

ARTICLE V. - NOISE^[4]

Footnotes:

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Cross reference— *Animal noise, § 6-5.1; unnecessary vehicle noise, § 24-94.*

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.

Sec. 25-69. - Reserved.