

Salt Lake County Health Department

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 §§ 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.

2. DEFINITIONS

- 2.1 “dBA or A-Weighted Sound Pressure Level” 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” 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” means auxiliary operational procedures implemented by a business or facility that are reasonably designed to 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 “CFR” means Code of Federal Regulations.
- 2.5 “Construction” means any site preparation, assembly, erection, substantial repair, alteration or similar action.
- 2.6 “Construction equipment” 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” means a logarithmic unit used in measuring the magnitude of sound. Decibel is abbreviated dB.

- 2.9 “Demolition” means any dismantling, intentional destruction or removal of any right-of-way surfaces, building, structure, utility or similar property.
- 2.10 “Department” means the Salt Lake County Health Department.
- 2.11 “Director” means the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.12 “Dwelling” 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.
- 2.13 “Emergency power generator” 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” means motor vehicle, motorboat, or aircraft that is authorized by law for use in the transportation of emergency personnel, equipment, or supplies, whether in response to an emergency or in the performance of official emergency duties.
- 2.15 “Emergency work” 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 people or property from imminent exposure to danger;
or
 - 2.15.3 Work authorized to 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.
- 2.16 “Heating, Ventilation, and Air Conditioning (HVAC)” means any system installed in or on a dwelling, facility, building, or structure to provide heating, ventilation, or cooling. HVAC includes furnaces, air exchangers, central air condensing units, evaporative coolers (commonly known as swamp coolers), heat pumps, exhaust fans, and similar equipment.
- 2.17 “Impulse sound” means sound of short duration, generally less than one second, especially of high intensity, abrupt onset, rapid decay, and often rapidly changing spectral composition.
- 2.18 “ L_{eq} ” 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 shall be taken for a minimum of two minutes.

- 2.19 “ L_{\max} ” 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 “Multi-dwelling unit building” 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” means an event or activity that has received a permit, license, or authorization from the municipality in whose jurisdiction the event is located.
- 2.22 “Noise” means sound that may be harmful to health.
- 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” 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 “Owner” means any person who alone or jointly and severally with others:
- 2.25.1 holds legal title to any premises, dwelling, or dwelling unit, whether or not in 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 as executor, administrator, trustee, or guardian of the owner’s estate.
- 2.26 “Person” means an individual; corporation, whether public or private, including its officers; partnership; limited liability company; association; firm; trust; executor or administrator of an estate; unincorporated organization; or any government or its departments, agencies, institutions, political subdivisions, municipalities, or other legal entities recognized by law.
- 2.27 “Public assembly” means the gathering of people for a shared purpose.
- 2.28 “Pure tone” 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 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” 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” means any impulse sound repeated at intervals such that a sound level meter set at “fast” meter characteristic will demonstrate changes in sound pressure level greater than 10 dB(A) within one second.

2.31 “Salt Lake County Board of Health” means the Salt Lake County Board of Health as authorized by Utah Code § 26A-1-109.

2.32 “Snow removal equipment” means mechanical equipment used to remove snow from land or building surfaces, including snowplows, snow blowers, snow sweepers, and spreaders or applicators used to apply a snow- or ice- melting products.

2.33 “Sound” 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” means an instrument that meets applicable calibration standards and 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” means 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). Sound pressure level is denoted L_p or SPL and is expressed in decibels (dB).

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 § 26A-1-121(1), and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.1.2 The Department is authorized to enforce this Regulation as authorized by Utah Code § 26A-1-114(1)(a), 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, no person 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 or for violation of any other local, state, or federal law.
- 3.6 Nothing in this Regulation shall be construed to limit or affect any obligations or liability of any person under other Department regulations; Salt Lake County ordinances; ordinances of any municipalities located within Salt Lake County; or applicable state or federal law, including common law.
- 3.7 **Severance.** If any section, sub-section, sentence, clause, or phrase of this Regulation is held invalid or unconstitutional by a court of competent jurisdiction, the 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 4.6, no person shall emit, or cause, allow, or permit the emission of noise that exceeds the maximum allowable sound pressure levels in Table 1 of Section 4.2 when measured from 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 1
Maximum Permissible Sound Pressure Levels (L_{eq}) Table

Receiving Property Use	Nighttime (10:00 p.m. – 7:00 a.m.)	Daytime (7:00 a.m. – 10:00 p.m.)
Type A (e.g., single-family residential)	50 dBA, or 5 above ambient, whichever is greater	60 dBA, or 10 above ambient, whichever is greater
Type B (e.g., apartments, schools, hospitals, etc.)	55 dBA, or 5 above ambient, whichever is greater	65 dBA, or 10 above ambient, whichever is greater
Type C (e.g., retail, business services, etc.)	70 dBA, or 5 above ambient, whichever is greater	70 dBA, or 10 above ambient, whichever is greater
Type D (e.g., industrial, undeveloped, etc.)	75 dBA, or 5 above ambient, whichever is greater	75 dBA, or 10 above ambient, whichever is greater

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

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 the American National Standards Institute's (ANSI) publication S1.4-1983 (Reaffirmed 2001), "*Specifications for Sound Level Meters*", or its current successor; or the International Electrotechnical Commission (IEC) Standard 61672, Class/Type 1 or 2.

4.3.2 All sound level measurements required by this Regulation shall be taken in dBA.

4.4 **Pure Tone and Repetitive Impulse Sound.** For any stationary source of sound that emits a pure tone or repetitive impulse sound, the limits in Table 1 shall be reduced by 5 dBA 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 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 a sound pressure level meter.

4.6 **Specific Noise Restrictions.**

4.6.1 **Commercial Refuse Compactors.** No person shall operate or use, or cause or permit 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 compliance with 4.2 Table 1, to the Department.

4.6.2 **Construction Equipment and Construction Activities.** No person shall operate, or cause or permit the operation of, any mechanical construction equipment, or conduct any construction or demolition activity outdoors, between the hours of 10:00 p.m. and 7:00 a.m., unless a permit has been issued under 5.2.

4.6.3 **Garbage Collection.** No person shall collect, or cause or permit the collection of garbage, waste, or refuse within 300 feet of a Type A or Type B property between the hours of 10:00 p.m. and 7:00 a.m., unless the responsible party demonstrates compliance with 4.2 Table 1, to the Department.

4.6.4 **Loading/Unloading Operations.** No person shall load, unload, open, close, or otherwise handle any equipment, vehicle, box, crate, container, garbage container, or similar object 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 compliance with 4.2 Table 1, to the Department.

4.6.5 **Parking Lot or Road Sweepers.** No person shall operate, or cause or permit 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 compliance with 4.2 Table 1, to the Department.

4.6.6 **Public Assembly.** No person shall operate or play, or cause or permit 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 location normally occupied by a patron on the premises of a public assembly, unless conspicuous and legible written notice is provided to the public prior to entrance stating:

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

The notice may instead be provided on a sign with lettering in high contrast to its background, posted in a plainly visible location at each public entrance, in bold letters of at least one inch in height. Nothing in this subsection shall be construed to permit conduct prohibited by any other provision of this Regulation; and

- (ii) That every public assembly with the potential to exceed 100 dB(A) shall make available, for public distribution, single-use earplugs 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 event that no feasible alternative exists to achieve the same operational objective while complying with this Regulation, 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 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 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 provide emergency power or potable water to hospitals, health clinics, nursing homes, similar facilities, or Department-approved home-based personal medical equipment prescribed by a physician, where the loss of electrical power or potable water poses an immediate risk to health, safety, or welfare, or as required by federal or state law. 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 4.2 Table 1 when measured from the receiving property.
- 4.7.4 **Fireworks and Explosives.** Noise resulting from lawful fireworks and explosives is exempt from this Regulation.
- 4.7.5 **Heating, Ventilation, and Air Conditioning (HVAC).** Noise from the operation of an HVAC system on or within a Type A property use, including central air conditioning units, evaporative coolers, and window cooling units, is exempt from this Regulation regardless of the time or frequency of operation, provided the system is in good repair and operating within the manufacturer's specifications.

- 4.7.6 **Mechanical Equipment.** Noise from the use of portable mechanical equipment is exempt from this Regulation between the hours of 7:00 a.m. and 10:00 p.m., provided the equipment is in good repair, performs a legitimate service, and is used under the manufacturer's specifications.
- 4.7.7 **Municipal Approved Event.** Noise from a municipally approved event is exempt from this Regulation, provided the municipality assumes responsibility for responding to any noise-related complaints associated with the event. The Department may, upon request, provide noise-related technical assistance to a municipality.
- 4.7.8 **Public Assembly.** Noise directly resulting from crowd noise at a public assembly is exempt from this Regulation.
- 4.7.9 **Snow Removal.** Noise from the operation of snow removal equipment 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 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.
- 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 **Duration.** A Temporary Noise Permit is valid only for the location identified in the application and for the period of time approved by the Department on the application.
- 5.3 **Notice Requirements.**
- 5.3.1 Upon approval of a permit granted by the Department, the applicant shall provide written notice to each dwelling and facility located within 800 feet of

the event or activity, unless otherwise directed by the Department, at least 48 hours in advance. The Department shall approve the content of each notice before distribution.

5.3.2 The notice shall contain the following information:

- (i) The name of the event or company;
- (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 measures taken to reduce noise emissions through Source Reduction Practices, Best Management Practices, and Best Operational Practices.

5.4 The Department may establish and collect fees for licenses, certificates, permits, and related services, including plan reviews, as set out in this Regulation. 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.** The fee for a Temporary Noise Permit shall be paid to the Department at the time of application, in the amount set forth in the Department's Fee Schedule or as approved by the Director.

5.5 **Late Fees.**

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

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

- 5.5.3 **Temporary Noise Permit Late Application Fee.** An applicant who fails to provide at least ten (10) days' notice to the Department of their intent to obtain a Temporary Noise Permit shall pay a late application fee in the amount set forth in the Department's Fee Schedule or as approved by the Director.
- 5.6 **Denial, Suspension, or Revocation of License or Permit.** Any permit applied for or issued 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 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 manner that 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 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 premises regulated by the Department to conduct routine inspections 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 Premises.** The Department may enter upon the premises of unregulated commercial properties upon the consent of the owner or otherwise responsible party, or upon a warrant issued by a court.
- 6.2.3. **Private Dwellings.** Inspections of private dwellings to conduct investigations may be made with the consent of the owner or other person with legal authority, or 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 of the permit. Failure to provide access for inspections as required may result in 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, they may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as they deem necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the 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 § 26A-1-123.
- 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 _____, 2025.

SALT LAKE COUNTY BOARD OF HEALTH

By: _____
Dan Eckersley, Chair

ATTEST:

DOROTHY ADAMS, MPA, LEHS
Executive Director
Salt Lake County Health Department

APPENDIX A

Noise Area Classifications

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.