

Nephi City  
ORDINANCE 07-21-2026

SITE PLAN - EXCESSIVE NOISE COMPLIANCE ORDINANCE

SITE PLAN - EXCESSIVE NOISE COMPLIANCE ORDINANCE FOR INDUSTRIAL  
AND COMMERCIAL PROPERTIES

**WHEREAS**, Nephi City wishes to clarify maximum acceptable noises permitted and prohibited on commercial and industrial properties; and

**WHEREAS**, Nephi City desires to set reasonable standards to protect the health, safety and welfare of residents, workers, and other neighbors of sites being developed as industrial or commercial; and

**WHEREAS**, Nephi City wants to set measurement means and methods for which to verify compliance with excessive noise parameters.

**NOW THEREFORE**, be it ordained by the City Council of Nephi City, UT as follows:

**SECTION 1: Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION 2: Amendment.** Section "11.2.1" is hereby amended as follows.

A. The words and ... clearly indicates the contrary.

1. A-WEIGHTED SOUND PRESSURE LEVEL: The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

2. ACCENT OR ARCHITECTURAL LIGHTING: means lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.

3. AMBIENT SOUND PRESSURE LEVEL: The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeding 90 percent of the time based on a measurement period, which shall not be less than 10 minutes.

4. APPEAL AUTHORITY: The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application, or a land use regulation.

5. AUTHORITY, CULINARY WATER: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for a subject property.

~~4~~6. **AUTHORITY, ELECTRIC (POWER):** The department, agency, or public entity with responsibility to review and approve the feasibility of the electric power system and sources for a subject property.

~~5~~7. **AUTHORITY, FIRE:** The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for a subject property.

~~6~~8. **AUTHORITY, GAS:** The department, agency, or public entity with responsibility to review and approve the feasibility of the natural gas system and sources for a subject property.

~~7~~9. **AUTHORITY, SANITARY SEWER:** The department, agency or public entity with responsibility to review and approve the feasibility of a sanitary sewer system or onsite wastewater system for a subject property.

~~8~~10. **AUTHORITY, STREETS AND DRAINAGE:** The department, agency or public entity with responsibility to review and approve the feasibility of the street and applicable drainage system for a subject property.

~~9~~11. **BACKLIGHT:** means all the light emanating behind a luminaire from a light fixture.

~~10~~12. **BUG RATING:** means backlight, up-light, and glare rating, which exists on a scale of zero (0) to five (5) - zero (0) being the least mount of these criteria, and five (5) being a greater amount - and may be used to describe luminaire optical performance in regards to light trespass, sky glow, and high angle brightness control.

~~11~~13. **C-WEIGHTED SOUND PRESSURE LEVEL:** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(C) or dBC.

14. **CONTINUOUS SOUND:** Any sound that exists, essentially without interruption, for a period of 10 minutes or more.

15. **CORRELATED COLOR TEMPERATURE (CCT):** is a specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K). The CCT rating for a lamp is a general “warmth” or “coolness” measure of its appearance. Lamps with a CCT rating below three thousand (3,000) Kelvin (K) are usually considered “warm” sources, while those with a CCT above three thousand (3,000) Kelvin (K) are usually considered “cool” in appearance.

~~12~~16. **CYCLICALLY VARYING NOISE OR AMPLITUDE MODULATION:** any sound that fluctuates in volume, intensity, or sound pressure level that is heard repetitively at regular, reasonably uniform, intervals of time.

17. **DECIBEL:** Logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB.

18. **DEED RESTRICTION, LOT:** a platted note, demarcation, or designation that:

- a. runs with the land; and
- b. creates a restriction ... a subdivision plat; or
- c. designates a development ... on a subdivision plat.

~~13~~19. **DEED RESTRICTION, PARCEL:** a recorded instrument or document that:

- a. runs with the land; and
- b. creates a restriction ... the recorded document; or
- c. designates a development ... in the recorded document.

~~14~~20. DEVELOPER: Any person, including a corporate person, who undertakes to develop land, including subdivisions, site plans, or development activities.

~~15~~21. DEVELOPMENT (OR DEVELOPMENT ACTIVITY): Pursuant to UCA § 10-9a-103 (11) as amended:

- a. any construction or ... need for public facilities;
- b. any change in ... for public facilities; or
- c. any change in ... need for public facilities.

~~16~~22. DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between the City and one or more parties that regulates or controls the use or development of a specific area of land. This does not include an improvement completion assurance. A development agreement that alters adopted land use regulations must follow the same approval processes as any land use amendment would be required to adhere to in accordance with UCA § 10-9a-502 as amended, and Nephi City Code.

~~17~~23. DEVELOPMENT REVIEW COMMITTEE (DRC): an individual, board, commission, agency, or body, designated by the City Council to act upon a land use development application (See "Land Use Authority").

~~18~~24. DIRECT ILLUMINATION: means the area of intentional illumination emanating from a fixture generally formulated by shielding depth, illumination width, distance, and angle of illumination field, respective to the height and location of the illumination source, in context of property location and grade. This illumination pattern is typically represented by the high intensity cone of light ten (10) percent or greater, emanating and expanding outward from the illumination source. This area is in contrast to the area outside of this high intensity cone, separately defined as "light spill". Direct illumination shall be generally interpreted utilizing this formulation by the city staff.

~~19~~25. EASEMENT: That portion of a lot or parcel reserved or granted for a specific present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on the surface, or above said property.

~~20~~26. EASEMENT, (GENERAL) PUBLIC UTILITY (PUE): pursuant to UCA § 54-3-27 as amended means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

- a. A public utility ... a public utility with:
  - (1) the right to ... public utility facilities; and

...

- h. A gas corporation's, ... has under the easement.
- i. Nothing in this ... as provided by law.

~~21~~27. EASEMENT, PROTECTED UTILITY EASEMENT: is a recorded easement or right-of-way that is:

- a. for the use ... a utility facility, and
- b. the ownership of ... by any lawful means.

~~22~~28. EASEMENT, (MUNICIPAL) NEPHI CITY UTILITY (NCUE): an easement that:

- a. is created or ... for public use; and
- b. is not a ... § 54-3-27 as amended;

...

- e. may be located ... for public use; and
- f. may include an ... a specified public utility.

~~23~~29. FLOOD PLAIN: land that:

- a. is within the ... Management Agency (FEMA); or
- b. has not been ... plain designated by FEMA.

~~24~~30. FLOODLIGHT: means a fixture or bulb designed to “flood” an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer in regards to outdoor lighting.

~~25~~31. FULLY SHIELDED FIXTURE: means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the up-light rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves; a light fixture must have the top and sides made of opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Surrounding structures, like canopies, eaves, and patio covers, are not to be considered when determining if the fixture is fully shielded, unless specifically allowed at the time of site plan review with city staff. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal plane and all light is directed downward.

~~26~~32. GEOLOGIC HAZARD: Means:

- a. a surface fault rupture;
- b. shallow groundwater;

...

- g. a rock fall; or
- h. any other geologic ... damage of real property

~~27~~33. GEOLOGIC HAZARD AREA: an area that:

- a. is designated by ... for geologic hazard; or
- b. has not been ... designated geologic hazard area.

~~28~~34. FULL CUT-OFF LIGHT FIXTURE: A light fixture having zero (0) light emitted above the light's horizontal plane.

~~29~~35. GLARE: means excessive, uncomfortable brightness from unshielded light fixtures caused by the light source itself being too bright, or positioned poorly in the direct field of vision, or by light reflecting off other surfaces that causes visual discomfort. It is a form of light pollution which causes annoyance, discomfort, or a notable reduced visibility or visual performance.

~~30~~36. HORIZONTAL PLANE: the imaginary flat line at the level of a light source that represents the boundary below which all light must be directed. A fixture with no light emitting above the horizontal plane would be called a "full cut-off" fixture meant to prevent light pollution.

~~31~~37. HOOKUP FEE: fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

~~32~~38. IMPACT FEE: payment of money imposed under UCA § Title 11, Chapter 36a, Impact

Fees Act, or as amended

~~33~~39. IMPROVEMENT COMPLETION ASSURANCE: surety bond, letter of credit, financial institution bond, cash, or other equivalent security required by the city to guarantee the proper completion of an infrastructure or landscaping improvement required as a condition in order to record a subdivision plat, or conduct a development activity on a property.

~~34~~40. IMPROVEMENT WARRANTY: applicant's unconditional warranty that the applicant's installed and accepted infrastructure improvement, including landscaping:

- a. complies with the ... materials, and workmanship; and
- b. will not fail ... the improvement warranty period.

~~35~~41. IMPROVEMENT WARRANTY PERIOD: period of time no later than one year after the city's acceptance of required infrastructure, or landscaping, unless the city:

- a. determines for good ... safety, and welfare; and
- b. has substantial evidence, on record;
  - (1) of prior poor ... the applicant; or
  - (2) that the area ... mitigate the suspect soil.

~~36~~42. IMPULSIVE NOISE: A noise containing excursions usually less than one second or sound pressure level using the fast meter characteristics.

43. INTERMITTENT CYCLICAL SOUND: is an auditory event that repeatedly turns on and off, occurring at predictable, regular intervals. The sound periodically rises above the background ambient noise and fades into a quieter phase in a defined rhythmic pattern.

44. INFRASTRUCTURE IMPROVEMENTS: means permanent infrastructure, whether private or public, that is essential for the public health and safety or that:

- a. is required for human occupation; and
- b. an applicant must install :

...

- (B) obtaining a building permit; or
- (C) any development activity.

~~37~~45. INFRASTRUCTURE IMPROVEMENT PLANS: civil engineering plans associated with required infrastructure improvements, and municipally controlled utilities, that are required for a subdivision, site plan, or other development activity.

~~38~~46. INFRASTRUCTURE IMPROVEMENTS FOR ACCEPTING A BUILDING PERMIT APPLICATION, MINIMUM LEVEL: the minimum level of infrastructure improvements that are required to be physically installed, approved, and accepted by the city before a building permit may be applied for includes:

- a. Culinary water service;
- b. Electric service;

...

- d. Sanitary sewer; and
- e. Road base to City specifications;

~~39~~47. INFRASTRUCTURE IMPROVEMENTS FOR RECORDING A SUBDIVISION, MINIMUM LEVEL: means the minimum level of infrastructure improvements that are required to be

either:

- a. physically installed, approved, ... by the city; or
- b. are guaranteed with ... 11.8 "Guarantee of Improvements";

...

(6) All other code ... pertinent to the project.

d. A developer may ... to record a subdivision.

~~40~~48. INTERNALLY ILLUMINATED: as it relates to signs, means any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

~~41~~49. LAND USE APPLICANT: a property owner, or the property owner's designee (developer) who submits a land use application regarding the property owner's land.

~~42~~50. LAND USE APPLICATION: application required by the city, and submitted by a land use applicant, to obtain a legislative land use decision.

~~43~~51. LAND USE AUTHORITY, ADMINISTRATIVE: pursuant to UCA 10-9a-604.1, as amended, administrative land use authority means:

- a. an individual, board, ... or a planning commission.
- b. does not include ... the city council; but
- c. a council member ... land use development decisions.

~~44~~52. LAND USE AUTHORITY, LEGISLATIVE: pursuant to UCA 10-9a-103 (31), as amended, a legislative land use authority means:

- a. a person, board, ... land use application; or
- b. if the city ... be the city council

~~45~~53. LAND USE DECISION:

- a. Means a legislative ... or appeal authority regarding:
- b. a land use permit; or
- c. a land use application

~~46~~54. LAND USE DEVELOPMENT APPLICANT (OR DEVELOPMENT APPLICANT): a property owner, or the property owner's designee (developer) who submits a land use development application regarding the property owner's land.

~~47~~55. LAND USE DEVELOPMENT APPLICATION (OR DEVELOPMENT APPLICATION): application required by the city and submitted by a developer to obtain an administrative land use development decision; however, this does not mean an application to legislatively enact, amend, or repeal a land use regulation.

~~48~~56. LAND USE PERMIT: a permit issued by the land use authority for the purpose of allowing a land use application.

~~49~~57. LAND USE REGULATION: Means:

- a. A legislative decision ... or development of land;
- b. includes the adoption ... the zoning code; and

...

(A) increase a land ... the existing specification; or

(B) impact a land ... applicant's use of land

~~50~~58. LAND USE DEVELOPMENT DECISION:

a. Means an administrative ... or appeal authority regarding:

(1) a land use development permit; or

...

b. in making a ... of land use regulations.

c. If a land ... land use development application.

~~54~~59. LAND USE DEVELOPMENT PERMIT: a permit issued by a land use development authority for the purpose of allowing a land use development application.

~~52~~60. LARGE-LOT SUBDIVISION: A large-lot subdivision is a proposed subdivision containing at least fifteen (15) developable acres where the proposed lots are one acre in size or greater.

~~53~~61. LEGISLATIVE BODY: The Nephi City Council.

~~54~~62. LIGHT POLLUTION: means any adverse effect of manmade light. Often used to denote "skyglow" from developed areas, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

~~55~~63. LIGHT SOURCE: means the part of a lighting fixture that produces light, e.g., the bulb, lamp, or chips on board.

~~56~~64. LIGHT TRESPASS: means direct illumination that falls beyond the boundaries of the property where it originates.

~~57~~65. LOT: a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

~~58~~66. LOT LINE ADJUSTMENT: Relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with UCA § 10-9a-608:

(1) whether or not ... the same subdivision; and

(2) with the consent ... owners of record; and

(3) does not mean ... or subdivision amendment; and

(4) does not include ... Department of Transportation (UDOT)

~~59~~67. LUMEN: means a unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (more lumens equates to brighter light).

~~60~~68. LUMINAIRE: means a complete electric light unit including the lamp and all components directly associated with the distribution, positioning, and protection of the light unit, but it does not include the support components, such as an arm, tendon, or pole; the fasteners used to secure the luminaire; control or security devices; or power supply conductors.

~~61~~69. MANUFACTURER'S CATALOG CUTS: means a publication or other printed material of a bulb or lighting manufacturer offering visual and technical information about a lighting fixture or bulb.

~~62~~70. MEETING, CONCEPT PLAN: A pre-application meeting that is requested by an applicant to meet with city designated staff to discuss a concept plan for a subdivision, site plan, or other development activity. The city must schedule a meeting 15 business days after the request. At the pre-application meeting, the staff shall provide or have available on the municipal website the following:

a. copies of applicable land use regulations

b. a complete list ... required for the project

...

- d. feedback on the concept plan
- e. this meeting does ... qualify for project vesting.

~~63~~71. MEETING, FINAL PLAT: An informal meeting that includes designated city staff, may include county representatives from the Juab County Recorder's Office, the developer, or their engineer, architect, surveyor, or other appropriate party, and does not have to be conducted in person to finalize all portions of the plat for recording in the County recorder's office for the purpose of ensuring:

- a. all adjacent landowners ... their respective parcel numbers,
- b. the legal description ... appropriate, industry standard level,

...

- f. all lots are ... and are numbered; and
- g. adhere to all ... Juab County Recorder's Office.

~~64~~72. MEETING, PRE-APPLICATION: See definition of Meeting, Concept Plan

~~65~~73. MEETING, PRELIMINARY PLAT (OR DEVELOPMENT REVIEW): a meeting that may include only the land use authority and designated city staff, or may also include the developer to review and give feedback on preliminary subdivision, site plan, or other development activity plans through the four maximum review cycles described in NCC Subsection 11.5.2.

~~66~~74. NET ACRE: means a gross acre excluding: public rights-of-way, lands with natural slopes greater than thirty percent, geohazard areas, or other unbuildable areas.

~~67~~75. (NOISE) DISTURBANCE: Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person(s).

76. OFF-SITE FACILITIES: Facilities designed or located so as to serve the subject property and/or other property outside of the boundaries of the subdivision, site plan, or other development activity, usually lying between the development and existing facilities.

~~68~~77. ON-SITE FACILITIES: Facilities installed within or on the perimeter of the subdivision, site plan, or other development activity.

~~69~~78. OUTDOOR LIGHT FIXTURE: means a complete lighting unit consisting of a lamp(s) and ballast(s) (when applicable), together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, Also known as a luminaire, or simply as a light fixture.

~~70~~79. PARCEL: any real property that is not a lot.

~~71~~80. PARCEL, ORIGINAL: A parcel that exists prior to completing the required subdivision process to create lots, or a parcel that is exempt from the subdivision process per NCC Subsection 11.3.2 prior to its exempted property division.

~~72~~81. PARCEL OF ORIGIN OR PARENT (PARCEL): A parcel of property that existed in the same size, course, boundaries, or description prior to Nephi City adopting a subdivision ordinance, although ownership may change.

~~73~~82. PARCEL, REMAINDER: A portion of an original parcel that remains undeveloped when a phased subdivision is completed that is anticipated for a future land use approval, does not confer any land use approval by its division, and has not yet been approved by the land use authority, this

parcel remains restricted, and may not apply for or receive a building permit until the subdivision process is completed.

~~74~~83. PERSON: an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

~~75~~84. PLAT: A shortened version of referring to either a subdivision, preliminary, final, or recordable plat.

~~76~~85. PLAT, FINAL: A final drawing prepared by a licensed engineer or land surveyor, to scale, representing the land division proposed to be prepared for filing with the Juab County Recorder that is in compliance with all the requirements set forth in this title and the Nephi City Title 10 Land Use Regulations, as well as any requirements by the Juab County Recorder.

~~77~~86. PLAT, PRELIMINARY: A preliminary drawing prepared by a licensed engineer or land surveyor, to scale, representing a proposal to subdivide a tract, lot, or parcel of land and meeting the minimum preliminary plat requirements of this title.

~~78~~87. PLAT, RECORDABLE: A final drawing prepared by a licensed engineer or land surveyor, to scale, representing the land division proposed that has been approved by Nephi City in accordance with the requirements of this title, and with §10-9a-603 or §57-8-13 of Utah State Code (as amended), including the proper signatures by the city, and the owner(s) of record, that have been properly notarized as provided by law.

~~79~~88. PLAT, SUBDIVISION: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

~~80~~89. PLAT, VICINITY OR CONCEPT (PLAN): A drawing showing proposed lots and streets, within a potential subdivision including the relationship to existing land and streets in the surrounding area, not required to scale, but with sufficient detail as to show the general size, configuration, and dimensions of each proposed lot, or street labeled with lot numbers and street names.

~~81~~90. PROPERTY BOUNDARY (LINE): An imaginary line at the ground surface and its vertical extension that separates the real property owned by one person from that owned by another person.

91. PROPERTY, CONTIGUOUS: property located adjacent and connected to another property.

~~82~~92. PROPERTY, INTERVENING: property located between the existing service facility or infrastructure and the property under development.

~~83~~93. PUBLIC AGENCY: "Public agency" means:

- a. the federal government;
- b. the state;
- c. a county, municipality, ... of the state; or
- d. a charter school.

~~84~~94. PUBLIC FACILITY: facilities owned by a public agency

~~85~~95. PUBLIC HEARING: a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

~~86~~96. PUBLIC LANDSCAPING IMPROVEMENT: landscaping that an applicant is required

to install to comply with published installation and inspection specifications for public improvements that:

- a. will be dedicated ... by the municipality; or
- b. are associated with ... or existing public infrastructure.

~~87~~97. PUBLIC MEETING: a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

~~88~~98. PUBLIC STREET: a public right-of-way, including a public: highway, avenue, boulevard, parkway, road, lane, alley, viaduct, subway, tunnel, bridge, byway, frontage, or other public transportation easement, or public way.

~~89~~99. PUBLIC UTILITY: a utility provided for the public.

~~90~~100. RECORD OF SURVEY MAP: a map of a survey of land prepared in accordance with UCA § 10-9A-603 or 57-8-13 as amended.

~~91~~101. REPETITIVE IMPULSIVE NOISE: Any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than 10 dB(A).

102. REVIEW CYCLE: means the occurrence of:

- a. the applicant's submittal ... site plan development application,
- b. the city's review ... site plan development application,

...

- d. the applicant's reply ... requests for additional information.
- e. The review cycle ... § 10-9a-604.2(2) as amended.

~~92~~103. ROAD, STREET, OR HIGHWAY, ADJOINING: a street, highway or road that provides access to another through street.

~~93~~104. ROAD, STREET, OR HIGHWAY, ARTERIAL AND COLLECTOR CLASSES: pursuant to UCA § 72-4-102.5 the following road classes have the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines:

- a. Arterial (Class)
  - (1) Major Arterial

...

- (2) Minor Collector (Class)

- c. Principal Arterial Highway (Class)

~~94~~105. ROAD, STREET, OR HIGHWAY, ASPHALT WIDTH: The width from asphalt edge to edge within a road right-of-way.

~~95~~106. ROAD, STREET OR HIGHWAY, LOCAL CLASS: a public highway that is not an arterial or collector highway that is under the jurisdiction of the city or county that:

- a. will serve primarily ... areas and property; and
- b. is designed to ... or vehicular traffic; and

...

- f. has a primary ... complexes, or libraries; and
- g. primarily serves traffic ... through several residential areas.

~~96~~107. ROAD, STREET, OR ROADWAY, RESIDENTIAL CLASS: a public roadway that is

not an arterial or collector class highway, or a local road that is under the jurisdiction of the city or county that:

- a. will serve primarily ... areas and property; and
- b. is designed to ... or vehicular traffic; and

...

- f. cannot have a ... complexes, or libraries; and
- g. primarily serves traffic ... through several residential areas.

~~97~~108. ROAD, STREET, OR HIGHWAY, RIGHT-OF-WAY WIDTH: the area width of real property in which the City has a dedicated or acquired right-of-way interest.

~~98~~109. SAFETY LIGHTING: means the minimum amount of lighting required for the purpose of safety, as required or prescribed by standards and regulations specific to the situation, such as lighting for ingress/egress, doorways, pathways, and driveways.

~~99~~110. SKYGLOW: means the brightening of the night-time sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the nighttime sky.

~~100~~111. SOUND: A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that causes compression and rarefaction of the medium, and that propagates at finite speed to distant points.

112. SOUND LEVEL METER: An instrument, including a microphone, amplifier, RMS detector and integrator, time average, output meter or visual display or both, and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level if properly calibrated and is of type two or better as specified by the American National Standards Institute (ANSI).

113. SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

114. SPILL LIGHT: means illumination that reaches beyond the outside of the direct illumination area.

~~101~~115. SPOTLIGHT: means a fixture or bulb designed to light a small area very brightly. (See "Floodlight").

~~102~~116. STATE: includes any department, division, or agency of the State of Utah.

~~103~~117. STATIONARY NOISE SOURCE: Any device, fixed or movable, that is located or used on property other than a public right-of-way.

118. STEADY NOISE: A sound pressure level that remains essentially constant during the period of observation and does not vary more than 6 dB(A) when measured with the "slow" meter characteristic of a sound level meter.

119. SUBDIVIDER: See definition of developer.

~~104~~120. SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other divisions of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions; or any development activity that creates additional demand and need for public facilities.

- a. Subdivision includes:

(1) The division or ... parcel or lot; or

...

(10) A deed or ... or highway purpose; or

(11) Any other division ... land authorized by law

~~105~~121. SUBDIVISION APPLICATION, FINAL: means a land use application for the subdivision of land that includes adherence to review process requirements of this Title, except it does not require a review of a subdivision improvement plan.

~~106~~122. SUBDIVISION APPLICATION, PRELIMINARY: means a land use application for the subdivision of land that includes adherence to review process requirements of this Title, including without limitation:

- a. the submission and ... a subdivision improvement plan;
- b. city subdivision ordinance review

...

d. review cycle requirements found in Section 11.5.2

e. compliance with all ... requirements of this title.

~~107~~123. SUBDIVISION IMPROVEMENT PLANS: means the civil engineering plans associated with required infrastructure improvements and city-controlled utilities required for a subdivision.

~~108~~124. SUBDIVISION ORDINANCE REVIEW: means review to verify that a subdivision application meets the criteria of the city's ordinances.

~~109~~125. SUBDIVISION PLAN REVIEW: means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

~~110~~126. SUSPECT SOIL: soil that has:

- a. a high susceptibility ... 3% swell potential;
- b. bedrock units with ... or swell susceptibility; or
- c. gypsiferous silt and ... dissolution and collapse features.

~~111~~127. TEMPORARY LIGHTING: means lighting of a nonpermanent nature, not required for or qualifying as safety lighting, that plugs into an outlet and is not hard-wired.

~~112~~128. TONAL SOUND QUALITY (TONALITY): an audible sound condition characterized by a distinct, concentrated emission of acoustic energy at one or more specific frequencies. This concentrated energy results in a continuous or recurring pitch commonly perceived as a hum, whine, buzz, screech, or drone - that exhibits low variability and stands out clearly above the surrounding ambient background sound level.

129. TOTAL LIGHT: means the sum of shielded and unshielded light.

~~113~~130. TOTAL OUTDOOR LIGHT OUTPUT: means the total amount of light, measured in lumens, from all installed outdoor light fixtures on a property, using each manufacturer's initial rated lumen output.

~~114~~131. UNSHIELDED FIXTURE: means a fixture that has insufficient shielding to prevent light emission above the horizontal.

~~115~~132. WATER CONVEYANCE FACILITY: a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

~~116~~133. WATER INTEREST: any right to the beneficial use of water, including:

- a. each of the ... 73-1-1 as amended; and
- b. an ownership interest ... of water represented by:
  - (1) a contract; or
  - (2) a share in ... § 73-3-3,5 as amended.

~~117~~134. ZONING MAP: a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

HISTORY:

...

SECTION 3: **Amendment.** Section "11.6.12 Site Plan Standards" is hereby amended as follows.

~~11.6.12 Site Plan Review~~11.6.12 Site Plan Standards

...

g. Locations Where Determinations ... the establishment or use.

h. Dangerous And Objectionable Elements:

(1) ~~Noise: No use shall emit or cause the emission of sound from a stationary source such that the one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by 6 dBA or more the one hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108, highway traffic noise prediction model, or by other techniques at least as accurate as those set out in FHWA-RD-77-108. the sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1971, with the following adjustments:~~Excessive Noise: Any noise which emanates from any operation, activity, or source and which exceeds the following maximum permissible sound levels as measured in the manner listed below is hereby prohibited:

~~(2) Adjustment For Temporal And Tonal Characteristics of Sound: If the sound has A pronounced audible tonal quality such as a whine, screech, buzz or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, 5 dBA shall be added to the measured sound level to allow for increased subjective response to the sound.~~

(A) Maximum sound pressure level of seventy-five (75) A-weighted decibels (dBA) and eight-five

(385) QuasiC-Steadyweighted Impulsivedecibels Sound:(dBC)

~~Where~~

i. theDuring sounddaytime ishours: of

~~a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the~~

~~sound level meter, then 10 dBA shall be added to the measured value to allow for the increased subjective response to the sound. An adjustment may be made under only one of subsections E1a and E1b~~  
1. 6:00 a.m. to 10:00 p.m. Monday through Friday; and

2. ~~of 9:00 this section~~ a.m. to 9:00 p.m. Saturdays and Sundays).

(B) Maximum sound pressure level of sixty-five (65) A-weighted decibels (dBA) and seventy-five (75) C-weighted decibels (dBC)

i. Outside of daytime hours.

(C) Operator Of Sound Level Meter Device - Means And Methods:

i. Sound shall be measured at the exterior boundary property line of the project.

ii. Sound shall be measured using a decibel or sound level meter of standard design and quality set to the A & C-weighting scale.

iii. The operator may use recommended guidelines from the ISO 1996 standard series Acoustics — Description, measurement and assessment of environmental noise, or it's subsequent editions for general direction on how to measure for environmental noise to assess sound levels at the property boundary.

iv. The operator should take a minimum of five (5) samples in a ~~case~~ collection hour segment, a sample consisting of at least two (2) minutes of data collection separated by ten (10) minute intervals for a full one (1) hour to verify the repeatability and consistency of the subject sound as a steady noise. The arithmetic average of the levels collected by the two (2) minute reading samples shall be used to determine compliance with this Section, or as otherwise suggested by the ISO 1996 standards.

v. The operator shall endeavor to repeat the test a variety of times on at least two dates, and at least two times during daytime hours, and two times outside of daytime hours with each collection hour segment being separated by a minimum of at least four (4) hours, or as otherwise suggested by the ISO 1996 standards.

vi. The operator shall not notify anyone on-site prior to conducting the noise test that a test is being conducted to avoid artificially created results.

vii. The operator should endeavor to measure from at least two (2) separate compass directions at property boundaries to keep a record of where ~~both the subsections~~ highest ~~apply~~ readings are found. The highest reading directionally, taking into account contributing ambient sound, shall prevail in averaging excessive noise.

viii. If there are adjacent properties where noise appears to be emitting from a stationary noise source, but it becomes difficult to distinguish the ambient sound pressure level from one property to the next, the operator of the sound device should endeavor to isolate the sound by measuring from at last two (2) separate compass directions from the suspected stationary noise source at a roughly identical set distance, and compare the data to the data collected between the two noise contributing adjacent properties to normalize for the ambient sound.

ix. Surrounding contributing ambient sounds such as passing adjacent road traffic, wind, or other alternative noise sources contributing to the overall measurement shall be taken into account, and mitigated from the readings as much as possible to extrapolate the true pure tone of

contributed sound emanating from the commercial or industrial site.

x. If any continuous sound disturbance has a pronounced audible tonal quality (such as a whine, screech, buzz or hum); or a pronounced cyclic amplitude modulation or noise (such as beating or pulsing); or a sound of a repetitive impulsivity (such as bangs or thuds); or an intermittent cyclical sound (such as equipment turning on and off abruptly) then ~~subsection E-H~~ an adjustment ~~takes of precedence~~ five (5) A-weighted decibels (dBA), shall be added to the measured sound level, or as is currently recommended by the ISO 1996 acoustic standards, as may be amended, to allow for increased subjective human response to the sound.

xi. If any impulsive sound disturbance (such as slamming, pounding, hammering, scraping, shearing, shredding, or sawing) measured on the "fast" or "impulsive" time-weighting setting is noted, exceeding the maximum limits more than five (5) time per hour, then an adjustment of five (5) A-weighted decibels (dBA), shall be added to the measured sound level, or as is currently recommended by the ISO 1996 acoustic standards, as may be amended to allow for increased subjective human response to the sound.

xii. The City may have an employee, or designated representative take the measurement, or they may require a third-party, qualified sound level measurement technician to take measurement, and supply a report.

(D) Decibel Study May Be Required: At site plan approval, Nephi City may require a decibel sound study that includes a point cloud visual display showing the estimated sound levels at each point once the site has been built and is operational. The point cloud must show levels less than the maximums listed for both daytime, and outside of daytime hours at each of the property boundaries, or the city may require additional mitigation measures to reduce the noise such as berming, vegetation landscaping, or sound-barrier fencing to meet the required levels.

(E) Measurement to be Taken Prior to Project Being Issued Permanent Certificate of Occupancy: A permanent certificate of occupancy may not be issued by city staff until the required sound measurements have been met by the applicant at the property boundary line based on full-functioning operational capacity. A temporary certificate of occupancy may be issued with a restriction based on passing the sound level testing before a permanent certificate of occupancy may be issued.

(F) Periodic Monitoring Allowed, And Continuing Compliance Required: The City may have ongoing monitoring, spot checking, or verifying of compliance with sound maximums conducted periodically after permanent certificate of occupancy is granted to ensure noise levels do not exceed the maximum levels. Continued compliance with sound levels is expected of all projects. If maximum levels are exceeded, the city may require the project to come into compliance.

(G) Waiver to Sound Level Maximums: Nephi City has the authority to waive the requirements and restrictions of the noise regulations on the basis of undue hardship, proof of adequate mitigation, or for a temporary event. The City may prescribe any reasonable conditions or requirements upon a waiver deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood, but in no case shall exceed daytime limits per this Section.

(H) Exempt Temporary Noises: The following sounds are exempt from the restrictions in this Section:

i. Sounds created by the operation of landscaping maintenance equipment, such as lawn mowers, chain saws, and string trimmers.

ii. Sounds created by construction, maintenance, and demolition activities.

iii. Sounds created by temporary backup power, startups, or start downs.

iv. Sounds created by testing during daytime hours of emergency alert, fire suppression, or backup power systems.

v. Sounds created by temporary response to any emergency conditions, including, but not limited to, alerts, alarms, fire suppression, emergency repairs, and necessary increased utility generation such as shortages on the electrical power grid, exceptional weather conditions, or anything that increases the normal electrical demand for electrical generation ramp up serving electrical residents of Nephi.

(~~4~~2) Vibration: No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.

(~~5~~3) Odors: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

(~~6~~4) Glare: No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this title.

(~~7~~5) Fire And Explosion Hazards: All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.

(~~8~~6) Air Pollution: No particulate or gaseous pollutants shall be emitted into the air in violation of the state air conservation act, its amendments, or resulting regulations.

(~~9~~7) Liquid Or Solid Wastes: No discharge at any point into a public sewer, private sewage system or stream, or into the ground, shall be allowed contrary to the state water pollution control act, its amendments, the subsequent wastewater disposal regulations, or the code of solid waste disposal regulations.

...

**SECTION 4: Severability.** If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

**SECTION 5: Effective Date.** This ordinance being necessary for the peace, health, and safety of Nephi City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th

day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

**\*\*Signatures On Next Page\*\***

**PASSED AND ADOPTED** by Nephi City Council this \_\_\_\_\_.

\_\_\_\_\_  
JUSTIN SEELY, Mayor  
Nephi City

Attest:

\_\_\_\_\_  
LESLEE ANDERSON, City Recorder  
Nephi City

|                                |          |     |         |          |
|--------------------------------|----------|-----|---------|----------|
| City Council Vote as Recorded: | AYE      | NAY | ABSTAIN | ABSENT   |
| Jeramie Callaway               | <u>X</u> | ___ | ___     | ___      |
| Shari Cowan                    | <u>X</u> | ___ | ___     | ___      |
| JD Parady                      | ___      | ___ | ___     | <u>X</u> |
| Travis Worwood                 | <u>X</u> | ___ | ___     | ___      |
| Tate Douglas                   | <u>X</u> | ___ | ___     | ___      |

RECORDED this 21st day of July, 2026.  
PUBLISHED OR POSTED this 22nd day of July, 2026.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Nephi City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. Utah Public Notice Website
- 2. City Hall
- 3. Juab County Building

on the above referenced dates.

\_\_\_\_\_  
LESLEE ANDERSON, City Recorder  
Nephi City