

RESOLUTION NO. R-2025-0002

A RESOLUTION BY THE CITY OF OREM CITY
COUNCIL AUTHORIZING THE MAYOR TO
SIGN A NOISE ORDINANCE EXEMPTION FOR
THE CONSTRUCTION OF GENEVA ROAD
FROM UNIVERSITY PARKWAY (OREM) TO
1800 SOUTH

WHEREAS Section 9-2-9 of the City of Orem Code currently prohibits construction work in or within 200 feet of a residential zone between the hours of 10:30 p.m. and 7:00 a.m. and prohibits the operation of machinery in a residential zone during the same hours; and

WHEREAS Section 11-1-3(B)(28)(g) of the City of Orem Code defines a nuisance to include “the creation of unreasonable noise which disturbs others”; and

WHEREAS Utah Code 72-6-112.5 provides that where the state highway construction project provides reasonable written notice in advance of nighttime construction, there is a net community benefit to conduct nighttime construction, and the state highway construction project institutes best management noise reduction practices in consultation with local government, the local government shall issue a nighttime construction noise ordinance exemption/permit; and

WHEREAS a construction and improvement project is currently planned for the area of Geneva Road from University Parkway to 1800 South with construction to conclude by the end of the year 2026;

WHEREAS allowing work to be performed on the project during nighttime hours can greatly reduce the impact on traffic flows by shortening the overall time of construction and by minimizing street closures during peak traffic hours; and

WHEREAS the allowance of nighttime work will increase safety during construction to the traveling public and to the construction crews; and

WHEREAS representatives of the Utah Department of Transportation (“UDOT”) project presented to the City of Orem City Council regarding their request for a nighttime construction exemption; and

WHEREAS UDOT requests an exemption for nighttime construction with the following conditions:

- a. The UDOT contractor (“the contractor”) will provide written notice to Orem 15 days prior to beginning construction of the intended schedule for night work for the project;
- b. The contractor will not perform/use saw cutting or jackhammering during nighttime hours (10:30 p.m. and 7:00 a.m.);
- c. The contractor will not use compression release engine brakes, dynamic braking devices, or Jake Brakes, except to avoid imminent danger;
- d. The contractor will provide adequate lighting for performing satisfactory inspection and construction operations;
- e. The contractor will notify, in writing, neighbors and businesses located within 200 feet of the construction prior to beginning night work; and

WHEREAS allowing nighttime construction work on any particular segment of the project will have only a temporary impact on nearby residential dwellings; and

WHEREAS the City Council finds that the public benefit to be gained by allowing nighttime construction work on Geneva Road from University Parkway to 1800 South outweighs any negative impacts to residents who might be temporarily affected by such construction work; and

WHEREAS the matter having been submitted and the City Council having fully considered the proposed amendments as they relate to the health, safety, and general welfare of the City; the effect upon the property owners; and the special conditions applicable to the request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FO THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby authorizes the Mayor to sign the proposed Orem City Noise Ordinance Exemption for Construction of Geneva Road from University Parkway to 1800 South (Orem), attached hereto as Exhibit A.
2. Such Exemption is reasonably necessary as it:
 - a. promotes the general welfare of the community; and
 - b. is in the interest of the public, in that it will promote a more timely and safe completion of road construction projects and will minimize the impact on traffic from such project; and
 - c. will have only a temporary negative impact on property owners in the City.
3. This resolution shall become effective immediately upon passage.

PASSED and APPROVED this 28th day of January, 2025.



David A. Young, Mayor

ATTEST:



Teresa McKittrick, City Recorder



COUNCILMEMBER	AYE	NAY	ABSTAIN
David A. Young	☒	☐	☐
Jeff Lambson	☒	☐	☐
Jenn Gale	☐	☐	☐
Tom Macdonald	☒	☐	☐
LaNae Millett	☒	☐	☐
Chris Killpack	☒	☐	☐
David Spencer	☒	☐	☐

EXHIBIT A

January 28, 2025

RE: Orem City Noise Ordinance Exemption for Construction of
PIN 19313. Geneva Road - University Parkway to 1800 South

Dear Mayor Young,

Construction work by UDOT will occur along Geneva Road from University Parkway to 1800 South (Orem) UDOT anticipates that the contractor for this project will need to perform night work to complete construction of said project.

UDOT anticipates all project construction work will be completed by the end of 2026. Construction activities will occur during daytime hours while maintaining traffic, including with some lane and shoulder restrictions. UDOT plans to allow some night-time construction activities between 10:00 p.m. and 7:00 a.m. to allow the contractor to perform necessary work operations. Night-time work may include, but not be limited to, roadway reconstruction and underground drainage work. In the interest of public health and safety, these night construction activities will be allowed to: minimize impacts to higher daytime traffic volumes along Geneva Road, increase safety during construction to the traveling public and to construction crews, and to reduce the overall construction duration.

Can you please provide approval for night-time construction work with the following conditions:

1. The contractor will provide written notice to the city 15 days prior to beginning construction of the intended schedule for night work for the project.
2. The contractor will not perform/use saw cutting or jackhammering during nighttime hours.
3. The contractor will not use compression release engine brakes, dynamic braking device, or Jake Brake, except to avoid imminent danger.
4. The contractor will provide adequate lighting for performing satisfactory inspection and construction operations.
5. The contractor, or representative, will notify neighbors and businesses located within 200 feet of the construction in writing prior to beginning night work.

If in agreement, please provide your signature below to authorize an exemption of the Orem City Code, Section 9-2-9 (Disturbing the peace).

Thank you,

Executed Exemption:

Andy Spencer
Project Manager

Mayor David Young
Orem City