

23-11 Nuisances.

(A) Anything which is obnoxious to health, or is indecent, or is offensive to the senses, or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by any considerable number of persons, or unlawfully obstructs any public street, alley, sidewalk or highway is hereby declared a nuisance and may be abated by order of the City Court. Every person who commits or maintains a nuisance shall be guilty of a misdemeanor.

(B) Any building, structure or utility determined to be unsafe and an imminent danger to the health, safety or welfare of the citizens of the City of Phoenix by the Superintendent of the Housing Services Division, or any building, structure or lot which is in such a condition as to constitute an imminent danger of fire, as determined by the Fire Marshal, shall constitute a public nuisance, subject to summary abatement, through either repair, cleaning up and removal of offending material, or the prevention of access through boarding up or other appropriate means.

(C) Should any of the conditions as set forth in section (B) hereof be found to exist by the designated official, such official is hereby authorized to summarily abate the nuisance in one of the manners set forth above and the cost of such abatement shall be certified to the City Treasurer who shall collect the sum due, together with interest thereon at the rate established by law, from the owner of the subject property or the person, or persons, entitled to immediate possession thereof.

(Code 1962, § 27-47; Ord. No. G-1496, § 1)

¹**Cross reference**—Animals, ch. 8; barking or howling dogs, § 8-2; building regulations, ch. 9; fire prevention, ch. 15; disturbing the peace, § 23-3; solid waste, ch. 27; removal of debris, weeds and other unhealthy or unsafe conditions on streets and sidewalks, § 31-10; hazardous excavations or embankments, § 32A-7; unnecessary vehicle noise, § 36-69; blowing horns or signaling devices, § 36-72; loudspeakers or amplifiers in or on vehicles, § 36-73; trucks causing excessive noise, § 36-88.09; inoperable or unregistered vehicles, § 36-161 et seq.; neighborhood preservation, ch. 39.

State Law reference—Authority to define and prevent nuisances and noise, A.R.S. §§ 9-499.01, 9-240(B)(13), 9-276(A)(2), (A)(16); criminal nuisances, A.R.S. § 13-2908; public nuisances, A.R.S. § 13-2917.

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)

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)

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
- (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. +1
 - (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. +1

(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, adopted 3-3-2010, eff. 4-2-2010; Ord. No. G-5590, § 1, adopted 2-23-2011, eff. 3-25-2011; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 23-14

+1 Addition on 6-22-2011 by Ordinance No. G-5634, eff. 7-22-2011

*1 Revision on 6-22-2011 by Ordinance No. G-5634, eff. 7-22-2011

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)

23-16 Reserved.

Editor's note—Section 23-16 was repealed; see Ord. No. G-3581, § 2.

23-17 Hospitals, quiet required.

The Traffic Engineer is hereby empowered to cause suitable street signs or markings to be placed on or along streets near or upon which any hospital is situated warning the public of the proximity of any such hospital and indicating the general direction in which the hospital is situated. Any person who shall make or cause to be made any unnecessary noise calculated to disturb the quiet of any inmate of any such hospital at any place between any such sign and such hospital or at any place situated within the general area indicated by such signs or markings to be in the vicinity of any such hospital, shall be guilty of a misdemeanor.

(Code 1962, § 26-6)

Cross reference—Vehicles and traffic, ch. 36.