

ORDINANCE 2012-05

AN ORDINANCE AMENDING SECTION 6-21-8, EXEMPTIONS, OF CHAPTER 21, NOISE CONTROL, OF TITLE 6, PUBLIC SAFETY, OF THE TOOEELE COUNTY CODE, AND AMENDING SUBSECTION 8-13(3) OF SECTION 8-13, ON SITE LIGHTING, OF CHAPTER 8, NUISANCES, OF THE TOOEELE COUNTY LAND USE ORDINANCE, REGARDING THE HOURS OF NOISE AND LIGHT PROHIBITIONS FOR SCHOOL ACTIVITIES – [RESULTS OF THIS CHANGE: (1) MUSIC FROM SCHOOL BANDS WILL BE ALLOWED BETWEEN 7:00 A.M. AND 10:00 P.M.; (2) MUSIC FROM HIGH SCHOOL BANDS IS NOT SUBJECT TO DECIBEL RESTRICTIONS; (3) OUTDOOR LIGHTING MAY BE USED FOR OFFICIAL SCHOOL ACTIVITIES BEGINNING AT 6:00 A.M.]

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOEELE COUNTY, UTAH AS FOLLOWS:

SECTION I - PURPOSE. The Tooele County Planning & Zoning Division received an application from a resident to amend the Tooele County Code with the intent to allow the Stansbury High School Marching Band to practice outside beginning at 6:00 a.m. The petitioner also submitted a request to amend the lighting ordinance in the Tooele County Land Use Ordinance to coincide with the proposed time change to the noise ordinance.

The Tooele County Planning Commission conducted a public hearing on the proposed amendments and recommended they be denied by a vote of 4 to 2.

The Pine Canyon Township Planning Commission conducted a public hearing on the proposed amendments and recommended they be denied by a vote of 4 to 2.

The Erda Township Planning Commission conducted a public hearing on the proposed amendments and recommended they be denied by a vote of 5 to 0, with one abstaining.

All three planning commissions did, however, recommend an amendment to the Tooele County Code allowing exemption from noise level regulations for any school band practice

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between the hours of 7:00 a.m. and 10:00 p.m, as recommended by the Tooele County Planning and Zoning Division staff. The Tooele County and Pine Canyon Township Planning Commissions also recommended an amendment to the Tooele County Land Use Ordinance allowing outdoor lighting for specifically scheduled school activities at outdoor school facilities beginning at 7:00 a.m. The Erda Township Planning Commission recommended the same amendment for outdoor lighting but with a start time of 6:00 a.m. The recommended language by the Planning and Zoning staff for the lighting ordinance was revised to specifically mention that the exception was for "outdoor school facilities designed for specifically scheduled school activities."

SECTION II - SECTION AMENDED. Section 6-21-8, Exemptions, of Chapter 21, Noise Control, of Title 6, Public Safety, of the Tooele County Code, is hereby amended to read as follows:

6-21-8. Exemptions.

The following uses and activities shall be exempt from noise level regulations, including decibel restrictions:

- (1) noise of safety signals, warning devices and emergency pressure relief valves;
- (2) noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- (3) noise resulting from emergency work;
- (4) noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;
- (5) any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the health department in accordance with Section 6-21-9;
- (6) emergency public announcement systems operated by a public entity; and
- (7) music resulting from any official school band later than 7:00 a.m. and prior to 10:00 p.m.

SECTION III - SUBSECTION AMENDED. Subsection 8-13(3) of Section 8-13, On Site Lighting, of Chapter 8, Nuisances, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

(3) All outdoor light fixtures maintained on public or private property shall be turned off between 11:00 PM local time and sunrise except when used for:

- (a) commercial and industrial uses such as sales, assembly and repair areas where business is conducted after 11:00 PM, but only while the business is open to the public;
- (b) illuminated advertising signs on the premises of a business while it is open to the public;
- (c) lighting necessary for security purposes or to illuminate walkways or roadways;
- (d) illuminated billboards;
- (e) a recreational use that continues after 11:00 PM, but only for so long as such use continues; and
- (f) official school activities that begin at 6:00 AM.

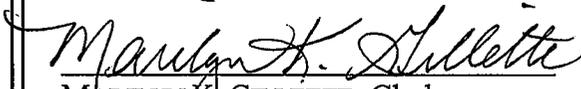
SECTION IV - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 3rd day of April 2012.

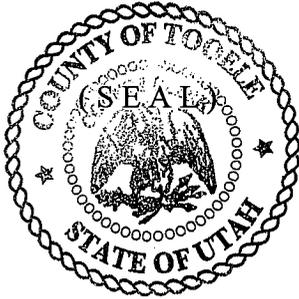
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ATTEST:


MARILYN K. GILLETTE, Clerk

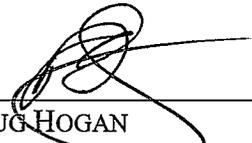
TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

**CODE CHANGES
RESULTING FROM ORDINANCE 2012-05**

(TOOELE COUNTY CODE)

6-21-8. Exemptions.

The following uses and activities shall be exempt from noise level regulations, including decibel restrictions:

- (1) noise of safety signals, warning devices and emergency pressure relief valves;
 - (2) noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
 - (3) noise resulting from emergency work;
 - (4) noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;
 - (5) any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the health department in accordance with Section 6-21-9; **and**
 - (6) emergency public announcement systems operated by a public entity; and
 - (7) music resulting from any official school band later than 7:00 a.m. and prior to 10:00 p.m.
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(TOOELE COUNTY LAND USE ORDINANCE)

8-13. On site lighting.

...

- (3) All outdoor light fixtures maintained on public or private property shall be turned off between 11:00 PM local time and sunrise except when used for:
 - (a) commercial and industrial uses such as sales, assembly and repair areas where business is conducted after 11:00 PM, but only while the business is open to the public;
 - (b) illuminated advertising signs on the premises of a business while it is open to the public;
 - (c) lighting necessary for security purposes or to illuminate walkways or roadways;
 - (d) illuminated billboards; ~~and~~
 - (e) a recreational use that continues after 11:00 PM, but only for so long as such use continues; and
 - (f) official school activities that begin at 6:00 AM.



**TOOELE COUNTY
SCHOOL DISTRICT**

CREATING A CULTURE OF
LEARNING FOR ALL

To: Tooele County Commissioner Colleen Johnson
From: Superintendent Terry L. Linares
Regarding: Noise Ordinance at Stansbury High School
Date: March 14, 2012

Thank you for the commitment you demonstrate to the citizens of Tooele County. As you are aware, the County held three meetings in February regarding the noise ordinance in Stansbury Park related to Stansbury High School's marching band. While attending the meeting, I kept track of the statements for and against changing the noise ordinance from 7:00 A.M. to 6:00 A.M. Recording the statements, 68% of those speaking were against changing the ordinance.

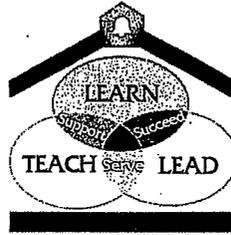
Recognizing this has been an emotional issue while listening to the community members, Stansbury High School Principal Kendall Topham will have marching band practice begin playing at 7:00 A.M. beginning in June, 2012. As fall approaches and school is beginning next year, the band will continue practicing at 7:00 A.M. During this time, the school will turn on the first bank of lights at 6:00 A.M. and the second bank of lights at 6:30 A.M. in preparation for practice on the field.

We are hopeful that this will meet the needs of the community and the needs of the band program at Stansbury High School. We ask that as commissioners, you are able to support Stansbury High School in this direction.

Thank you for your support of Tooele County School District.

Respectfully,

Terry L. Linares, Superintendent



**TOOELE COUNTY
SCHOOL DISTRICT**

CREATING A CULTURE OF
LEARNING FOR ALL

To: Tooele County Commissioner Jerry Hurst
From: Superintendent Terry L. Linares
Regarding: Noise Ordinance at Stansbury High School
Date: March 16, 2012

Thank you for meeting with me on Thursday, March 15th. I appreciate your willingness to listen to the needs of Stansbury High and the District. I just want to identify the things that Stansbury High School and the District will follow and do:

- 6:00 A.M. – Band practice will start in the school band room. All playing at this time will be inside the building.
- The exit door to the band room will be kept shut during any playing times.
- 6:00 A.M. – The first bank of lights will be turned on at the stadium field. Each bank of lights will take 15 minutes.
- 6:15 A.M. – The second bank of lights will be turned on.
- No more than two banks of lights will be turned on during the morning hours.
- 6:30 A.M. – Both banks of lights will be on.
- 6:30 A.M. – There may be times when the band members are on the field marking the field for their practice procedures. No playing will happen during this time.
- 7:00 A.M. - Playing / marching practice may start on the stadium field.
Band members will not begin playing until 7:00 A.M. or later.
- The band will avoid playing on the north end of the stadium as much as possible. Practice may be held on the practice field or on the stadium field.
- The school administration will post the athletic schedules on the school's website. This will allow patrons to see when the fields will be in use.
- I have talked with Steve West and the District will plant trees on the north side of the stadium field this spring.

Again, we are hopeful that these procedures will meet the needs of the community and the band program at Stansbury High School. We ask that as commissioners, you are able to support Stansbury High School in this direction. Thank you for your support of Tooele County School District.

Respectfully,

Terry L. Linares
Terry L. Linares, Superintendent

cc: Principal Kendall Topham, Stansbury High School