

# Noise Ordinance

## Town of Gilbert Municipal Code

### Sec. 42-61. Noise.

(a) Declaration of policy. It is hereby declared to be the policy of the town to prohibit unnecessary, excessive and offensive noises from all sources subject to its police power. At certain levels, noises are detrimental to the health, safety and welfare of the citizenry, and in the public interest, such noise shall be systematically proscribed.

(b) 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 section, ambient noise level is the level obtained when the noise level is averaged over a period of 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 Specifications for Sound Level Meters S13-1971, or may be done manually as follows:

- (1) Observe a sound level meter for five 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 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.

Community noise standards shall mean the noise standards set forth in subsection (e)(1), unless modified pursuant to subsection (e)(3).

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

Emergency work means 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 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 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 second, with an abrupt onset and rapid decay.

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

Motor vehicles means any self-propelled device in, upon, or by which any person or property is, or may be, transported within the town, including but not limited to, licensed or unlicensed vehicles, automobiles, motor

boats, personal water craft, minibikes, go-carts, motorized skateboards, and motorcycles.

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 (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 used to measure sound levels which satisfies the pertinent requirements in American National Standard Specifications for Sound Level Meters S1.4-1971 or the most recent revision thereof.

(c) Exemptions. The following uses and activities shall be exempt from noise level regulations:

- (1) Air-conditioning, pool and spa 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 to exceed the residential community noise standards set forth in subsections (e)(1) and (3);
- (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 for school, governmental or community groups or duly authorized by such groups;
- (4) Noises of safety signals, warning and alarm devices, emergency generators, emergency generators, storm warning sirens, emergency pressure relief valves or horns and the authorized testing of such equipment;
- (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 subsection (b);
- (7) All noises coming from the normal operations of railroad trains;
- (8) Noises of church chimes;
- (9) Organized sporting events;
- (10) Noises created by aircraft;
- (11) Public or utility owned or operated stationary mechanical equipment so long as such equipment is properly functioning pursuant to manufacturer's specifications;
- (12) Road and street noise generated from the normal operation of traffic except as regulated herein.

(d) Measurement criteria. For the purpose of enforcement of the provisions of this section, noise level shall be measured on the a-weighted scale with a sound level meter. 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 according to the manufacturer's specifications by means of an acoustical calibrator.

(e) Allowable noise levels. (1) It is unlawful for any person to create any noise which would cause the noise level measured from the inside, with the windows and doors closed, of a complainant's residential dwelling, enclosed commercial building or suite, or enclosed industrial building or suite to exceed the following community noise standards for more than 15 minutes in duration and more than two times in one hour:

Zone	Time	dB(A)
Residential	10:00 p.m.--5:00 a.m.	45
	5:00 a.m.--10:00 p.m.	55
Commercial	10:00 p.m.--5:00 a.m.	55
	5:00 a.m.--10:00 p.m.	65
Industrial	10:00 p.m.--5:00 a.m.	60
	5:00 a.m.--10:00 p.m.	70

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

(3) If the ambient noise level in a subdivision in a residential zoning district is measured and found at any time to be in excess of the community noise standards, then the actual ambient noise level will be the community noise standard for that subdivision.

(Code 1984, § 10-1-12; Ord. No. 1245, § I, 2-15-00; Ord. No. 1363, § I.6., 8-21-01; Ord. No. 1410, § I, 7-23-02; Ord. No. 1479, § I, 5-27-03)

**State law references:** Disorderly conduct, A.R.S. § 13-2904; vehicle mufflers, A.R.S. § 28-955.

#### **Sec. 42-62. Special noise sources.**

(a) Power plant equipment. It is unlawful for the noise level of power plant equipment during normal operation to exceed the industrial community noise standards set forth in section 42-61(e)(1) and (3).

(b) Sound trucks; loudspeakers; other sound amplifiers. It is unlawful to play, operate or use any device known as a sound truck, loudspeaker or sound amplifier, radio or phonograph with a loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received a permit from the chief of police to operate any such vehicle so equipped. Such permit shall be granted unless the chief of police believes the activity will disturb the public peace.

(c) Motor vehicles.

(1) Vehicle repair. It shall be unlawful for any person within any residential area of the town to repair, rebuild or test any motor vehicle (between the hours of 10:00 p.m. of one day and 5:00 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.

(2) Motor vehicle mufflers. 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 cutout, bypass or similar muffler elimination appliance.

(3) Braking devices. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the town any compression release or other engine braking device designed to aid in the braking or deceleration of any vehicle which results in noise in excess of that which would otherwise be produced from such vehicle without such braking device. The provisions of this division do not apply to public safety vehicles.

(4) Vehicle operation. 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 50 feet from the center of the lane or travel within the speed limits specified in this section:

Table Inset

	Speed Limit of 35 mph	Speed Limit of More or Less Than 35 mph
(i) 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 motorcycle other than a motor-driven cycle	88 dB(A)	92 dB(A)
(ii) Any other motor vehicle and any combination of vehicles towed by such motor vehicles	82 dB(A)	86 dB(A)

(d) Reserved.

(e) Schools, churches and hospitals. 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.

(Ord. No. 1410, § I, 7-23-02; Ord. No. 1688, § 1, 10-11-05; Ord. No. 2124, § I, 2-26-08)

**Sec. 42-63. Construction of buildings and projects.**

(a) General provisions. It shall be unlawful for any person to pour concrete or perform construction work in the town, except within the time periods specified herein or if the noise level created thereby is in excess of the applicable community noise standards set forth in section 42-61(e)(1) and (3) by five dB(a) at either the nearest property line or the affected area of the property unless a permit has been obtained beforehand from the building and code compliance department. As used in this section, "construction work" shall include (1) operating construction-related equipment, (2) performing outside construction work, (3) performing outside repair work on buildings, structures or projects and (4) operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device.

(b) Start/stop times.

(1) Concrete. Concrete may be poured and concrete mixing trucks may be idled, between the hours of 5:00 a.m. and 10:00 p.m. each day or at such other times as authorized by permit.

(2) All other construction; residential zones in or within 500 feet. All other construction work shall not

begin prior to 5:00 a.m. and must stop by 10:00 p.m. each day in or within 500 feet of a residential zone or at such other times as authorized by permit.

(3) Commercial and industrial zones. Construction 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 10:00 p.m. or it may be conducted at such times as authorized by permit.

(c) Weekends and holidays excluded. Notwithstanding the foregoing, construction work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. and concrete pouring shall 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 authorized by permit.

(d) Permit. Construction work may be conducted at different times than otherwise permitted herein if, upon written application, a permit is obtained from the building and code compliance department. In granting such permit, the director of the building and code compliance department shall consider whether construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of the different population levels or different neighborhood activities; whether obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the kind of work to be performed emits noises at such a low level as to not cause significant disturbance of the reasonable peaceful enjoyment of the surrounding neighbors in the vicinity of the work site; whether the neighborhood of the proposed work site is primarily residential in character wherein sleep would be disturbed; whether great economic hardship would occur if the work were spread over a longer time; whether the work will abate or prevent hazard to life or property; whether the proposed early morning or night work is in the general public interest. The director shall prescribe such conditions, working times, types of construction equipment to be used and permissible noise emissions as the director deems appropriate in the public interest. No permit shall be required to perform emergency work necessary to restore property to a safe condition following a public calamity, work required to protect the health, safety or welfare of persons or property or work by private or public utilities when restoring utility service.

(e) Revocation of permits; appeal. The director may revoke any permit granted hereunder upon complaints based upon substantial evidence that the construction work causes significant disturbance of the reasonable peaceful enjoyment of the surrounding neighbors in the vicinity of the work site. Any person aggrieved by the granting of a permit or the refusal to grant a permit by the town manager or authorized representative may appeal the decision to the town council who shall hear such appeal at the next regularly scheduled meeting of the town council.

(f) Stop orders. Whenever any work on a construction project is in violation of the provisions of this section, the director 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 a permit is obtained.

(Ord. No. 1245, § I, 2-15-00; Ord. No. 1363, § I.6., 8-21-01; Ord. No. 1410, § I, 7-23-02)

#### **Sec. 42-64. 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;
- (14) Whether it is an impulse noise.

(Ord. No. 1245, § I, 2-15-00; Ord. No. 1410, § I, 7-23-02)