to all other state and county laws regarding noise emissions.

A. Application: Applications for a special temporary noise permit shall be made in writing to the city community development department and shall include the following items:

1. Name and address of the applicant;
2. Activity or purpose for which the permit is desired;
3. Reasons why the permit is necessary, including an explanation of undue hardship and lack of reasonable alternatives;
4. The specific date, time and location to be covered by the permit;
5. Any other relevant information requested by the city.

B. Fees: Each application for the special temporary noise permit filed hereunder shall be accompanied by any required permit fees set forth by resolution of the city council. No permit shall be issued until the proper fees have been paid to the city. Unless otherwise provided, the fees required herein shall be in addition to any and all other license or permit fees imposed by any other law.

C. Issuance: The community development director shall review all applications filed hereunder and may issue or deny a permit, in whole or in part, based upon consideration for public health and safety; provided, that the Draper City Park coordinator may process all applications for noise permits within the park as required in subsection 7-6-010C of this chapter. Any permit issued hereunder shall contain any conditions upon which the permit has been granted, including the effective dates, time restrictions, location and other reasonable requirements necessary to minimize adverse effects upon surrounding areas and any persons therein.

D. Denial: If the proper fees have not been paid, or the community development director or park coordinator determines that the application does not conform with applicable law or it is not in the public's best interest to issue the permit, the community development director or park coordinator shall deny the permit and notify the applicant in writing of such denial. The notice shall state the reasons for denial and inform the applicant that he or she may file a written appeal of such denial pursuant to subsection I of this section.

E. Term: Any permit issued hereunder shall specifically state the term and purpose for which it was issued, not to exceed thirty (30) days.

F. Limitation: Except as provided herein, each permit issued hereunder shall be valid only for the person to whom it is issued and only for the purpose and location for which it is issued. Permit holders shall ensure that the permit is available for inspection by city officials at the place and time for which it is issued.

G. Records: The community development director and park coordinator shall keep a record of all permits issued hereunder, including the name of the person to whom the permit was issued, the type of permit issued, and the fees collected.

H. Revocation: Any permit issued hereunder may be revoked or suspended by the community development director or park coordinator due to the permit holder's failure to comply with the provisions hereof or

other applicable law. Prior to revocation of any permit, proper notice and an opportunity to be heard shall be provided to the permit holder.

- I. Appeal: Any determination made by the community development director or park coordinator relative to the issuance, denial or revocation of a permit hereunder may be appealed to the city manager by filing within ten (10) days from the date of said determination, a written notice of appeal setting forth the grounds for the appeal and any other pertinent information. Such notice of appeal shall be filed by delivering an original and three (3) copies to the city manager during regular business hours. Upon receipt of the appeal, the city manager shall thoroughly and objectively investigate the matter and issue a written decision stating the reasons for the decision and informing the appellant of any right to judicial review provided by law. (Ord. 183, 7-11-1995)

7-6-060: VIOLATIONS:

Any person found in violation of this chapter shall be guilty of a class C misdemeanor and subject to imprisonment and/or fines as provided by law. Violations of this chapter shall also constitute a public nuisance and may be enjoined and abated as such by the city. (Ord. 183, 7-11-1995)

