

# **PRE-MEETING AGENDA**

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**Casper City Council**  
**The Lyric, 230 W Yellowstone Hwy**  
**Tuesday, February 6, 2024, 5:30 p.m.**



	<b>Presentation</b>	<b>Beginning Time</b>	<b>Allotted</b>
1.	Vehicle Noise Ordinance Review	5:30	10 min
2.	Construction Noise Ordinance Review	5:40	10 min
3.	Agenda Review	5:50	5 min
	Approximate Ending Time		5:55 p.m.

**\* Reminder \***

**Please silence cell phones during the City Council meeting.**

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January 11, 2024

MEMO TO: J. Carter Napier, City Manager *JCN*  
FROM: Keith McPheeters, Police Chief *KMP 307*  
SUBJECT: Engine Noise Ordinance Review

**Meeting Type & Date**

Council Work Session, Pre-Meeting  
February 6, 2024

**Action type**

Information Only

**Recommendation**

No change to existing City Ordinance is needed.

**Summary**

On January 9, 2024, City Council requested information regarding the enforcement of noise related complaints, particularly as they pertain to the engine noises of motor vehicles, and whether or not existing ordinances were sufficient to address this concern.

Currently, the City of Casper has an existing ordinance which specifically addresses the noise emanating from motor vehicles.

Chapter 10.20 - Vehicle Equipment and Operation

10.20.050 - Unnecessary engine noises prohibited.

It is unlawful for the operator of any vehicle in the city to unnecessarily race his engine or backfire same or cause any other unnecessary engine noise.

A plain reading of the ordinance shows that the structure, content, and context of the ordinance is both constitutional and lawful. Further, the existing ordinance allows for appropriate applicability to a wide variety of circumstances commonly faced by the enforcement officer, including the specific nature of the concern brought forward by Council.

As currently structured, the ordinance still requires intent or knowledge on the part of the responsible person. The prosecutorial burden placed upon the enforcement officer is to determine whether evidence exists that the noise was *unnecessary*. This nuance allows for sufficient protections for the citizen from unwarranted intrusion in their day-to-day happenings as well as providing some room for discretion on the part of the enforcement officer.

I recommend that the existing ordinance is well written and sufficient to meet the needs of our community.


**Financial Considerations**


None.

**Attachments**

None

February 1, 2024

MEMO TO: J. Carter Napier, City Manager 

FROM: Justin Scott, Chief Building Official 

CC: Liz Becher, Community Development Director  
Keith McPheeters, Casper Police Department Police Chief  
Eric Nelson, City Attorney

SUBJECT: Noise Ordinance Pertaining to Building Construction Hours

**Action Type:**

February 6, 2024 Pre-meeting - Direction Sought.

**Recommendation:**

The City Attorney, Building Division, and Police Chief recommend the repeal of Casper Municipal Code Section 15.16.010 – Building Construction prohibited during certain hours. The regulation of construction hours would be moved, as an exception, to Casper Municipal Code Section 8.20.030 – Exemption for certain uses and activities. This will align regulation of construction hours with the already established permitted noise hours established with Casper Municipal Code Chapter 8.20.

**Summary:**

The City of Casper Building Division has recently received complaints pertaining to the allowed construction hours per Section 15.16.010 which currently regulates both commercial and residential construction activities. This Ordinance is extremely vague in how it is written which makes enforcing it difficult for both Community Development and the Casper Police Department. As written, the Ordinance applies to everyone residing in the City of Casper. Therefore, nobody is technically allowed to perform any form of construction other than during the hours of 7 a.m. to 6 p.m. Monday through Friday. The Ordinance does not account for the climate that we live in, current labor practices, nor the current state of supply chain issues which lead to project delays.

The Building Division has met with the City Attorney, and the Chief of Police to discuss the best path of enforcement. The recommendation coming from that meeting is to repeal Section 15.16.010 and move the enforcement of construction hours/activities to Chapter 8.20 – Noise, Section 8.20.030 as an exception. This direction would be to line up allowed construction hours within our already established and regulated noise hours of 7 a.m. to 9 p.m. This would increase permitted times for construction activities to occur to 7 days a week and account for longer days during our warmer months.

**Financial Considerations:**

None.

**Oversight/Project Responsibility:**

The City of Casper Building Division is responsible for enforcing all City of Casper municipal and building codes, and performing all inspections required by municipal code and the International Codes.

The Casper Police Department responds to after-hours complaint calls and is responsible for enforcing 15.16.010 and 8.20 as the events are happening.

**Attachments:**

Casper Municipal Code Section 15.16.010

Casper Municipal Code Section 8.20.030

## 15.16.010 - Building construction prohibited during certain hours—Exceptions.

The erection (including excavating), demolition, alteration or repair of any building other than between the hours of seven a.m. and six p.m. on weekdays, is declared to be unlawful except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six p.m. and seven a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six p.m. and seven a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(Prior code § 26-8)

## 8.20.020 - Loud and unnecessary noises—General regulations.

It is unlawful for any person to make, continue to cause to be made or continued, any loud, unnecessary or unusual noise or noises by yelling, singing, whistling, shouting or otherwise, which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any person within the city. It is unlawful for any person to use, operate or permit to be played, used or operated, any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound in any manner that disturbs the peace, quiet and comfort of any person in the city at any time with a louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such set, instrument, phonograph, machine or device so as to generate a sound pressure level in excess of 15 dB (A) over the levels allowable in Table 8.20.040 measured at a distance of not less than fifty feet from such building, structure or vehicle and of any time duration, shall be prima facie evidence of a violation of this section.

(Prior code § 25-8)