



# City of Apache Junction, Arizona

## Special Meeting Agenda - Final Special Meeting of the Apache Junction City Council

Meeting location:

City Council Chambers  
at City Hall  
300 E Superstition Blvd  
Apache Junction, AZ  
85119

www.ajcity.net  
Ph: (480) 982-8002

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Wednesday, June 17, 2020

7:00 PM

City Council Chambers

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### CALL TO ORDER

### ROLL CALL

### CALL TO THE PUBLIC

### AGENDA ITEMS

[20-291](#)

Discussion on state and local public nuisance laws on noise and light pollution, compliance from commercial and residential properties, penalties and legal processes. Representatives from Pinal County may be called upon to comment in addition to city staff.

**Attachments:** [Complaint process](#)

[Noise Ordinances 7 cities](#)

### ADJOURNMENT



# City of Apache Junction, Arizona

## Agenda Item Cover Sheet

300 E Superstition  
Boulevard  
Apache Junction, AZ  
85119

Agenda Item No.

File ID: 20-291

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**Sponsor:** Jeff Serdy

**Agenda Date:** 6/17/2020

**Index:**

**In Control:** Special Meeting of the Apache Junction

Discussion on state and local public nuisance laws on noise and light pollution, compliance from commercial and residential properties, penalties and legal processes. Representatives from Pinal County may be called upon to comment in addition to city staff.

Mr. Da Vee stated that the alternative funding was a recommendation of the Council to the Alliance which changed the original proposal and resulted in shaving about \$5,000 of Apache Junction cost originally proposed, and has been agreed to by the other governmental agencies.

Councilman Damiano MOVED THAT THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF APACHE JUNCTION AND PINAL COUNTY FOR PARTICIPATION BY THE CITY IN A SOLID WASTE MANAGEMENT STUDY, BE ACCEPTED AS PRESENTED;

AND THAT THE CITY MANAGER BE AUTHORIZED TO EXPEND FUNDS AND PARTICIPATE ACCORDINGLY AS OUTLINED IN THE AGREEMENT.

Councilwoman Perkins seconded the motion.

VOTE: Unanimous

The motion carried.

PROPOSED RESOLUTION NO. 88-41, DECLARING AS A PUBLIC RECORD THE CITY OF APACHE JUNCTION, ARIZONA, COMPLAINT PROCESSING POLICY

) Mr. Da Vee explained that this Complaint Processing Policy outlines what information the employee needs to obtain and what information he needs to give to the complainant, and that the overall working of this policy will eliminate a necessity for citizens to call back to find out the outcome of their complaint.

Councilman Damiano MOVED THAT RESOLUTION NO. 88-41, DECLARING AS A PUBLIC RECORD AND ADOPTING AS CITY POLICY THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED CITY OF APACHE JUNCTION, ARIZONA, COMPLAINT PROCESSING POLICY, BE APPROVED AND ADOPTED.

Councilman Connolly seconded the motion.

VOTE: Unanimous

The motion carried.

COUNCIL DIRECTION TO STAFF ON PROPOSED CITY LEGISLATION OR ACTION:

DIRECTION ON RECRUITMENT FOR CITY MANAGER POSITION

Councilman Burgess pointed out that with the issues coming up in the near future such as Home Rule, it is important

RESOLUTION NO. 88-41

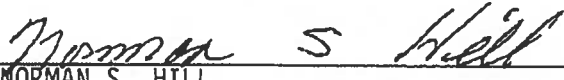
A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD AND ADOPTING AS CITY POLICY THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED CITY OF APACHE JUNCTION, ARIZONA, COMPLAINT PROCESSING POLICY.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

That certain document entitled, City of Apache Junction, Arizona, Complaint Processing Policy, three copies of which are on file with the office of the City Clerk of the City of Apache Junction, Arizona, is hereby declared to be public record and official City policy and said copies are hereby ordered to remain in file with the office of the City Clerk.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 4TH DAY OF JANUARY, 1989.

SIGNED AND ATTESTED TO THIS 16TH DAY OF JANUARY, 1989.

  
\_\_\_\_\_  
NORMAN S. HILL  
Mayor

ATTEST:

  
\_\_\_\_\_  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DAVID E. ALEXANDER  
City Attorney

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CITY OF APACHE JUNCTION, ARIZONA,  
COMPLAINT PROCESSING POLICY

Purpose:

The purpose of this policy is to provide for the fair, efficient, and uniform treatment of complaints made to the City of Apache Junction.

Citizen Complaints, In General:

When an employee receives a citizen complaint, the following actions shall occur:

1. The complaint shall be directed as soon as is feasible to the employee responsible for working with citizen complaints.
2. The investigating employee shall obtain all pertinent facts; e.g., dates, time of day, location, identity of participants, and so forth.
3. The investigating employee shall advise the complainant that the complainant's name will not be used in the processing of the complaint. The name, address, and telephone number of the caller should be obtained for purposes of followup.

If the complainant wishes to remain anonymous, he or she should be advised that the complaint will be processed on the basis of the information given. The complainant should be advised that if preliminary investigation does not substantiate the complaint, and the complainant does not call within one week so that the investigating employee can obtain additional information, the case will be closed. If the caller wishes to be advised about the outcome, it will be up to him or her to call the employee. The investigating employee should indicate when resolution could reasonably be expected

4. Preliminary information available from City files, other sources, or drive-by inspection should be obtained and reviewed by the investigating employee prior to formal notice or inquiry of citizens or property owners alleged to be parties or participants to or in the complaint. If preliminary information reviewed does not support the allegation of code violation or wrong-doing, the investigating employee should contact the caller for more
-

information. If the complainant is anonymous and does not call within one week, the case should then closed.

5. If, after review of preliminary information available, drive-bys or other preliminary investigative procedure are supported, the investigating employee shall initiate formal notice, issue appropriate citation(s), or pursue other administrative action supported by the Code. The investigating employee should make a call to the complainant advising him or her of the corrective measures being taken and the anticipated date of conclusion. In the case of anonymous complainants, such followup is only possible when the complainant contacts the investigating employee.

#### Citizen Complaints About an Employee:

Complaints about employees shall be handled by the City Managers Office.

When an employee receives a complaint about a City Employee, the following steps shall occur:

1. The employee shall notify his/her department director.
2. The department director shall notify as soon as is feasible the City Managers Office.
3. If the City Manager or the City Manager's designee deems the complaint to be noncriminal in nature, the City Manager will initiate an internal investigation, followed by possible personnel action.
4. If the City Manager or the City Manager's designee deems the complaint to be criminal in nature, the case will be coordinated with the appropriate law enforcement agencies, followed by possible personnel action

#### Questions Concerning the Processing of Citizen Complaints:

Questions concerning this policy should be directed to the City Manager or the City Manager's designee.

## APACHE JUNCTION

(A) It is hereby declared to be a public nuisance and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument or instruments whether played by individuals, orchestra, radio, phonograph, music box or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet or otherwise interfere with or annoy the comfortable enjoyment of life or property of any considerable number of persons in the neighborhood and is no less a nuisance because the extent of the annoyance inflicted is unequal.

(B) It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it is unlawful for any person operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance.

(C) It is hereby declared to be a public nuisance and is unlawful for any person, firm or corporation to engage in construction activities as delineated below, within the corporate limits of the city, during the prohibited times set forth in division (D) below, when those activities result in the generation of mechanically or electrically created noise that can be heard by a person with normal hearing within a residential building, the windows of which are closed, if the building is located within 500 feet of the construction site. **CONSTRUCTION ACTIVITIES** include, but are not limited to, the following:

(1) The making of an excavation, clearing of surface land and loading or unloading material, equipment or supplies; and

(2) The operation of mechanically powered tools, including but not limited to, a cement mixer, pole driver, power shovel, pneumatic hammer, derrick or power hoist.

(D) The prohibited time periods for construction activity are as follows:

(1) Before 5:00 a.m. Arizona State Time and after 6:30 p.m. Arizona State Time, Monday through Friday from April 15 to October 15;

(2) Before 6:00 a.m. Arizona State Time and after 6:30 p.m. Arizona State Time, Monday through Friday during the remainder of the year; and

(3) Before 7:00 a.m. Arizona State Time and after 5:00 p.m. Arizona State Time on Saturdays and Sundays throughout the year and holidays recognized by the city.

(E) The following activities shall be excluded from such prohibition:

(1) Noise generated by work being performed by a resident of a building or structure, which may continue until 9:00 p.m., but may not begin earlier than the times set forth in division (D) above; and

(2) Noise resulting from an emergency, including but not limited to, repair of roofs, windows, doors and electrical, plumbing and mechanical equipment. An **EMERGENCY** means any situation where work must be performed in order to prevent serious physical injury to persons or property.

(F) The construction activities noted in division (E)(2) above may be conducted at prohibited times, if upon written application, a permit is obtained before the activities commence, from the City Manager or a designee. The written application must contain information which demonstrated that the need to engage in the activity is an urgent necessity, and barring the activity would constitute an unreasonable hardship on the applicant.

(1) If the City Manager or a designee determines that granting of the permit would impair the public health, safety and welfare, the permit shall be denied. If determined otherwise, the permit shall be granted and the construction activity allowed to take place during any or all of the prohibited hours.

(2) In determining whether to grant the permit, the City Manager or a designee shall balance the hardship to the applicant against the adverse impact on the health, safety and welfare of the persons most likely affected, the adverse impact on the property affected and any other adverse effects of granting the permit.

(3) Permits shall be granted by giving written notice to the applicant with any necessary conditions, including a time limit on the permitted activity, which in no case shall exceed 30 days. The permit shall not become effective until all conditions are communicated in writing, understood and agreed upon by the applicant. Noncompliance with any condition in the permit shall be grounds for revocation of the permit. An applicant may appeal the refusal to issue a permit or the revocation of a permit to the Council, who has the final authority to grant, refuse or revoke a permit.

(G) Violation of any provision of divisions (C) through (F) above is a misdemeanor and is punishable pursuant to Vol. I, § 1-1-11.

## MESA

### CHAPTER 12 - OFFENSIVE, EXCESSIVE, AND PROHIBITED NOISES[5]

#### 6-12-1: - INTRODUCTION

Certain noise levels must be tolerated by all citizens in order for the normal functions of city life to continue.  
(4942)

However, any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying is subject to regulation as provided herein. (4942)



Children playing, construction equipment, barking dogs, amplified musical instruments, trash trucks, airplanes, and loud parties are all examples of noise found within our community. (4942)

**6-12-2: - PROHIBITED NOISES, STANDARD**

(A)

The following activities are prohibited if they produce: (4942)

1

Any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying; and (4942)

2

Are continuous or intermittent for a period of at least fifteen (15) minutes; or (4942)

3

Occur after 10:00 p.m. but before 6:00 a.m.; and (4942)

4

Are plainly audible beyond the property line of the property on which conducted; and (4942)

5

Disturbs the peace and quiet of a neighborhood or a reasonable person of normal sensibilities or special event. (4942)

(B)

Allowing or causing any noise by using, operating or permitting to be played any electronic music device, television, amplifier, musical instrument, or instrument, machine or device used for the production, reproduction or emission of sound. (4942)

(C)

Creating or allowing any noise in connection with the loading or unloading of any vehicle. (4942)

(D)

Owning, possessing, harboring or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds. (4942)

(E)

Allowing or causing any malicious or willful shouting, yelling, screaming, or any other form of raucous vocalization by a person or group of people. (4942)

**6-12-3: - OTHER PROHIBITED NOISES**

(A)

Use any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise. (4942)

(B)

Operating any mechanical device operated by gasoline, or otherwise, without having a muffler, in good working order and in constant operation, to prevent excessive or unusual noise and smoke; and no person shall use a muffler cutout, bypass or similar device. (4942)

(C)

Operating or permitting the operation of any sound amplification system in or on a vehicle in such a manner or with such volume as to annoy or disturb the peace and quiet of any reasonable person of normal sensibilities or neighborhood in the vicinity. (4942)

(D)

Operating or permitting the operation of any sound amplification system in or on a vehicle in such a manner that the sound is plainly audible at a distance of fifty (50) feet, or in such a manner that it causes a person's normal sensibilities to be aware of vibration accompanying the sound at a distance of fifty (50) feet. (4942)

(E)

Maintaining or operating an outdoor speaker that is affixed to any structure or placed upon any property where: (4942)

1

The speaker is audible for a distance of more than fifty (50) feet from the source; or (4942)

2

The speaker is two hundred fifty (250) feet or closer to a location that is zoned or developed for residential use. This restriction shall not apply to intercommunication systems that are utilized from 9:00 a.m. to 6:00 p.m. for the sole purpose of conducting the internal business affairs of the establishment. (4942)

3

This provision does not prohibit use of an outdoor speaker where a temporary exemption has been granted by the City Manager or designee. (4942)

#### **6-12-4: - UNRULY GATHERING**

A gathering of two (2) or more persons on any private or public property, including property used to conduct business, in a manner which disturbs the peace and quiet of a neighborhood or a reasonable person of normal sensibilities and/or creates noise prohibited under 6-12-2. (4942, 4962)

### **6-12-5: - ABATEMENT OF UNRULY GATHERING**

A peace officer may abate an unruly gathering by reasonable means including, but not limited to, citation and/or order dispersal of the persons attending the gathering. (4942)

### **6-12-6: - GENERAL EXEMPTIONS**

The following activities are exempted from the provisions of 6-12-2 and 6-12-3: (4942)

(A)

Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger; (4942)

(B)

Sound made to alert persons to the existence of an emergency, danger or attempted crime; (4942)

(C)

Activities or operations of governmental units or agencies; (4942)

(D)

Parades, concerts, festivals, fairs or similar activities that have been approved by the City for a special events permit; (4942)

(E)

Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities; (4942)

(F)

Activity, including commercial activity, which is permitted under the zoning code. (4942)

(G)

Construction, repair, remodeling, demolition, drilling, landscape maintenance, landscaping, lawn or yard work, wood cutting, including crafts and hobbies, or excavation work conducted between 6:00 a.m. through 8:00 p.m. Mondays through Fridays. Also, a person may engage in or allow such activities at that person's residence between 6:00 a.m. and 8:00 p.m. on Saturdays or Sundays. (4942)

### **6-12-7: - TEMPORARY EXEMPTIONS:**

(A)

The City Manager or designee is authorized to grant a temporary exemption from the requirements established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought. (4942)

(B)

A temporary exemption must be in writing and signed by the City Manager or designee and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective. (4942)

(C)

A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed thirty (30) days, unless otherwise specified. (4942)

(D)

The following factors shall be considered by the City Manager or designee in determining whether to grant a temporary exemption: (4942)

1

The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance; (4942)

2

The nearness of any residence or residences, or any other use; (4942)

3

The level of the sound to be generated by the event or activity; (4942)

4

Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested; (4942)

5

The density of population of the area in which the event or activity is to take place; (4942)

6

The time of day or night which the activity or event will take place; (4942)

7

The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive. (4942)

**6-12-8: - PERSONS RESPONSIBLE FOR NOISE VIOLATIONS**

(A)

The person responsible for an activity that violates this section shall be deemed responsible for the violation. (4942)

(B)

If the person responsible for an activity that violates this section cannot be determined, the owner, property manager or agent of the owner, sponsor of the event, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. (4942)

(C)

Any person in attendance who engaged in any conduct causing the disturbance may also be deemed responsible for the violation. (4942)

(D)

After three (3) violations on the same property, in addition to the above, the owner of the property may also be deemed responsible for the violation. (4942)

**6-12-9: - ENFORCEMENT**

(A)

The Police Department and any other City department as designated by the City Manager is authorized to enforce the provisions of this section. A complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible for a violation of this section. (4942, 4962)

(B)

Officers responding to a complaint under the provisions of this section may: (4942)

1

Advise the concerned parties of the violation and seek to gain voluntary compliance; or (4942)

2

Issue a civil infraction violation. (4942)

**6-12-10: - PENALTY**

(A)

Any person who shall violate any of the provisions of this Chapter or of the Mesa City Code as amended herein shall be guilty of a civil infraction. (4942)

(B)

The penalty for a person found responsible for a first violation shall be a mandatory minimum fine of two hundred and fifty dollars (\$250.00); a mandatory minimum fine of five hundred dollars (\$500.00) for a second violation; and a mandatory minimum fine of two thousand and five hundred dollars (\$2,500.00) for a third or subsequent violation. (4942)

(C)

The Court may, in its own discretion, grant cost recovery for law enforcement services and/or establish a surcharge. (4942)

(D)

Each subsequent violation shall be a separate offense, punishable as hereinabove described. (4942)

## TEMPE

### Chapter 20 - NOISE

#### Sec. 20-1. - Declaration of policy.

It is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed.

(Code 1967, § 19A-I)

#### Sec. 20-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*"A" band level* means the total sound level of all noise as measured with a sound level meter using A-weighting network. The unit is the dB(A).

*Ambient* noise means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far. For the purpose of this chapter, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made. Averaging may be done by instrumental analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:

-1

Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.

-2

Repeat the observations as many times as necessary to ensure that observations are made at the beginning and the end of the fifteen (15) minute averaging period and that there are at least as many additional observations as there are decibels between the highest high indication and the lowest low indication.

-3

Calculate the arithmetical average of the observed central tendency indications.

*Decibel* means a sound pressure that is twenty (20) times the logarithm to the base 10 of the ratio of the pressure of sound to the reference pressure,  $2 \times 10^{-5}$  Newton/meter<sup>2</sup>.

*Emergency work* means work made necessary to restore property to a safe condition following a public calamity or work required to protect the health, safety or welfare of persons or property or work by private or public utilities when restoring utility service.

*Frequency*. "Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the hertz and shall be specified.

*Impulse* noise means a noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

*Microbar* means a unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.

*Motor vehicles* means any self-propelled vehicle operated within the City, including but not limited to licensed or unlicensed vehicles, automobiles, minibikes, go-carts and motorcycles.

*Period.* "Period" of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

*Periodic quantity* means oscillating quantity, the values of which recur for equal increments of time.

*Pure tone* noise means any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by the enforcement officer.

*Sound level.* "Sound level" (noise level), in decibels (dB) is the sound measured with the A - weighting and slow response by a sound level meter.

*Sound level meter* means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American Standard Specifications for Sound Level Meters S1.4-1971 or the most recent revision thereof.

(Code 1967, § 19A-2; Ord. No. 2000.01, 1-20-00)

**Sec. 20-3. - Violation established.**

Any person violating any of the provisions of this chapter is in violation of the ordinances of the City and is subject to enforcement action pursuant to the provisions of this chapter.

(Code 1967, § 19A-11; Ord. No. 2000.01, 1-20-00)

**Sec. 20-4. - Exemptions.**

The following uses and activities shall be exempt from noise level regulations:



Air-conditioning equipment when it is functioning in accord with manufacturer's specifications and is in proper operating condition provided that no unit may cause the noise level measured inside any sleeping or living room inside any dwelling unit to exceed forty-five (45) dB(A) between the hours of 10:00 p.m. and 7:00 a.m., nor fifty-five (55) dB(A) between the hours of 7:00 a.m. and 10:00 p.m.;

-2

Lawn maintenance equipment when it is functioning in accord with manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition;

-3

Nonamplified noises resulting from the activities such as those planned by school, governmental or community groups;

-4

Noises of safety signals, warning devices and emergency pressure relief valves;

-5

Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

-6

[Noises resulting from emergency work as defined in Section 20-2;](#)

-7

All noises coming from the normal operations of railroad trains;

-8

Noises of church chimes; and

-9

Power plant equipment during normal operation provided that no plant equipment may cause the noise level measured inside any sleeping or living room inside any residential dwelling unit to exceed forty-five (45) dB(A) between the hours of 10:00 p.m. and 7:00 a.m., nor fifty-five (55) dB(A) between the hours of 7:00 a.m. and 10:00 p.m.

(Code 1967, § 19A-10; Ord. No. 2000.01, 01-20-00)

**Sec. 20-5. - Measurement criteria.**

For the purpose of enforcement of the provisions of this chapter, noise level shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirement for Type 1 sound-level meters as defined in American National Standard S 1.4-1971 or the most recent revisions thereof. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used. Prior to measurement, the meter shall be verified, and adjusted to  $\pm 0.3$  decibel by means of an acoustical calibrator.

(Code 1967, § 19A-3)

**Sec. 20-6. - Allowable noise levels.**

(a)

It is unlawful for any person to create any noise which would cause the noise level measured at either the property line or the area of the property affected by the noise emission to exceed the following community noise standards:

Zone	Time	Noise Standard (dBA)
Residential	10:00pm - 7:00am	45
	7:00am - 10:00pm	55
Commercial	10:00pm - 7:00am	55
	7:00am - 10:00pm	65
Industrial	10:00pm - 7:00am	60
	7:00am - 10:00pm	70

(b)

If the measurement location is on a boundary between two (2) zoning districts, the lower noise standard shall apply.

(c)

If the ambient noise level in a residential zoned location is measured and found to be forty (40) dB(A) or less between the hours of 10:00 p.m. and 7:00 a.m., then the actual ambient noise level will be community noise standard.

(d)

If the ambient noise level in any zoning district is measured and found at any time to be in excess of the community noise standards described in subsection (a) of this section, then the actual ambient noise level will be the community noise standard.

(e)

A noise level which exceeds the community noise standard by five (5) dB(A) or more, when measured at the affected area, the nearest property line, or, in the case of multiple-family residential buildings, when measured anywhere in one (1) dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, shall be deemed a prima facie violation of this chapter.

(Code 1967, § 19A-4, Ord. No. 2000.01, 1-20-00)

**Sec. 20-7. - Special noise sources.**

(a)

*Residential zones.*

-1

It shall be unlawful for any person, other than law enforcement personnel or government agencies acting within the scope of their employment, to install, use or operate within any residential zone of the City, a loudspeaker or sound-amplifying device or equipment in a fixed or movable position, on public property including any public right-of-way, without first obtaining a temporary permit from the special events task force.

-2

The special events task force shall consider applications for permits for the use of a loudspeaker or sound-amplifying device as follows:

a.

Each applicant for a permit to use or operate a loudspeaker or sound-amplifying device or equipment shall submit a complete special events permit application to the City Special Events Office at least ten (10) days prior to the date upon which such loudspeaker or sound-amplifying device or equipment is to be used or operated. Such application shall state the specific location, date and hours for the proposed use, and the volume of sound proposed to be used measured by decibels.

b.

The issuance of a permit shall not be denied to any applicant who complies with the provisions of this section, except for the reasons specified in this article or for failure to remit payment of fees.

-3

The special events task force shall not issue a permit for a loudspeaker or sound-amplifying device or equipment as follows:

a.

In any location within fifty (50) feet of a school, courthouse, place of worship, hospital or similar institution;

b.

In any location where the special events task force determines that the conditions of vehicular, pedestrian travel or both, would constitute a threat to health, safety or welfare; or, would interfere with pedestrian or motor vehicle travel;

c.

In any location in which overcrowding, street repair or other physical conditions exist that would deprive the public of safe, comfortable, convenient or peaceful enjoyment of any public property;

d.

In any vehicle while in transit; or

e.

Between the hours of 10:00 p.m. and 7:00 a.m.

-4

The following activities shall be exempted from the provisions of this section:

a.

Warning devices for the protection of public safety, as used for that purpose;

b.

Activities conducted on public or private school grounds;

c.

Public health and safety activities conducted by public utilities, transportation, flood control, construction or maintenance operations that are serving the public interest, as otherwise authorized by the City;

d.

Any mechanical device, apparatus or equipment used for or in relation to emergency machinery or vehicle work that is otherwise authorized by the City;

e.

Testing of emergency signaling devices or systems, conducted during the hours of 8:00 a.m. and 8:00 p.m.;

f.

Any activity to the extent that such activity is preempted and regulated by state or federal law; and,

g.

Any outdoor public gathering or celebration involving the use of city owned properties that involve but are not limited to any of the following: entertainment; dancing; music; dramatic productions; athletic tournaments; amusements, festivals or carnivals; sale of merchandise, food or alcohol, including sidewalk sales; parades, walks, bicycle rides or runs; any temporary extension of premises of an existing use; or, any other activity requiring a special events permit as defined in Section 5-2 of this Code.

(b)

*Non-residential zones.* It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital; or that is detrimental to the health, safety and welfare of the public in a manner including but not limited to, a use or operation that diverts the attention of pedestrians or vehicle operators in public streets, parks and places.

(Code 1967, § 19A-5; Ord. No. 2000.01, 1-20-00; Ord. No. 2013.37, 7-30-13)

**Sec. 20-8. - Construction of buildings and projects.**

(a)

*General provisions.* It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction-type device, except within the time periods specified herein, or if the noise level created thereby is in excess of the applicable community noise standard by five (5) dB(A) at either the nearest property line or the affected area of the property unless written authorization has been obtained beforehand from the City Manager or his duly authorized representative.

(b)

*Start/Stop Times:*

-1

*Concrete.* From April 15 to October 15 inclusive, concrete may be poured, and concrete mixing trucks may be idled, each day between the hours of 5:00 a.m. and 7:00 p.m. or at such other times pursuant to written authorization. From October 16 to April 14 inclusive, concrete may be poured, and concrete mixing trucks may be idled, each day between the hours of 6:00 a.m. to 7:00 p.m. or at such times pursuant to written authorization.

-2

*All other construction/residential zones in or within five hundred (500) feet.* From April 15 to October 15 inclusive, all other construction or repair work shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. each day in or within five hundred (500) feet of a residential zone or at such other times pursuant to written authorization. From October 16 to April 14 inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. each day in or within five hundred (500) feet of a residential zone or at such other times pursuant to written authorization.

-3

*Commercial and industrial zones.* Construction and repair work in commercial and industrial zones not within five hundred (500) feet of a residential zone shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. or it may be conducted at such other times pursuant to written authorization.

(c)

*Weekends and holidays excluded.* Notwithstanding the foregoing, construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. and concrete pouring should not begin prior to 6:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or holiday, unless such other times are allowed by written authorization.

(d)

Written authorization. Construction and repair work may be conducted at different times and at higher noise levels than otherwise permitted herein if written authorization is obtained beforehand from the City Manager or his authorized representative. In granting such authorization, the City Manager or his authorized representative shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site; if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazard to life or property; if the proposed early morning or night work is in the general public interest, and he shall prescribe such conditions, working times, types of construction equipment to be used and permissible noise emissions as he deems to be required in the public interest. No written authorization shall be required to perform emergency work as defined in Section 20-2.

(e)

*Revocation of written authorization; appeal.* The City Manager or his authorized representative may revoke any written authorization granted hereunder upon complaints based upon substantial evidence that the construction activity causes significant disturbance in the vicinity of the work site. Any person aggrieved by the granting of written authorization or the refusal to grant written authorization by the City Manager or his authorized representative may appeal the decision to the City Council who shall hear such appeal at the next regularly scheduled meeting of the City Council.

(f)

*Stop orders.* Whenever any work on a construction project is in violation of the provisions of this section, the Community Development Director or his authorized representative, or, in the case of engineering projects, the Engineering and Transportation Director or his authorized representative, may order the construction project stopped by notice in writing served on any persons responsible for the project, and any such persons shall forthwith stop work on the project until authorized by the Community Development Director or the Engineering and Transportation Director to proceed with such work.

[\(Code 1967, § 19A-6; Ord. No. 696.3, 6-20-85; Ord. No. 86.46, § 1, 6-19-86; Ord. No. 2000.01, 1-20-00; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2019.03 , § 11, 2-28-19\)](#)

**Sec. 20-9. - Vehicles.**

(a)

It shall be unlawful for any person within any residential area of the City to repair, rebuild or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

(b)

No person shall operate either a motor vehicle or combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit of the category of motor vehicle based on a distance of fifty (50) feet from the center of the lane or travel within the speed limits specified in this section:

(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motor-cycle other than a motor-driven cycle.....
(2) Any other motor vehicle and any combination of vehicles towed by such motor vehicles. . . . .

(Code 1967, § 19A-7)

**Sec. 20-10. - Aircraft.**

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(a)

It will be unlawful for any person to operate or cause to be operated any type of aircraft which produces a noise level exceeding 86 dB(A) within the City.

(b)

Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of subsection (a) of this section as well as the other regulations of this chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt from the provisions of subsection (a) of this section as well as the other regulations of this chapter.

(Code 1967, § 19a-8)

**Sec. 20-11. - Unnecessary noise.**

(a)

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive or offensive noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(b)

The factors which will be considered in determining whether a violation of the provisions of this section exists will include, but not be limited to, the following:

-1

The volume of noise;

-2

The intensity of the noise;

-3

Whether the nature of the noise is usual or unusual;



-4

Whether the origin of the noise is natural or unnatural;

-5

The volume and intensity of the background noise, if any;

-6

The proximity of the noise to residential sleeping facilities;

-7

The nature and zoning of the area within which the noise emanates;

-8

The density of the inhabitation of the area within which the noise emanates;

-9

The time of the day or night the noise occurs;

-10

The duration of the noise;

-11

Whether the noise is recurrent, intermittent or constant;

-12

Whether the noise is produced by a commercial or noncommercial activity;

-13

Whether it is a pure tone noise; or

-14

Whether it is an impulse noise.

(Code 1967, § 19A-9; Ord. No. 2000.01, 1-20-99)

**Sec. 20-12. - Commencement of action, citation, contents.**

An action under this chapter shall be commenced by delivering a citation to the occupant of the property where the violation has occurred, the owner of record, or any person responsible for the violation.

(Ord. No. 2000.01, 1-20-00; Ord. No. 2000.13, 3-30-00; Ord. No. 2001.17, 7-26-01; Ord. No. 2002.35, 8-8-02)

**Sec. 20-13. - Repealed.**

(Ord. No. 2000.01, 1-20-00; Ord. No. 2000.13, 3-30-00; Ord. No. 2002.35, 8-8-02)

**Sec. 20-14. - Repealed.**

(Ord. No. 2000.01, 1-20-00; Ord. No. 2000.13, 3-30-00; Ord. No. 2001.17, 7-26-01; Ord. No. 2002.35, 8-8-02)

**Sec. 20-15. - Civil fines and penalties imposed.**

(a)

The civil fine/penalty for violating any provision of this chapter shall be not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

(b)

In addition to the amount of the fine imposed under subsection (a) above, there is imposed a default penalty in the amount of fifty dollars (\$50.00) should the defendant fail to appear and answer for a violation of this chapter within the time period stated on the citation or fails to appear at the time and place set by the court for a matter arising under this chapter.

(c)

The court may enforce collection of delinquent fines, fees, reinspection fees, and penalties as may be provided by law. In addition, any judgment for a civil sanction imposed pursuant to this Code shall constitute a lien against the real property of the owner of the property where the violation occurred. The lien may be perfected by recording a copy of the judgment under seal of the City of Tempe with the Maricopa County Recorder. Any judgment for civil sanction pursuant to this Code may be collected as any other civil judgment.

(Ord. No. 2000.01, 1-20-00)

**Sec. 20-16. - Repealed.**

(Ord. No. 2000.01, 1-20-00; Ord. No. 2000.13, 3-30-00; Ord. No. 2002.35, 8-8-02)

**Sec. 20-17. - Each day separate violations.**

Each day that a violation of this chapter is permitted to continue or occur by the defendant shall constitute a separate offense subject to separate citation pursuant to the provisions of this chapter.

(Ord. No. 2000.01, 1-20-00)

**Sec. 20-18. - Habitual offender.**

A person who commits a violation of this chapter after having previously been found responsible by the court on three (3) separate occasions for committing a civil violation of this chapter within a twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be charged with a criminal misdemeanor pursuant to the general penalties provision of Section 1-7. The Tempe City Prosecutor is authorized to file a criminal misdemeanor complaint in the Tempe Municipal Court against habitual offenders who violate this section. In applying the twenty-four (24) month provision, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed.

(Ord. No. 2000.01, 1-20-00)

**Sec. 20-19. - Nuisance abatement; additional remedy.**

In addition to or in lieu of filing a civil citation or criminal complaint, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a nuisance and shall be subject to abatement as set forth in Chapter 21 of this Code.

(Ord. No. 2000.01, 1-20-00)

**PHOENIX**

**CHAPTER 23, MORALS & CONDUCT**

**Sec. 23-3. Disturbing the peace.**

Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or who applies any violent or abusive or obscene epithets to another is guilty of a misdemeanor. (Code 1962, § 27-25)

**Sec. 23-12. Creation of unreasonably loud and disturbing noises prohibited.**

Subject to the provisions of this article the creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the City is hereby prohibited. (Code 1962, § 26-1)

**Sec. 23-13. Noises detrimental to life and health or public peace and welfare prohibited.**

Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is hereby prohibited. (Code 1962, § 26-2)

**Sec. 23-14. Enumeration of loud, disturbing and unnecessary noises; enumeration not exclusive.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this article, but this enumeration shall not be deemed to be exclusive, namely:

a. *Blowing horns or signaling devices.* The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

b. *Radios, phonographs, etc.* The playing of any radio, phonograph or any other musical instrument in such a manner or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

c. *Yelling, shouting, etc., on streets.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of persons in the vicinity.

d. *Pets.* The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.

e. *Use of vehicles.* The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded or in such manner as to make loud and unnecessary grating, grinding, rattling or other noise.

f. *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or danger or upon request of proper City authorities.

g. *Exhaust discharge.* To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom; provided, however, that the flying of controlled model airplanes, sailing of model boats or racing of model automobiles, having internal combustion engines not to exceed thirty-five hundredths cubic inch piston displacement, when used in the pursuit of a recreation hobby and at such locations as are under the jurisdiction or control of Parks, Playground and Recreational Board of the City and only at such times as may be designated by the Parks Department shall not be deemed to be within the provisions of this subsection.

h. *Building construction.* Construction including erection, excavation, demolition, alteration or repair of any building within 500 feet of any inhabited structure, other than between the hours of 6:00 a.m. and 7:00 p.m. from May 1 to and including September 30 and between the hours of 7:00 a.m. and 7:00 p.m. beginning October 1 to and including April 30 on non-holiday weekdays. Except that the Planning and Development Director may grant a permit to conduct such operations outside listed hours, on weekends, or on holidays:

1. In case of urgent necessity in the interest of public health, safety and welfare. The permit may be granted for a period not to exceed 30 days, while the emergency continues.

2. If the Planning and Development Director should determine that the public health, safety and welfare will not be impaired by the construction within the hours specified herein, and if the Director shall further determine that loss or inconvenience would not result to any party in interest, he may grant permission for such work to be done at times other than specified herein, upon application being made at the time the permit for the work is awarded or during the progress of the work. The permit may be granted for a period exceeding 30 days at the discretion of the Director.

i. *Excavation of streets, permit from Street Transportation Department Director.* The excavation of streets and highways in any residential district or section, other than [within] the hours specified in Section 23-14(h), except in the case of urgent necessity in the interest of public health, safety and welfare then only with a permit from the Street Transportation Department Director, which permit may be granted for a period not to exceed thirty days, while the emergency continues. If the Street Transportation Department Director should determine that the public health, safety and welfare will not be impaired by the excavation of streets and highways within the hours specified in Section 23-14(h), and if he shall further determine that loss or inconvenience should not result to any party in interest, he may grant permission for such work to be done other than specified in Section 23-14(h), upon application being made at the time the permit for work is awarded or during the progress of work.

j. *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or session thereof; provided, that signs must be displayed in such streets indicating that the same is a school, institution of learning, church, court or hospital.

k. *Loading and unloading operations.* The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

l. *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of display of merchandise.

m. *Loudspeakers or amplifiers on vehicles.* The use of mechanical loudspeakers or amplifiers on automobiles, trucks, buses or other moving or standing vehicles for advertising or other purposes. (Code 1962, § 26-3; Ord. No. G-3119, §§ 1, 2; Ord. No. G-5487, § 4, 2010; Ord. No. G-5590, § 1, 2011; Ord. No. G-5634, 2011)

#### **Sec. 23-15.Exemptions.**

□

None of the terms or prohibitions of Sections 23-12 through 23-17 shall apply to or be enforced against:

- a. Any vehicle of the City while engaged upon necessary public business.
- b. Excavations or repairs of bridges, streets or highways by or on behalf of the City or the State, at night, when the public welfare and convenience renders it impossible to perform such work during the day.
- c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character, and which amplifiers or loudspeakers are not used in connection with any moving vehicle.

d. The use of a hand-operated device producing not in excess of seventy decibels of sound, "C" scale, measured a distance of fifty feet from the instrument emanating sound from bicycles, pushcarts, or other vehicles, or from vehicles in connection with the sale or display of merchandise; provided, that such devices or musical systems:

1. Shall be operated only while the bicycle, pushcart or vehicle is in motion;

2. Shall play only pleasing melodies; and

3. Shall not be played between the hours of 1:00 p.m. and 3:00 p.m., and between the hours of 9:00 p.m. and 10:00 a.m. (Code 1962, § 26-4; Ord. No. G-3581, § 1)

## **SURPRISE**

### **CHAPTER 34, ARTICLE V - OFFENSES INVOLVING PEACE AND ORDER**

#### **DIVISION 1. - GENERALLY**

##### **Sec. 34-105. - Noise.**

(a)

It is declared to be a public nuisance and it is unlawful for any person owning or operating or in control of any restaurant, hotel, dancehall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument, whether played by individuals, orchestra, radio, phonograph, music box or other mechanical device or means, in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet or otherwise interfere with or annoy the comfortable enjoyment of life or property of any considerable number of persons in the neighborhood, and is no less a nuisance because the extent of the annoyance inflicted is unequal.

(b)



It is unlawful to play, operate or use any device known as a sound truck, loudspeaker or sound amplifier, radio or phonograph with loudspeaker or sound amplifier or any instrument of any kind or character in a manner that the same emits loud and raucous noises and is attached to and upon any vehicle.

(c)

It is unlawful within the city limits for any person to play, or to cause or permit another person to play, a radio, stereo, phonograph, tape player, CD player, television, or other similar sound-producing device at an unreasonably loud volume which disturbs the peace or quiet of a neighborhood, family, or person. This prohibition applies regardless of whether the device is stationary or portable, or whether it is located within a building, within a vehicle, or at any other place.

(d)

It shall be unlawful for any person to perform any construction or repair work, or operate any construction-type equipment or device within any residential zone or within any residential designation within a planned area development (PAD) zone between the hours of 9:00 p.m. and 5:00 a.m. which causes to be made or continued any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area. This prohibition shall not apply to persons performing construction or repair work, or operating any construction-type equipment or device in connection with public works projects or to a person performing emergency repairs.

(e)

Every person who violates a provision of this section is guilty of a class 1 misdemeanor.

(Code 2007, § 9.12.010)

**State Law reference**— Authority to suppress noise, A.R.S. §§ 9-240(B)(15)(b), 9-499.01.

## PEORIA

### CHAPTER 13, MISCELLANEOUS PROVISIONS AND OFFENSES

#### Sec. 13-90. - Noise; definitions.

(a)

*Decibel or dB:* A unit that denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base of ten (10) of this ratio.

(b)

*Law enforcement restitution:* All personal services cost attributed to the responding law enforcement officer for the amount of time actually spent in responding to or remaining at the party, gathering or event. Also includes actual costs incurred by the City for medical treatment to injured officers; costs of repair to damaged City or officer equipment; value of damaged City or officer equipment in event the same cannot be repaired.

(c)

*Law enforcement special security assignment:* The assignment of law enforcement officers and services incident to a second call to a location after the distribution of a written warning to the person responsible that the party, gathering or event violates A.R.S. § 13-2904 et seq.

(d)

*Noise Level:* The "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micropascals. The unit of measurement shall be designated as dBA.

(e)

*Party, gathering or event:* Two or more persons assembled or gathered on private property.

(f)

*Person:* Any individual, firm, association, partnership, joint venture or corporation.

(g)

Person responsible: The person or entity that owns or exercises control over the property where the party, gathering or event takes place, the person in charge of the premises and/or the organizer of the event, providing the same have been provided notice of the disturbance.

If the person responsible is a minor, the parents or legal guardians of that minor shall be jointly and severally liable for the law enforcement restitution irrespective of the fact the parents or legal guardians had no prior notice of the violation to the extent permitted under A.R.S. Title 12, Chapter 6, Article 7, § 12-661.

(h)

*Public space:* Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other residential areas.

(i)

*Residential area:* Any real property which contains a structure or building in which one or more persons reside, provided that the structure of building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Peoria Zoning Ordinance.

[\(Ord. 06-32, 09/05/06, Enacted \(SUPP 2006-03\); Ord. No. 2017-15 , § 32, 4-4-17\)](#)

**Sec. 13-91. - Noise; construction.**

(a)

*Construction of buildings and other projects.*

-1

*Noise limitations:* It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device except within the time periods specified below unless an appropriate permit has been obtained beforehand from the City.

-2

*Construction start/stop times: Concrete work:* from April 2nd to September 29th, inclusive, concrete may be poured each day between the hours of 5:00 a.m. and 7:00 p.m. or at such other times as authorized by permit. From September 30 th to April 1st, inclusive, concrete may be poured each day between the hours of 6:00 a.m. to 7:00 p.m. or at such other times as authorized by permit.

*(Other type construction (residential zones):* From April 2nd to September 29th, inclusive, all other construction or repair work shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. each day in, or within 500 feet of a residential zone or at such other times as authorized by permit, from September 30th to April 1st inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must be stopped by 7:00 p.m. each day or within 500 feet of, a residential zone or at such other times as authorized by permit.

Other type construction (commercial and industrial zones) construction and repair work in commercial and industrial zones, not within 500 feet of a residential zone, shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. or at such other times as authorized by permit

-3

*Permits:* Construction and repair work may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application, a permit is obtained beforehand from the Building Safety Manager or his designee. The permit shall be kept on the work site and shown to City officials on request. In granting such permit, the Building Safety Manager or his designee shall consider if construction noise in the vicinity of the proposed work site would be less objectionable than during the daytime because of different population levels or different neighboring activities, if obstruction and interference with traffic, particularly on streets of major importance would be less objectionable at night than during the daytime, if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site, if the neighborhood of the proposed work site is of such a character wherein sleep could be disturbed, if great economic hardship would occur if the work was spread over a longer time if the work will abate or prevent hazards to life or property, if proposed early morning or night work is in the general public interest; and, he shall prescribe such conditions working times, types of construction equipment to be used, and Permissible noise emissions as he deems to be required in the public interest. No permit shall be required to perform emergency work to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.

-4

*Revocation of permits:* The Building Safety Manager or his designee may revoke any permit granted hereunder upon complaint based upon substantial evidence that the construction activity caused significant disturbance in the vicinity of the work site.

[\(Ord. No. 06-32, 09/05/06, Enacted \(SUPP 2006-03\); Ord. No. 2017-15 , § 33, 4-4-17\)](#)

**Sec. 13-92. - Noise; general prohibitions.**

(a)

No person shall make, allow, continue, or cause to be made or continued:

-1

Any unreasonably loud or raucous noise; or

-2

Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity; it shall be presumed that any noise audible more than 50 feet from the source is unreasonably loud or raucous,

-3

Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(b)

Create any noise that would exceed the noise level measured from fifty (50) feet from the property line where the noise is generated exceeding the following community noise standards:

Zoning District Type	Time	Noise Standard (dBA)
Residential	6:00am - 10:00pm	65
Residential	10:00pm - 6:00am	55
Commercial	6:00am - 10:00pm	70
Commercial	10:00pm - 6:00am	65
Industrial	6:00am - 10:00pm	80
Industrial	10:00pm - 6:00am	70

For purposes of this section in any multiple use zoning district, the zoning district type governing the majority of the property shall govern for purposes of this ordinance.

(c)

Factors for determining whether a sound is unreasonably loud or raucous include, but are not limited to, the following:

-1

The proximity of the sound to sleeping facilities, whether residential or commercial;

-2

The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;

-3

The time of day or night the sound occurs; It shall be presumed that noise made between 10:00 p.m. and 6:00 a.m. is loud, raucous and/or unreasonably disturbing.

-4

The duration of the sound; and

-5

Whether the sound is recurrent, intermittent, or constant.

[\(Ord. No. 06-32, 09/05/06, Enacted \(SUPP 2006-03\); Ord. No. 2017-15 , § 34, 4-4-17\)](#)

### **Sec. 13-93. - Noise; specific prohibitions.**

The following acts are declared to be per se violations of this section. This enumeration does not constitute an exclusive list:

(a)

*Unreasonable Noises:* The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure,

or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not

unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

(b)

*Vehicle Horns, Signaling Devices, and Similar Devices:* The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the Local Government, for more than twenty (20)

consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning or as an alarm is exempt from this prohibition.

(c)

*Non-Emergency Signaling Devices:* Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period.

The reasonable sounding of such devices by houses of religious worship, ice cream trucks, and seasonal contribution solicitors or by the City for traffic control purposes are exempt from the operation of this provision.

(d)

*Emergency Signaling Devices:* The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in Subsections (1) and (2), below.

-1

Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

-2

Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.

(e)

*Yelling, Shouting, and Similar Activities:* Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 6:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

(f)

*Loading or Unloading Merchandise, Materials, Equipment:* The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of 10:00 p.m. and 6:00 a.m. on weekdays and 11:00 p.m. and 8:00 a.m. on weekends.

(g)

*Loading of Vehicles and/or Opening or Destruction of Containers:* The loading or unloading of any vehicle or to open or destroy bales, boxes, crates or other containers in such a manner as to create excessive or offensive noise.

(h)

*Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, Funeral Homes and Skilled Care Institutions:* The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons or scheduled events in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

(i)

*Blowers, and Similar Devices:* In residential or noise sensitive areas, between the hours of 10:00 p.m. and 6:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

(j)

*Commercial Establishments Adjacent to Residential Property:* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 8:00 a.m. on weekends. It shall be presumed that such noise is unreasonable if plainly audible at a distance of fifty (50) feet from the boundary line of the commercial establishment. If there is a shared parking facility, the shared parking facility shall not be included in the boundary calculation.



[\(Ord. No. 06-32, 09/05/06, Enacted \(SUPP 2006-03\); Ord. No. 2017-15 , § 35, 4-4-17\)](#)

**Sec. 13-94. - Noise; Sound Amplifying Equipment.**

(a)

It shall be unlawful for any person to practice, play, or conduct live band activities using sound amplifying equipment or to use Radios, Televisions, Boomboxes, Phono-graphs, Stereos, Musical Instruments and Similar Devices in such a manner that the noise level produced exceeds 55dBA. The noise shall be measured at a distance of at least twenty-five feet (25') from the property line of the property on which the noise source is located.

(b)

It shall be unlawful for any person to use any of the following: Radio, Television, Boomboxes, Phono-graphs, Stereos, Musical Instruments and similar devices to create or permit excessive and unreasonably loud or raucous noise. It shall be presumed that such noise is unreasonably loud or raucous when such noise is plainly audible at a distance of 50 feet from the property line or location where such noise is being generated.

-1

The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings. It shall be presumed that a sound that is plainly audible to a person at a distance of more than 50 feet of the source unreasonably disturbs the peace, quiet and comfort of neighbors in residential or noise sensitive areas.

(c)

Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices: The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 6:00 a.m.

on weekdays, and 11:00 p.m. and 8:00 a.m. on weekends and holidays in the following areas:

-1

Within or adjacent to residential or noise-sensitive areas;

-2

Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03))

**Sec. 13-95. - Noise; vehicular repairs and exhausts.**

(a)

It shall be unlawful for any person within any residentially zoned area of the City to repair, rebuild or test any motor vehicle between the hours of 10:00 p.m. of one day and 6:00 a.m. of the next day in such a manner as to create an excessive or offensive noise or in such a manner

that the noise produced by such activity exceeds 55 dBA when measured at the residential property line of the property where the vehicle is being repaired.

(b)

It shall be unlawful for any person to operate or cause to operate any motor vehicle unless the exhaust system of such vehicle is:

-1

Free from defects which may affect sound level magnification

-2

Equipped with a muffler

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03))

**Sec. 13-96. - Noise; noise sensitive areas.**

(a)

The owner of a School, Courts, Churches, Hospitals, Funeral Homes, Cemeteries and Skilled Care Institutions may file an application with the Community Development Director requesting the creation of a Noise Sensitive Area consisting of a buffer of not more than 500 feet surrounding the exterior boundaries of the property. The Community Development Department may charge a fee for such applications in the amount provided in Chapter 2 of this Code.

-1

For purposes of schools and courts, the owner is defined as the Superintendent of the District or the Chief Administrative Officer of the political subdivision that operates the Court.

(b)

The Community Development Director shall verify that the application is from a qualified use and that the applicant agrees to pay the cost for the installation and maintenance of all signage installed by the City designating the zone.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03))

**Sec. 13-97. - Noise; exemptions.**

The following uses and activities shall be exempt from the provisions contained in Sections [13-90](#) through [13-94](#):

-1

Heating and cooling equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition.

-2

Landscape maintenance equipment when it is functioning in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition.

-3

Motor vehicles on streets and roadways of the City, provided that the prohibition of [section 13-93\(b\)](#) and [section 13-95](#) continues to apply.

-4

Noises of safety signals, warning devices and emergency pressure relief valves;

-5

Noises resulting from any authorized emergency vehicle when responding to an emergency all or acting in time of emergency;

-6

Noises resulting from emergency work repairs of telecommunications and/or utility structures to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.

-7

Noises from the normal operation of railroad trains.

-8

Noises resulting from repairs or excavations of bridges, streets or highways by or on behalf of the City or the State or a political subdivision of the State between the hours of 7:00 p.m. and 7:00 a.m., when the public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m., in accordance with the permits granted by the City under Chapter 23 of this code.

-9

Reasonable activities conducted on City parks and public or charter school grounds in accordance with the rules and regulations of the City, district or charter schools and conducted in accordance with the manners in which such spaces are generally used. Outdoor gatherings, public dances, shows and sporting events and other similar outdoor events, provided a permit has been obtained from the City and in accordance with the terms of the permit.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03))

**Sec. 13-98. - Noise; second response; definitions.**

(a)

*Party, gathering or event:* Two or more persons assembled or gathered on private property.

(b)

*Law enforcement restitution:* All personal services cost attributed to the responding law enforcement officer for the amount of time actually spent in responding to or remaining at the party, gathering or event. Also includes actual costs incurred by the City for medical treatment to injured officers; costs of repair to damaged City or officer equipment; value of damaged City or officer equipment in event the same cannot be repaired.

(c)

*Law enforcement special security assignment:* The assignment of law enforcement officers and services incident to a second call to a location after the distribution of a written warning to the person responsible that the party, gathering or event violates A.R.S. § 13-2904 et seq.

(d)

Person Responsible: The person or entity that owns or exercises control over the property where the party, gathering or event takes place, the person in charge of the premises and/or the organizer of the event, providing the same have been provided notice of the disturbance.

If the person responsible is a minor, the parents or legal guardians of that minor shall be jointly and severally liable for the law enforcement restitution irrespective of the fact the parents or legal guardians had no prior notice of the violation to the extent permitted under A.R.S. Title 12, Chapter 6, Article 7, § 12-661.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03); Ord. No. 2017-15 , § 36, 4-4-17)

**Sec. 13-99. - Noise; second response; warning notice.**

(a)

When a complaint is received concerning noise, loud or offensive language coming from a party, gathering or event, law enforcement officer(s) on special security assignment shall respond to the location of the party, gathering or event and provide written notification to the person(s) responsible that the party, gathering or event is disturbing the peace and/or quiet of a person, family or neighborhood in violation of A.R.S. § 13-2904 and a subsequent call to the location and each and every call thereafter will result in the issuance of additional criminal charges.

(b)

The police chief may promulgate forms to meet the requirements of this chapter.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03); Ord. No. 2017-15 , § 37, 4-4-17)

**Sec. 13-100. - Noise; second response; law enforcement services restitution.**

(a)

A violation of sections 13-90—13-97 of this code may include assessment of mandatory restitution in an amount determined by the court.

(b)

A recoverable charge may be imposed for the second and subsequent response to a party, gathering or event. If the actual cost to the City exceeds two hundred dollars (\$200.00), The City Manager or his designee shall charge the actual cost of the second or subsequent response.

(c)

The City Attorney may request restitution for all costs incurred by the City.

(d)

The entry of a restitution order by the court shall not preclude the City from maintaining a separate civil action for charges and damages for second and subsequent responses under this chapter. The prevailing party in any civil action for recovery of charges and damages for second and subsequent responses shall be entitled to recover taxable costs and reasonable attorney fees in the manner provided by A.R.S. Title 12, Chapter 3, Article 5.

(e)

In event the person charged is a minor, the court may award restitution against the parents or legal guardians of the minor to the extent permitted by A.R.S. Title 8, Chapter 2, Article 4. Nothing herein shall preclude the City from maintaining a separate civil action for charges and damages for second and subsequent responses against the parents and legal guardians of any minor charged with a violation of sections 13-90—13-97 of this code.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03); Ord. No. 2017-15 , § 38, 4-4-17)

**Sec. 13-101. - Noise; second response; payments, time, methods, nonpayments.**

(a)

Payment and enforcement of restitution takes priority over amounts ordered to be paid by the court. The restitution shall be paid to the court who shall transfer the amounts to the finance department in the same manner and method as other court revenues.

(b)

If a defendant sentenced to pay a restitution assessment under sections 13-96—13-99 of this code defaults in the payment of such restitution assessment, the court shall notify the City Attorney. The court on motion of the City Attorney, or the court on its own motion,

shall require the defendant to show cause why the defendant's default should not be treated as contempt and may issue a summons or a warrant of arrest for his appearance.

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The court shall process such motions in the manner provided by A.R.S. Title 13, Chapter 8, Section 13-810. (Ord. No. 2017-15 , § 39, 4-4-17)

#### **Sec. 13-102. - Noise; enforcement.**

(a)

The following individuals shall enforce sections 13-90 through 13-99 of the code: The Police Department will have primary responsibility for the enforcement of the noise regulations contained herein, to the extent that they are punishable by civil penalties. If such regulations are punishable as a criminal offense, they shall be enforced by the Police Department.

(b)

If a person's conduct would otherwise violate sections 13-90—13-100 of this code and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

(Ord. No. 06-32, 09/05/06, Enacted (SUPP 2006-03))

#### **Sec. 13-103. - Noise; penalties.**

(a)

The remedies herein are cumulative and the City may proceed under one or more such remedies.

(b)

Any owner or responsible party, who causes, permits, facilitates, or aids or abets any violation of any provision of this Chapter or who fails to perform any act or duty required by the Chapter is subject to a civil sanction in accordance with a schedule adopted by the Municipal Court.

(c)

In the alternative, Any owner, responsible party, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of the Chapter or who fails to perform any act or duty required by the Chapter is guilty of a Class 1 misdemeanor.

(d)

Each day any violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter exists shall constitute a separate violation or offense.

[\(Ord. No. 06-32, 09/05/06, Enacted \(SUPP 2006-03\); Ord. No. 2017-15 , § 40, 4-4-17\)](#)

## **GLENDALE**

### **CHAPTER 25, ARTICLE V. - NOISE**

#### **Sec. 25-61. - Purpose.**

It is hereby declared to be the policy of the City of Glendale to prohibit excessive, unnecessary and annoying noises from all sources subject to its police power. At and above certain levels, noises are detrimental to the health and welfare of the citizens of the city and it is in the best interest that such noises be systematically eliminated.

(Ord. No. 1567, § 2, 11-8-88)



**Sec. 25-62. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Emergency vehicle:* Vehicles of the fire, police and public service departments and legally authorized ambulances and emergency vehicles of state departments or any political subdivisions thereof and vehicles of public service corporations.

*Emergency work:* Any work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.

*Motor vehicle:* Any self-propelled vehicle operated within the city, including but not limited to licensed or unlicensed vehicles, automobiles, mini-bikes, go-carts and motorcycles.

(Ord. No. 1567, § 2, 11-8-88)

**Sec. 25-63. - Penalty.**

A violation of any provision of this article shall be deemed and is declared to be a public nuisance and any person who violates any of the provisions of this article shall be guilty of a misdemeanor. Each day a violation continues or exists shall be a separate offense subject to punishment as a separate misdemeanor.

(Ord. No. 1567, § 2, 11-8-88)

**Sec. 25-64. - Excessive, unnecessary or offensive noise prohibited.**

(a)

It shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive, unnecessary or offensive noise that disturbs the peace and quiet or that causes discomfort or annoyance to two or more independent witnesses who are not related.

(b)

This article is intended to reduce the amount of return visits by law enforcement. Subsequent visits by law enforcement will be cause for abatement of such disturbance, and will require a mandatory restitution assessment for the law enforcement subsequent response services as a term of the sentencing.

(Ord. No. 1567, § 2, 11-8-88; Ord. No. 2186, § 10, 2-27-01; Ord. No. 2802, § 2, 5-22-12)

**State Law reference—** Disturbing the peace, A.R.S. § 13-2904.

### **Sec. 25-65. - Exemptions from noise level regulations.**

The following uses and activities shall be exempt from the provisions contained in this article:

-1

Heating and cooling equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition provided that no unit may create an excessive, unnecessary or offensive noise causing annoyance or discomfort to a reasonable person of normal sensitivity within any sleeping or living area inside any dwelling unit;

-2

Landscape maintenance equipment when it is functioning in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition;

-3

Nonamplified crowd noises resulting from activities such as those planned by school, governmental or community groups, or organized sports;

-4

Noises of safety signals, warning devices and emergency pressure relief valves;

-5

Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

-6

[Noises resulting from emergency work as defined in section 25-62;](#)

-7

Noises from the normal operation of railroad trains;

-8

Noises from church chimes;

-9

Power plant equipment during normal operation;

-10

Noise created by any city vehicle, equipment or facility while being operated for official use;

-11

Operation of agricultural equipment in connection with farming operations;

-12

Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operated under, or pursuant to, declaration of an emergency under federal air regulations.

(Ord. No. 1567, § 2, 11-8-88)

**Sec. 25-66. - Loud radios, sound sets, etc.**

(a)

It shall be unlawful for any person to operate a radio receiving set, phonograph or sound producing or sound reproducing mechanism within the city, at any time in such a manner as to permit the same to be heard at a distance of more than one hundred twenty-five (125) feet from the premises where such radio receiving set, phonograph, or sound producing or sound reproducing mechanism is located, when the sound of such radio receiving set, phonograph, or sound producing or sound reproducing mechanism is operated in such a manner as to create an excessive, unnecessary or offensive noise that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance.

(b)

It shall be unlawful for any person to operate or permit to be operated any radio receiving set, phonograph, or sound producing or sound reproducing mechanism, between the hours of 10:00 p.m. and 7:00 a.m. within the city in such a manner that the sound from such radio set, phonograph, sound producing or sound reproducing mechanism may be heard off of the premises upon which it is operated in such a manner as to create an excessive, unnecessary or offensive noise that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance.

(c)

It shall be unlawful for any person to operate a radio receiving set, phonograph, or sound producing or sound reproducing mechanism continuously for more than two and one-half (2-1/2) hours without an intermission of not less than thirty (30) minutes when the sound from the radio receiving set, phonograph or sound producing or sound reproducing mechanism can be heard off of the premises upon which it is being operated in such a manner as to create an excessive, unnecessary or offensive noise that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance.

(d)

An event being held pursuant to a city-issued special event and/or event permit shall be exempt from the provisions of this section provided that the event is operating in accordance with the conditions of that permit.

(Code 1963, §§ 21-16—21-18; Ord. No. 1567, §§ 1, 2, 11-8-88; Ord. No. 2899, § 1, 6-24-14)

**Cross reference**— Amplified sound in Thunderbird Park, § 27-93.

**State Law reference**— Disturbing the peace, A.R.S. § 13-2904.

### **Sec. 25-67. - Vehicular noise; violations.**

(a)

It shall be unlawful for any person within any residential area of this city to repair, rebuild or test any motor vehicle between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner as to create an excessive, unnecessary or offensive noise that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance.

(b)

No person shall operate or cause to operate any motor vehicle unless the exhaust system of such vehicle:

-1

Is free from defects which may cause sound level magnification;

-2

Is equipped with a muffler;

-3

Has not been modified in such a manner which will amplify or increase the sound level emitted by the motor of such vehicle above that emitted by a muffler originally installed on the vehicle as manufactured for initial sale.

(c)

Sound amplification systems in vehicles; limitations on use.

-1

Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle which:

(A)

Can be heard outside the vehicle from fifty (50) or more feet; or

(B)

Annoys or disturbs the quiet, comfort or repose of any reasonable person in the vicinity; unless the system is being operated to request assistance of an emergency nature or to warn of a hazardous situation.

-2

In addition to other specific exemptions authorized by this chapter, subsection (c) of this section shall not apply to:

(A)

A vehicle operated by a gas, electric, communications, water utility company, or governmental entity; or

(B)

A vehicle used for advertising in a parade or in a political or other special event permitted by the city.

(d)

For the purpose of subsection (c) above, "sound amplification system" means any device, instrument or system, whether electrical, mechanical or otherwise for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, phonograph, or sound or musical recorder or player.

(e)

A violation of any provision of this section shall be deemed a public nuisance. Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor and shall be punished in accordance with state law. Each day a violation continues or exists shall be a separate offense subject to punishment as a separate misdemeanor.

(Ord. No. 1567, § 2, 11-8-88; Ord. No. 2186, § 11, 2-27-01)

[Cross reference— Unnecessary vehicle noise, § 24-94.](#)

## **Sec. 25-68. - Construction of buildings and other projects.**

(a)

Noise limitations: Subject to the provisions of section 25-64, it shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device except within the time periods specified below unless an appropriate permit has been obtained beforehand from the city.

(b)

Construction start/stop times:

-1

Concrete work: From April fifteenth to October fifteenth, inclusive, concrete may be poured each day between the hours of 5:00 a.m. and 7:00 p.m. or at such other times as authorized by permit. From October sixteenth to April fourteenth, inclusive, concrete may be poured each day between the hours of 6:00 a.m. to 7:00 p.m. or at such times as authorized by permit.

-2

Other type construction (residential zones): From April fifteenth to October fifteenth, inclusive, all other construction or repair work shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. each day in, or within five hundred (500) feet of, a residential zone or at such other times as authorized by permit. From October sixteenth to April fourteenth, inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must be stopped by 7:00 p.m. each day in, or within five hundred (500) feet of, a residential zone or at such other times as authorized by permit.

-3

Other type construction (Commercial and industrial zones): Construction and repair work in commercial and industrial zones, not within five hundred (500) feet of a residential zone, shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. or at such other times as authorized by permit.

-4

Weekends and holidays excluded: Notwithstanding anything to the contrary herein, construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. and concrete pouring should not begin prior to 6:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or state or federal holiday, unless such other times are authorized by permit.

(c)

Permits: Construction and repair work may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application, a permit is obtained beforehand from the city manager or his designee. The permit shall be kept on the work site and shown to city officials on request. In granting such permit, the city manager or his designee shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site; if the neighborhood of the proposed work site is of such a character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazards to life or property; if proposed early morning or night work is in the general public interest; and, he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions as he deems to be required in the public interest. No permit shall be required to perform emergency work as defined in section 25-62.

(d)

Revocation of permits: The city manager or his designee may revoke any permit granted hereunder upon complaint based upon substantial evidence that the construction activity caused significant disturbance in the vicinity of the work site.

(Ord. No. 1567, § 2, 11-8-88)

[Cross reference— Buildings and building regulations, Ch. 9.](#)