

### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-32 The Mayor Entrance (Idle)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Light to moderate traffic, Light/No foot traffic, no music

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/15/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST - 32



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-32 The Mayor Entrance (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 32

Figure 1:

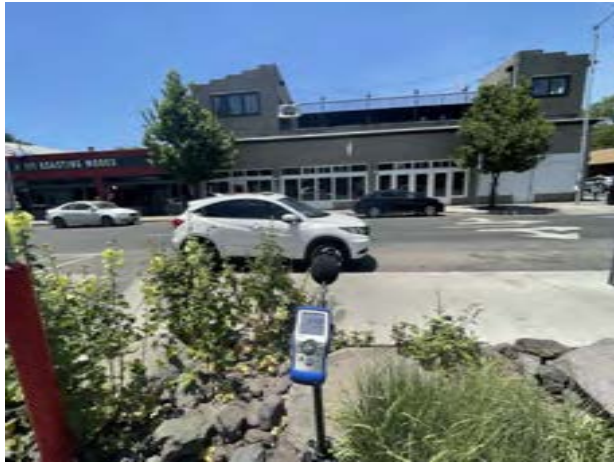


Figure 2:

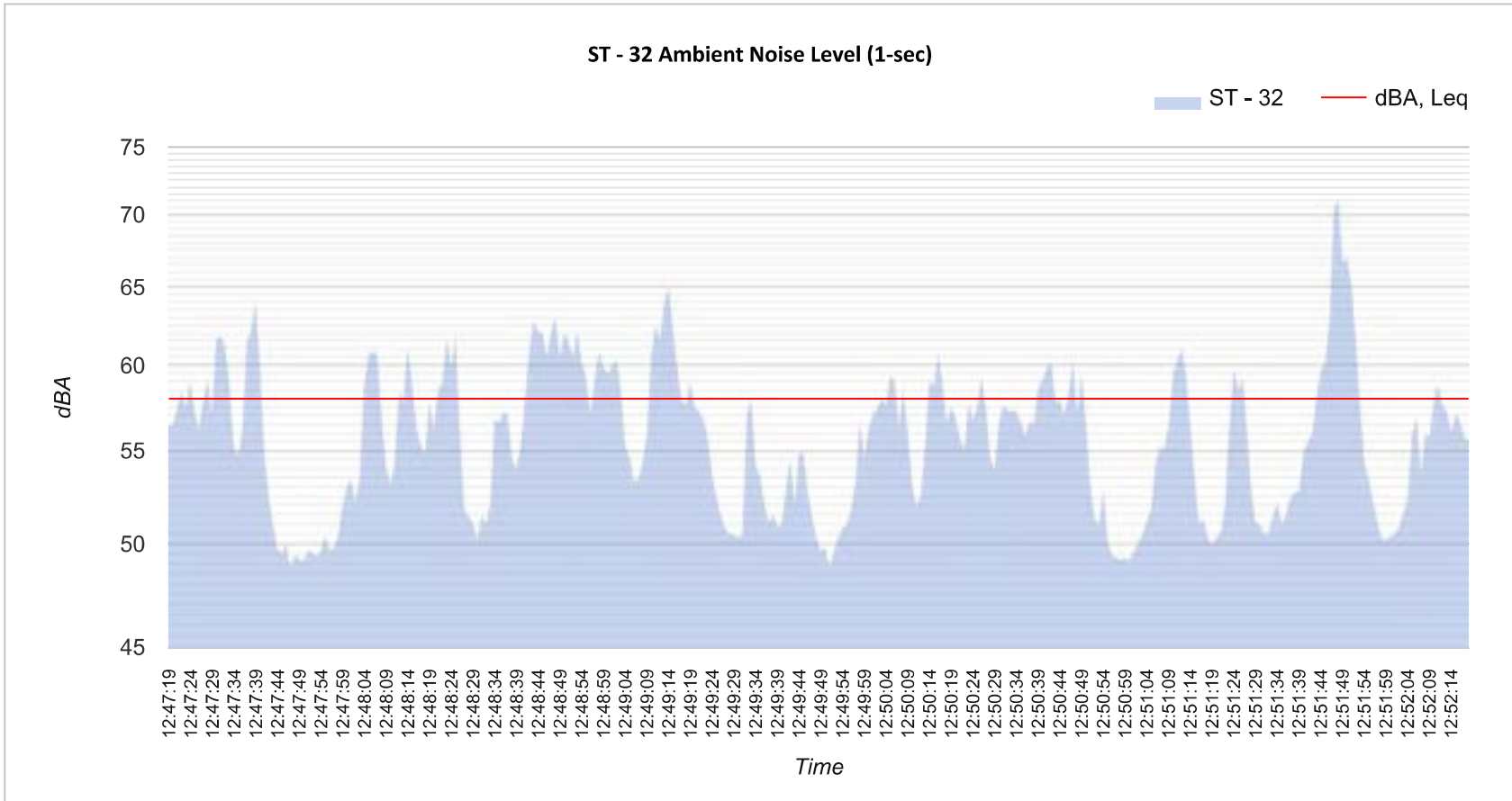


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 32	12:47 PM	12:53 PM	58	70.7	49.1	64	61.6	58.7	56.2	50.3

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

<b>Project Name:</b>	Ordinance: ST-32 The Mayor Entrance (Idle)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	83 degrees, Sunny, Winds 5-7 mph	Traffic ~30'
<b>Site Id:</b>	ST - 32	<b>Ground Type:</b>	Asphalt	

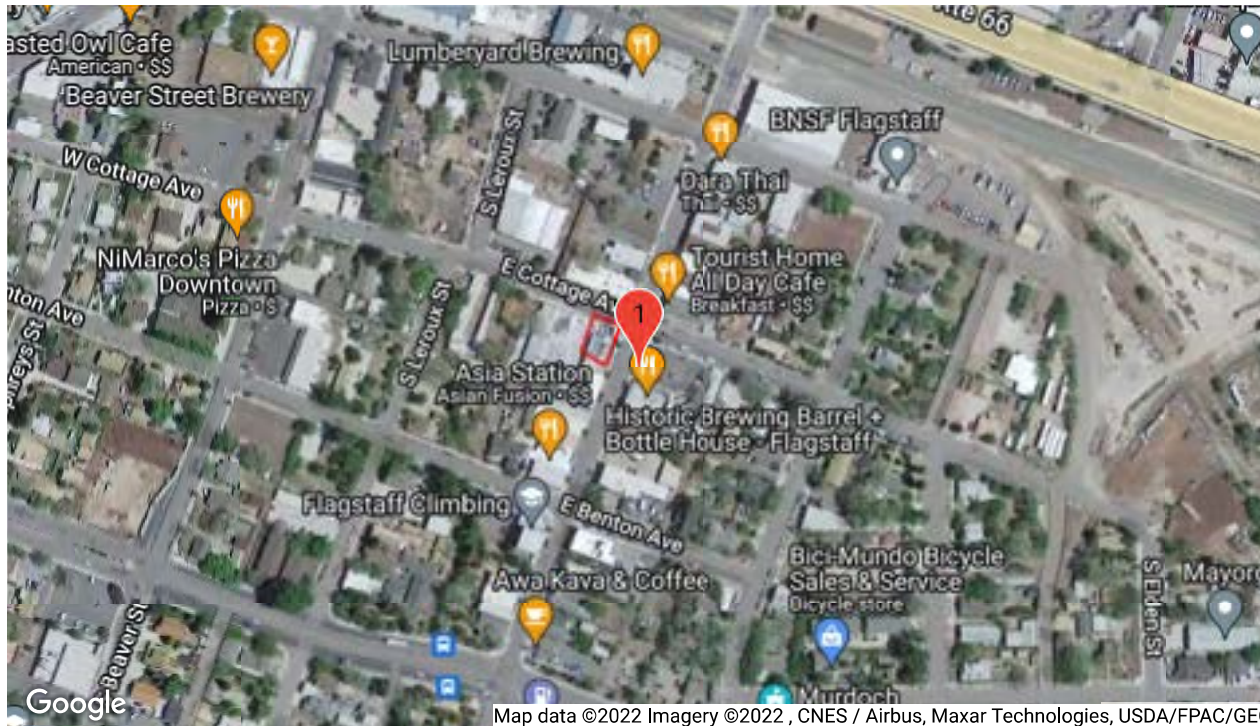


### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-33 The Mayor Entrance (Night)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/04/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Music, talking, light foot traffic

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** St - 33



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-33 The Mayor Entrance (Night)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** St - 33

Figure 1:



Figure 2:

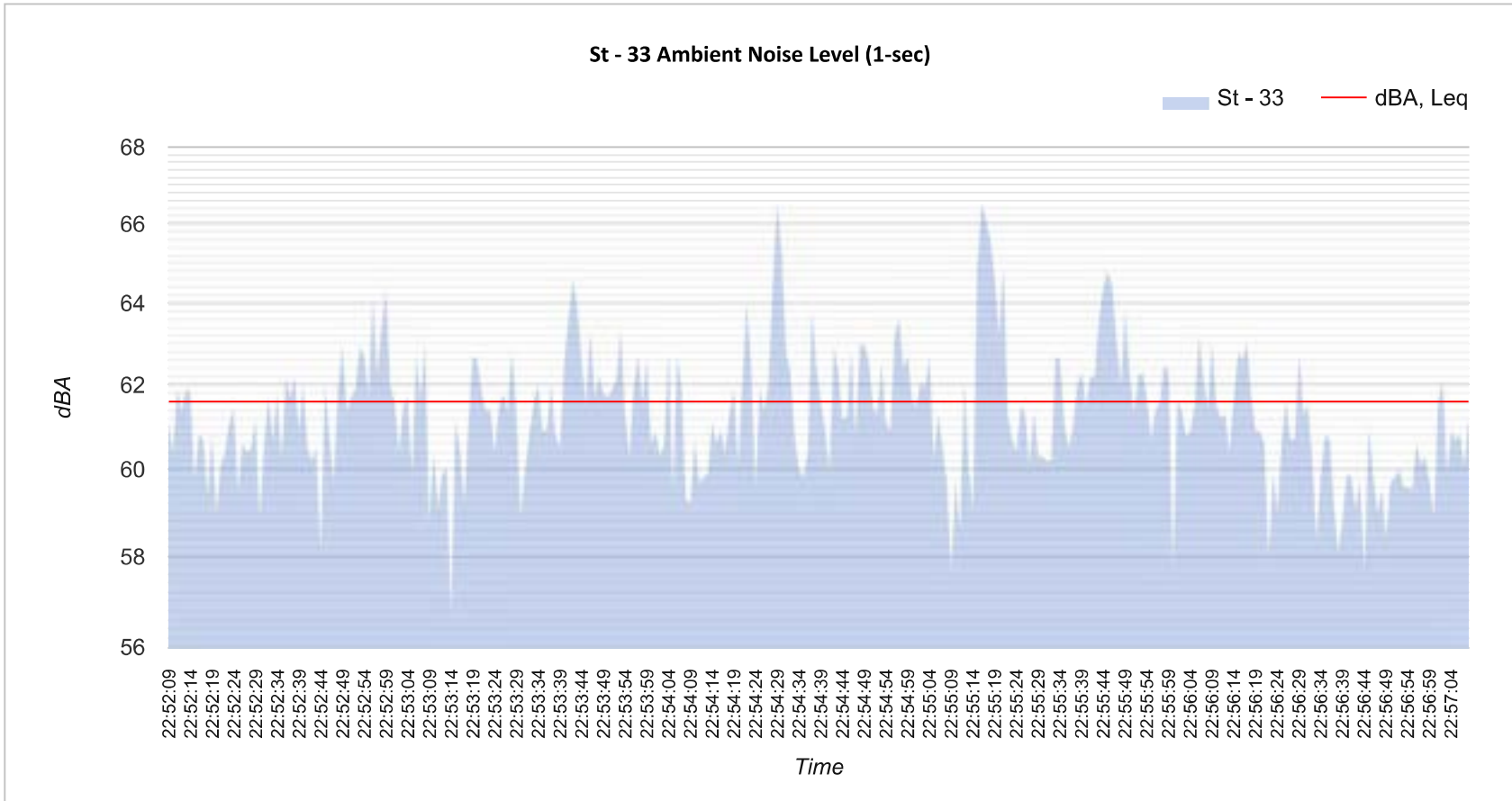


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
St - 33	10:52 PM	10:58 PM	61.6	66.2	57.7	64.9	63.3	62.2	61.3	59.6

5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-33 The Mayor Entrance (Night)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	60 degrees, Clear, No wind	Music ~70'
<b>Site Id:</b>	St - 33	<b>Ground Type:</b>	Asphalt	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-34 Annex Entrance (Busy Night)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Live band, full patio w/ ~80 people, in front, moderate to heavy foot traffic

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/04/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST 34 - Annex Patio During Conce



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-34 Annex Entrance (Busy Night)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST 34 - Annex Patio During Conce

Figure 1:



Figure 2:

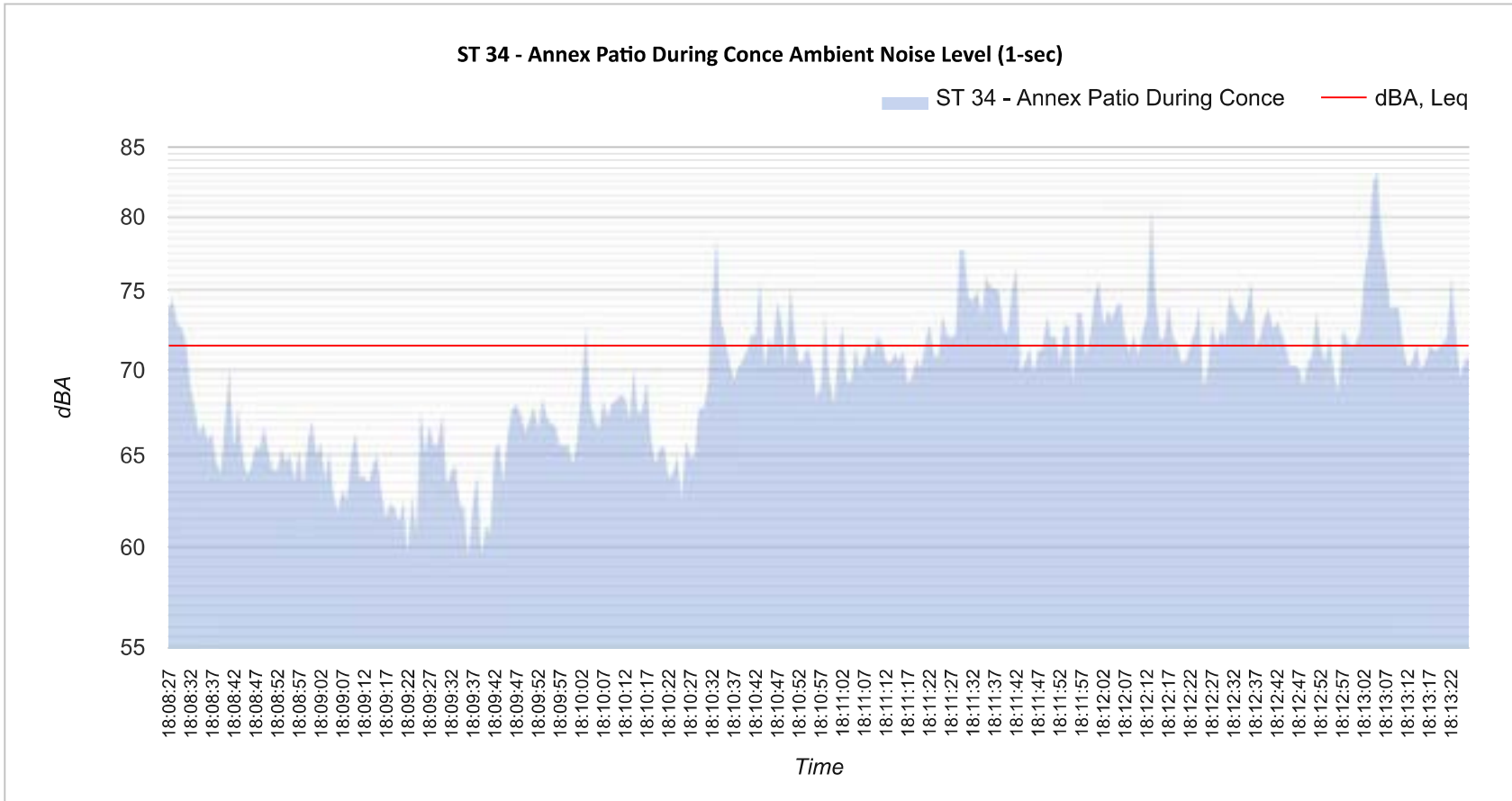


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST 34 - Annex Patio During Conce	6:08 PM	6:14 PM	71.5	82.9	60.5	77.7	74.7	72.3	70.4	63.9

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

<b>Project Name:</b>	Ordinance: ST-34 Annex Entrance (Busy Night)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	70 Degrees, Light Clouds, Wind @ 5-10 mph	Live band w/ full patio ~100'
<b>Site Id:</b>	ST 34 - Annex Patio During Conce	<b>Ground Type:</b>	Asphalt	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-35 Annex Alley (Busy Night)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Live band, full patio w/ ~80 people, in back alley, train engine passes near 1:45 mark.

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/04/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST 35 -Annex Patio During Concer



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-35 Annex Alley (Busy Night)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST 35 -Annex Patio During Concer

Figure 1:



Figure 2:

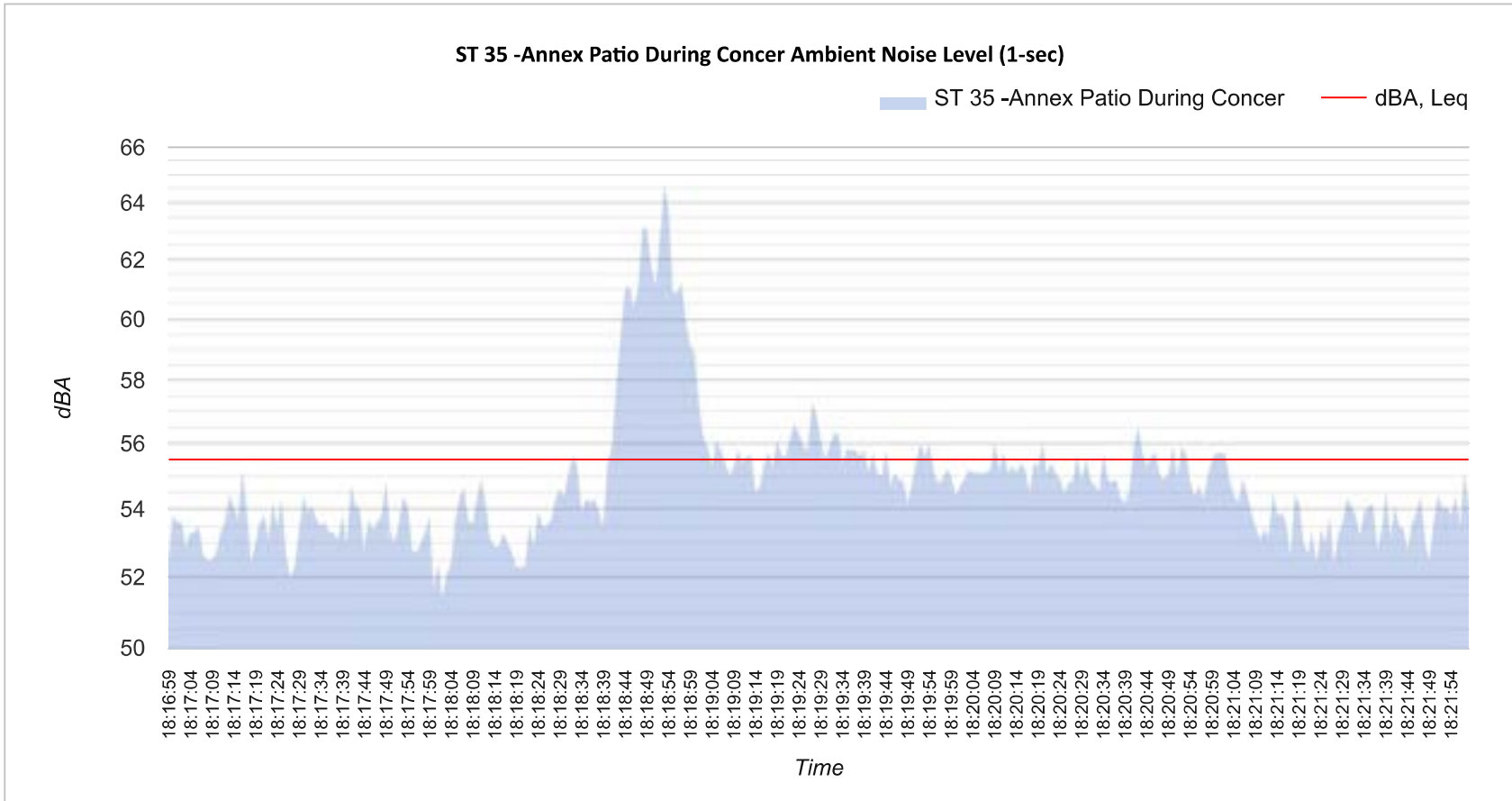


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST 35 -Annex Patio During Concer	6:16 PM	6:22 PM	55.5	64.2	51.8	61.2	56.3	55.4	54.5	52.9

5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-35 Annex Alley (Busy Night)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	72 Degrees, Light Clouds, Wind @ 5-10 mph	Patio w/ Live Band ~90'
<b>Site Id:</b>	ST 35 -Annex Patio During Concer	<b>Ground Type:</b>	Grass/Gravel	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-36 Annex Alley (Idle Day)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

No foot traffic, Residential Reference

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/07/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST - 36



### 5-Minute Continuous Noise Measurement Datasheet - Cont.

**Project Name:** Ordinance: ST-36 Annex Alley (Idle Day)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 36

Figure 1:



Figure 2:

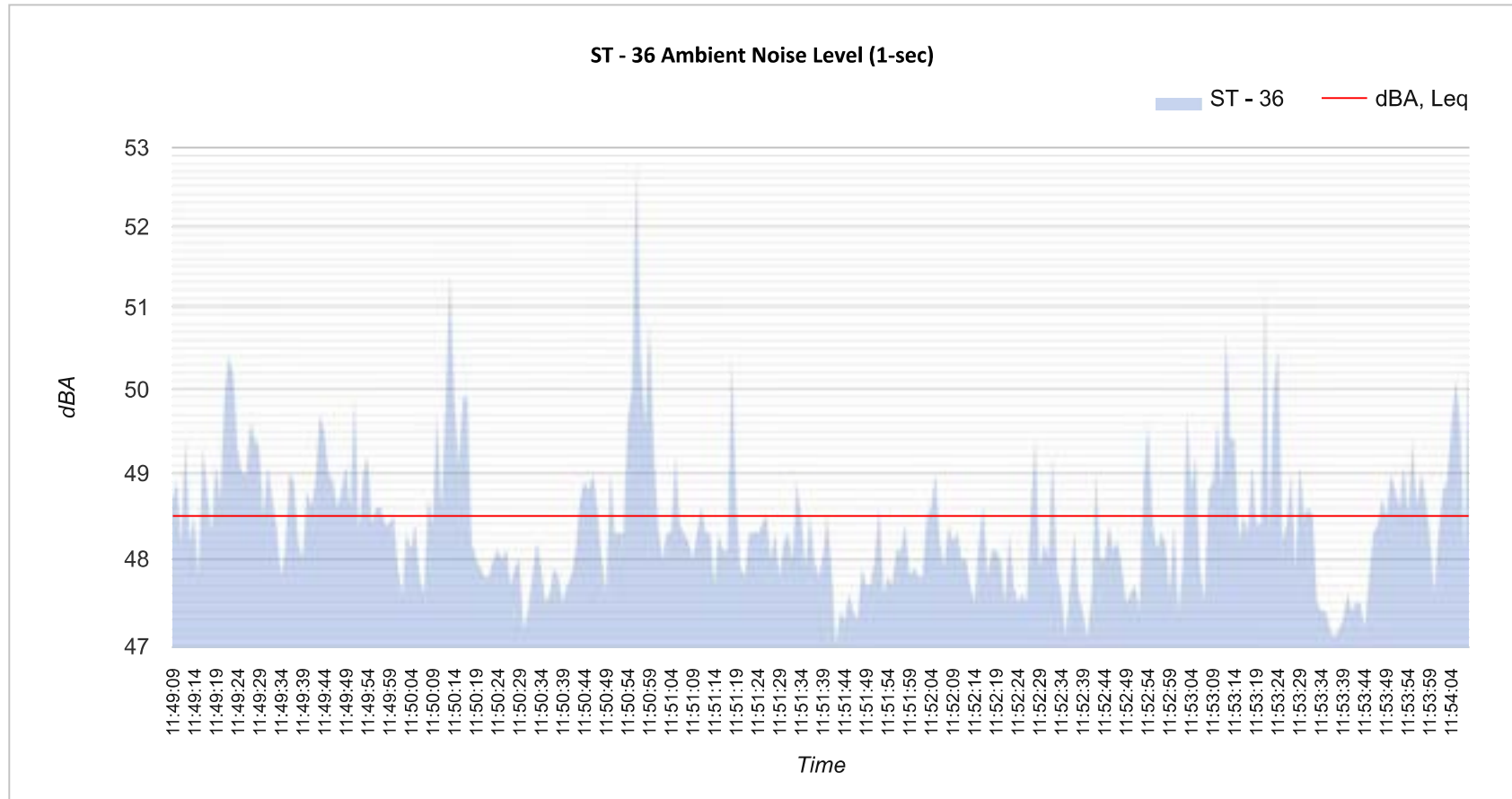


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 36	11:49 AM	11:55 AM	48.5	52.4	47.0	50.4	49.6	48.8	48.3	47.5

### 5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-36 Annex Alley (Idle Day)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	79 degrees, Sunny/Clear, Winds 5 mph	Annex Patio, ~100'
<b>Site Id:</b>	ST - 36	<b>Ground Type:</b>	Grass/Gravel	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-37 End of Butler (Idle Day)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

No - Light traffic

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/06/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST - 37



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-37 End of Butler (Idle Day)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 37

Figure 1:



Figure 2:

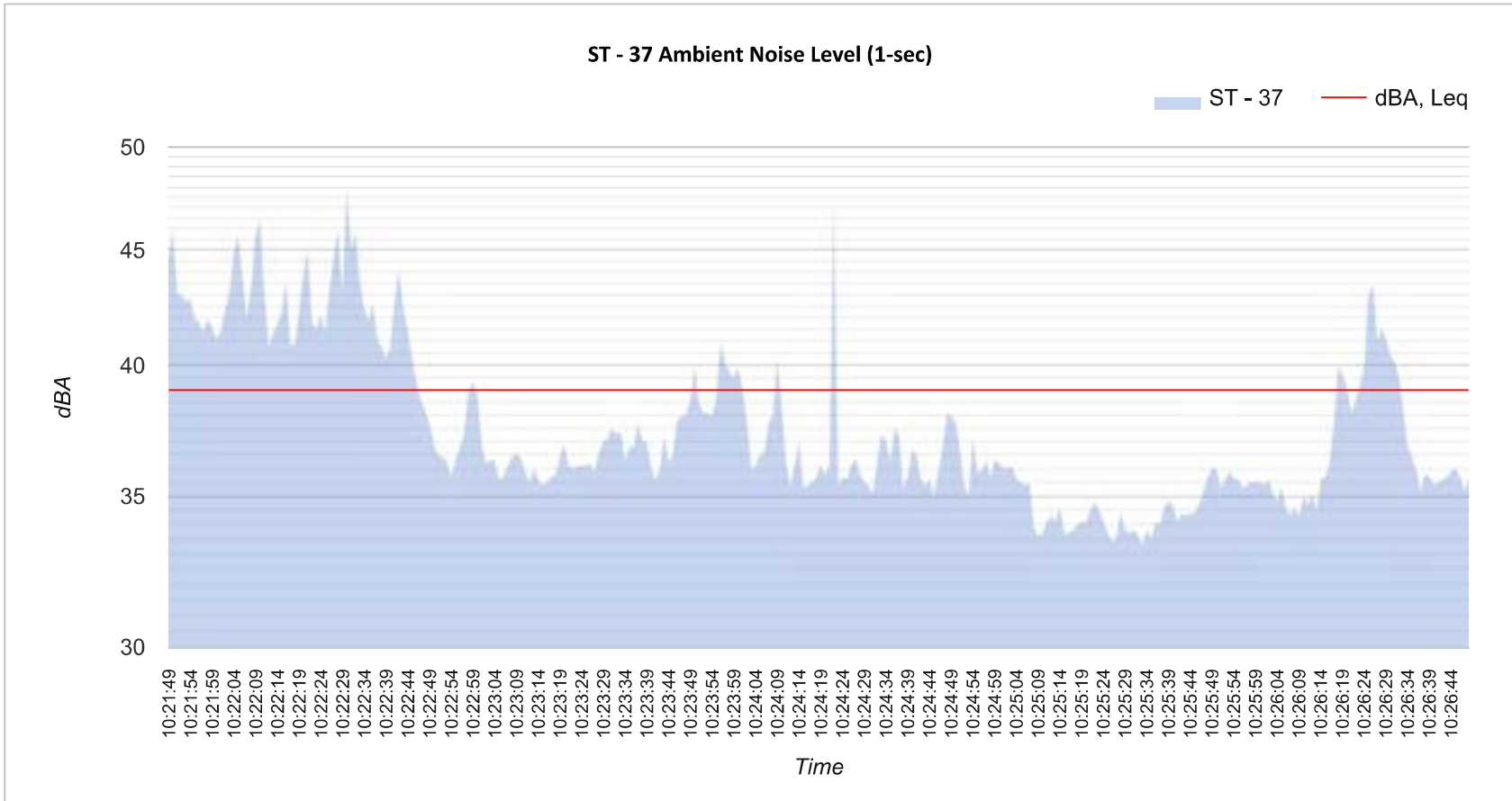


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 37	10:21 AM	10:27 AM	39	47.3	33.4	45.7	43	39.5	36.3	34.4

5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-37 End of Butler (Idle Day)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	72 degrees, Sunny/Clear, Winds 12 mph	Residential
<b>Site Id:</b>	ST - 37	<b>Ground Type:</b>	Asphalt	

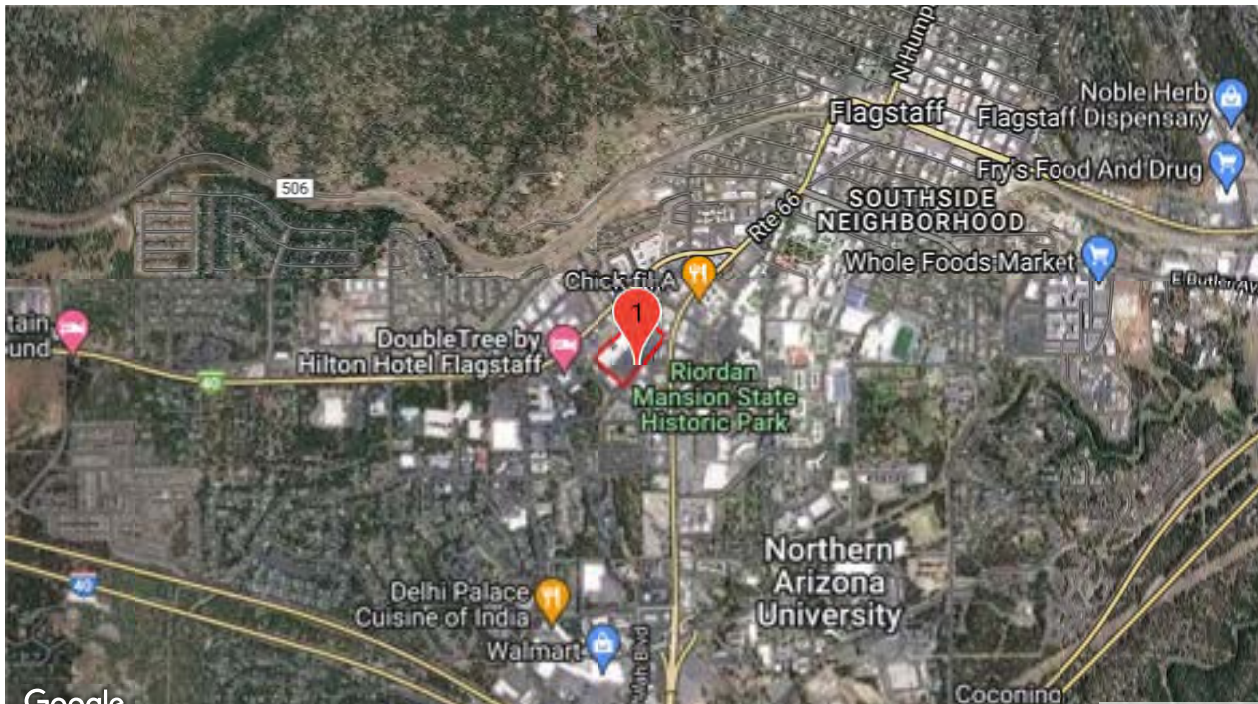


### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-38 Safeway + Plaza (Idle Day)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/08/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Parking lot, moderate traffic.

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** ST - 38



Map data ©2022 Google Imagery ©2022, CNES / Airbus, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-38 Safeway + Plaza (Idle Day)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 38

Figure 1:



Figure 2:

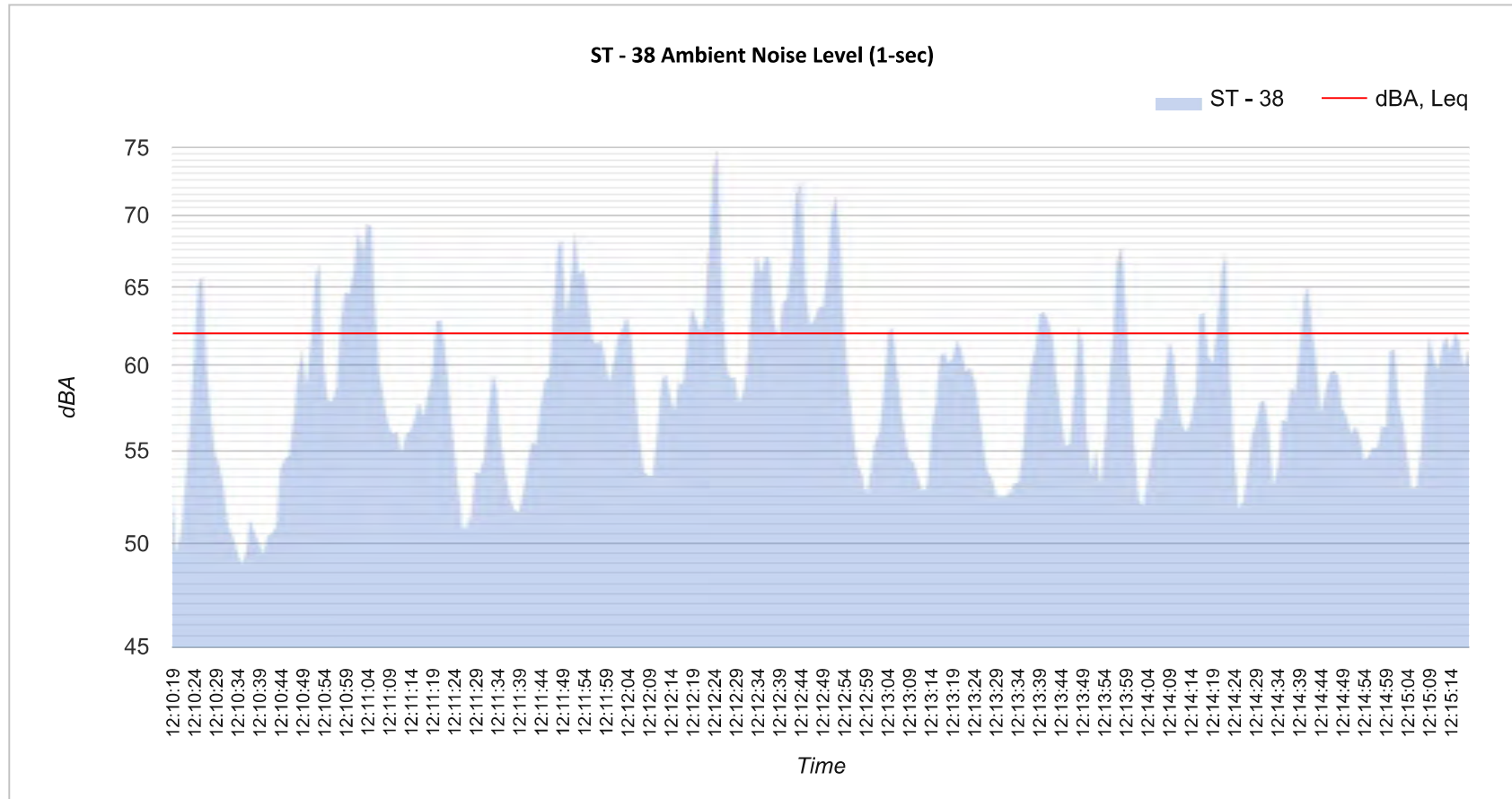


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 38	12:10 PM	12:16 PM	62	74.7	47.9	69.4	66.3	61.8	58.6	52.7

### 5-Minute Continuous Noise Measurement Datasheet - Cont.

**Project Name:** Ordinance: ST-38 Safeway + Plaza (Idle Day) **Site Topo:** Flat **Noise Source(s) w/ Distance:**  
**Site Address/Location:** Flagstaff, AZ **Meteorological Cond.:** 82 degrees, Wind @ 8-10 mph, Sunny, No Clouds Parking lot, ~175'  
**Site Id:** ST - 38 **Ground Type:** Asphalt

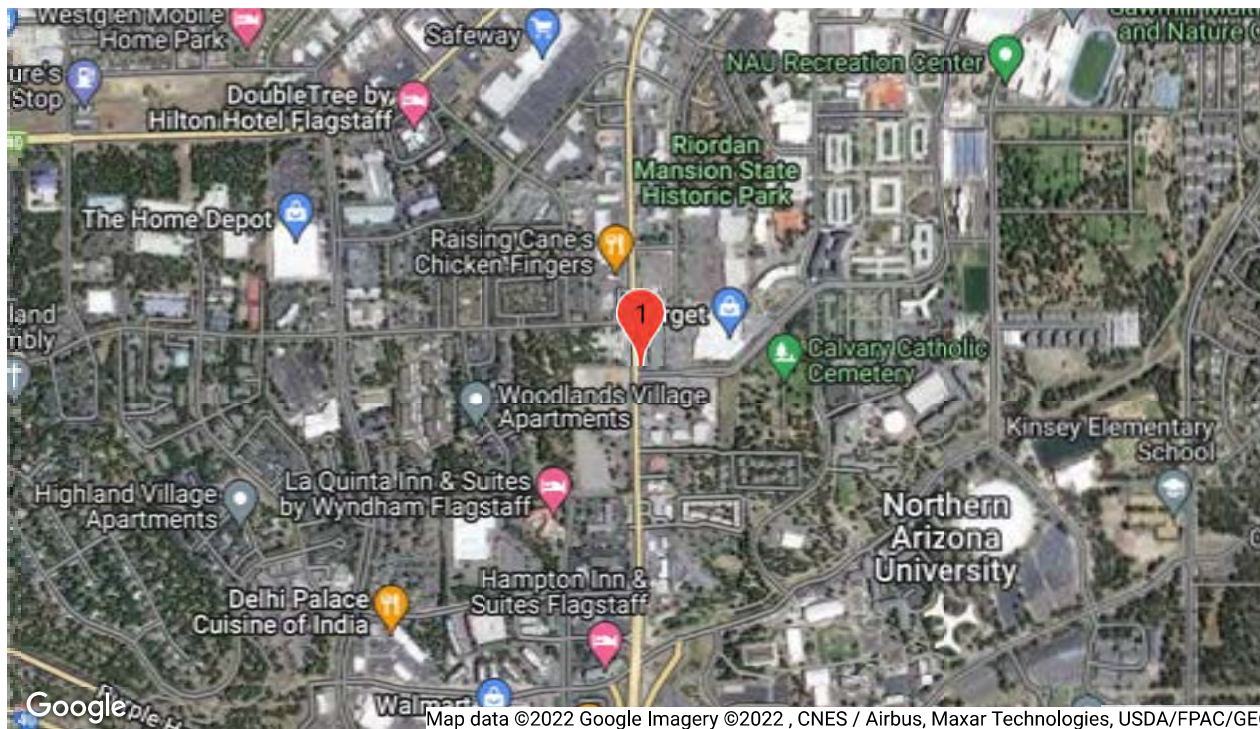


### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-39 NE University + Milton (Target)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/08/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Moderate to heavy traffic.

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** ST - 39



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-39 NE University + Milton (Target)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 39

Figure 1:



Figure 2:

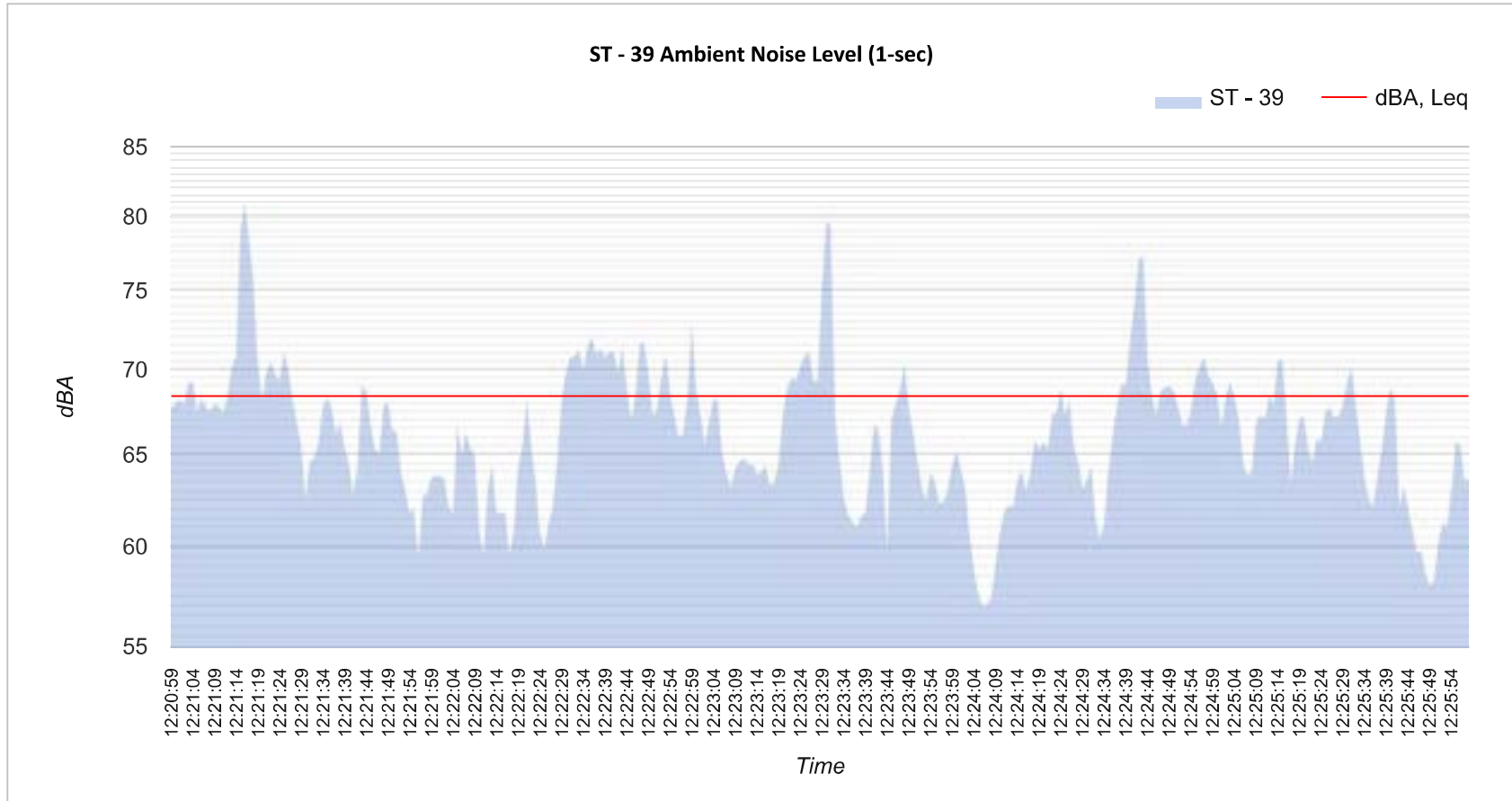


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 39	12:20 PM	12:26 PM	68.4	80.4	57.3	77	70.9	68.6	66.4	61.5

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

<b>Project Name:</b>	Ordinance: ST-39 NE University + Milton	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
(Target)		<b>Meteorological Cond.:</b>	84 degrees, Wind @ 8-10 mph, Sunny, No	Traffic intersection, ~30'
<b>Site Address/Location:</b>	Flagstaff, AZ		Clouds	
<b>Site Id:</b>	ST - 39	<b>Ground Type:</b>	Asphalt	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-40 SW Riordan Rd + Milton (Busy Day)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/08/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Intersection, moderate traffic.

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** ST - 40



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-40 SW Riordan Rd + Milton (Busy Day)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 40

Figure 1:



Figure 2:

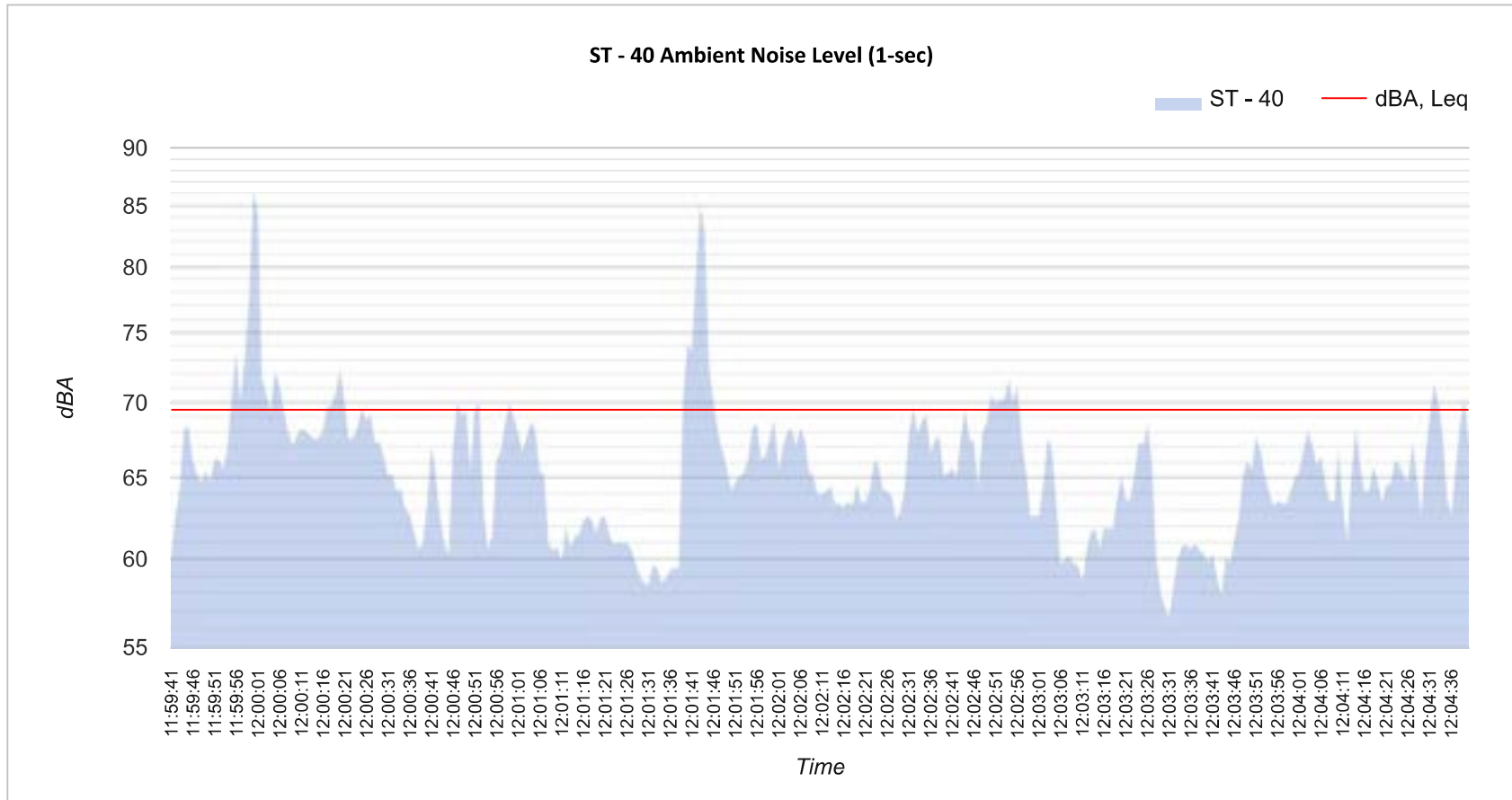


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 40	11:59 AM	12:05 PM	69.5	85.5	57.6	74.2	70.2	67.9	65.3	60.2

5-Minute Continuous Noise Measurement Datasheet - Cont.

**Project Name:** Ordinance: ST-40 SW Riordan Rd + Milton (Busy Day) **Site Topo:** Flat **Noise Source(s) w/ Distance:**  
**Site Address/Location:** Flagstaff, AZ **Meteorological Cond.:** 78°, clear and sunny, winds 5-10 mph Traffic intersection, ~50'  
**Site Id:** ST - 40 **Ground Type:** Asphalt



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-41 San Francisco + Cottage (Idle)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Moderate Traffic/Little to no foot traffic, light music

**Site Address/Location:** Flagstaff, AZ

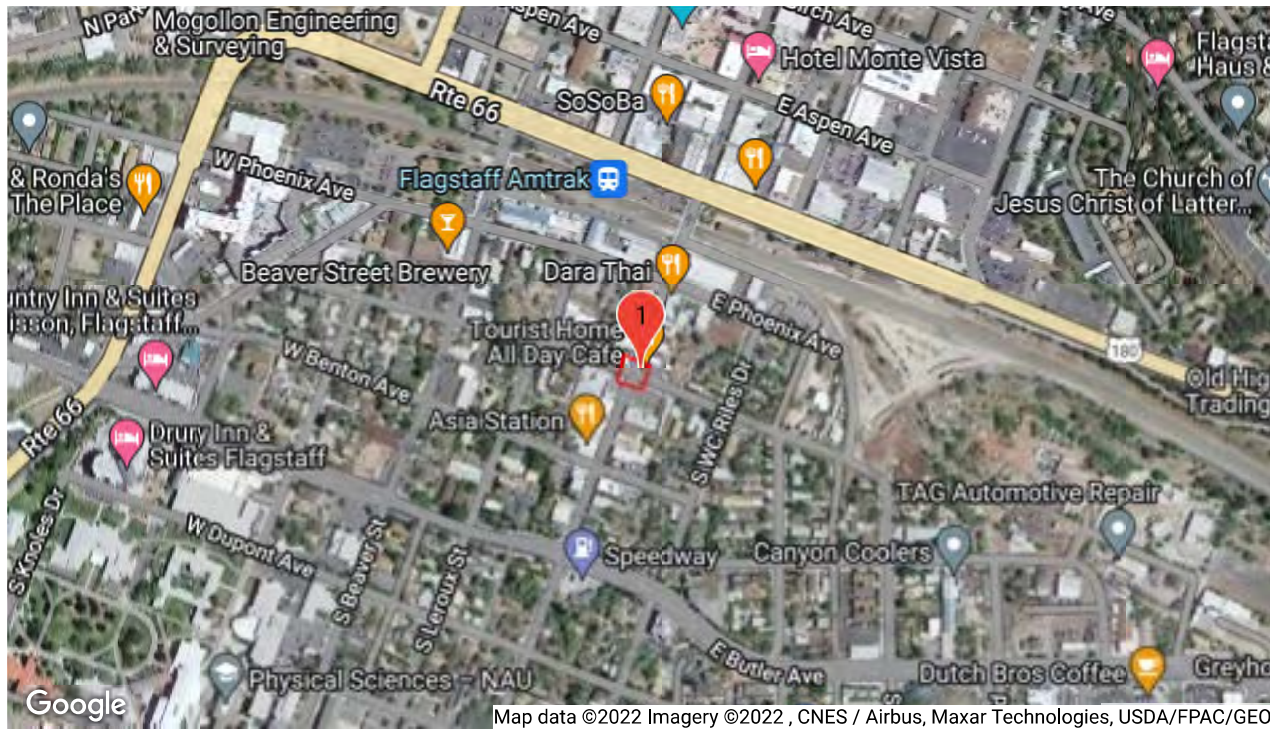
**Date:** 06/15/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST - 41



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-41 San Francisco + Cottage (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 41

Figure 1:



Figure 2:

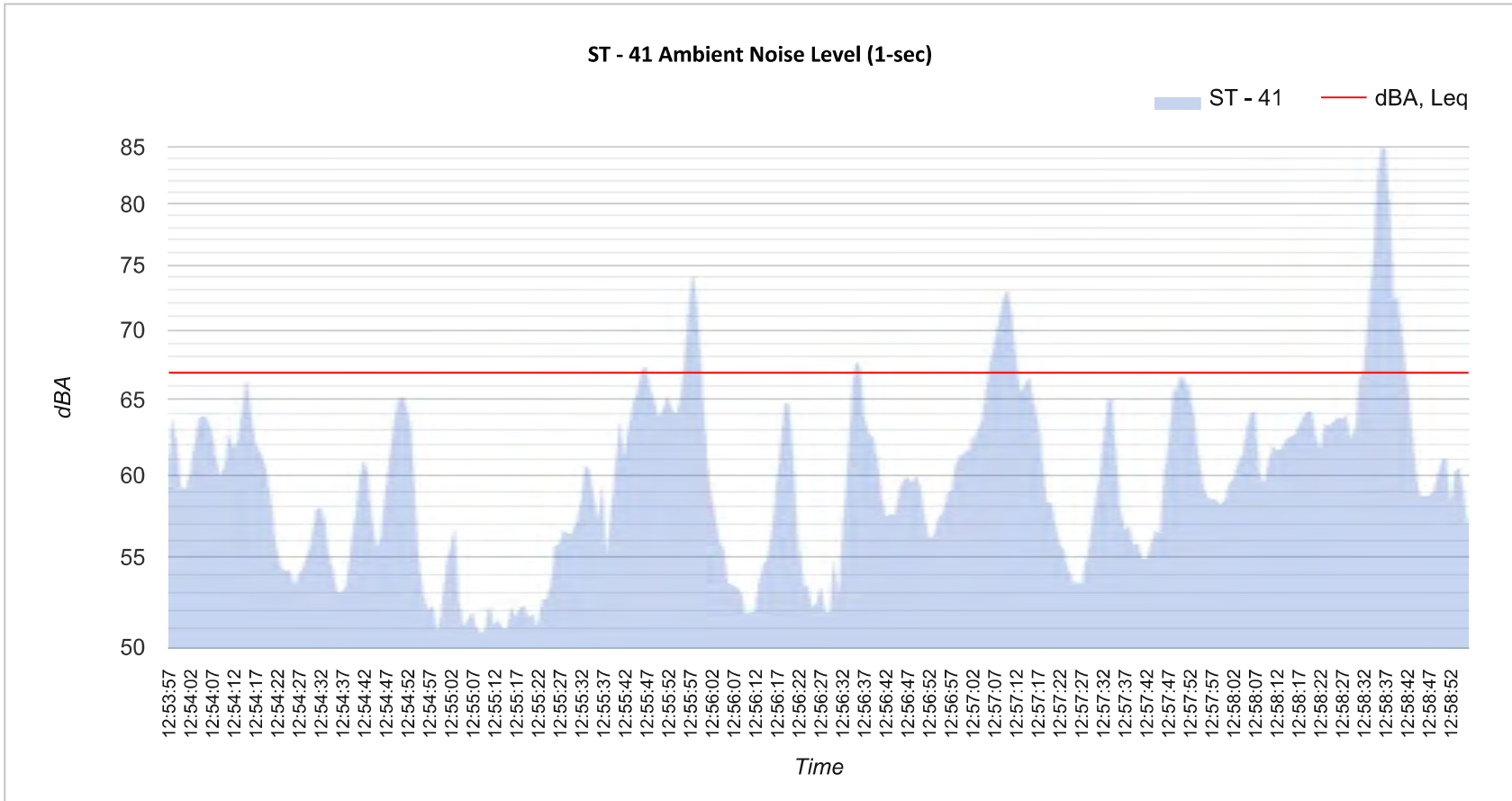


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 41	12:53 PM	12:59 PM	66.9	84.6	50.8	73.1	67	63.6	59.7	52.6

5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-41 San Francisco + Cottage (Idle)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>	
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	83 degrees, Sunny/Clear, Winds 5 mph		Traffic intersection ~25'
<b>Site Id:</b>	ST - 41	<b>Ground Type:</b>	Asphalt		



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-42 Foxglenn Park (Busy)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Ultimate frisbee, 200-300 adults

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/04/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST 42 - Foxglenn Park (Busy)



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-42 Foxglenn Park (Busy)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST 42 - Foxglenn Park (Busy)

Figure 1:



Figure 2:

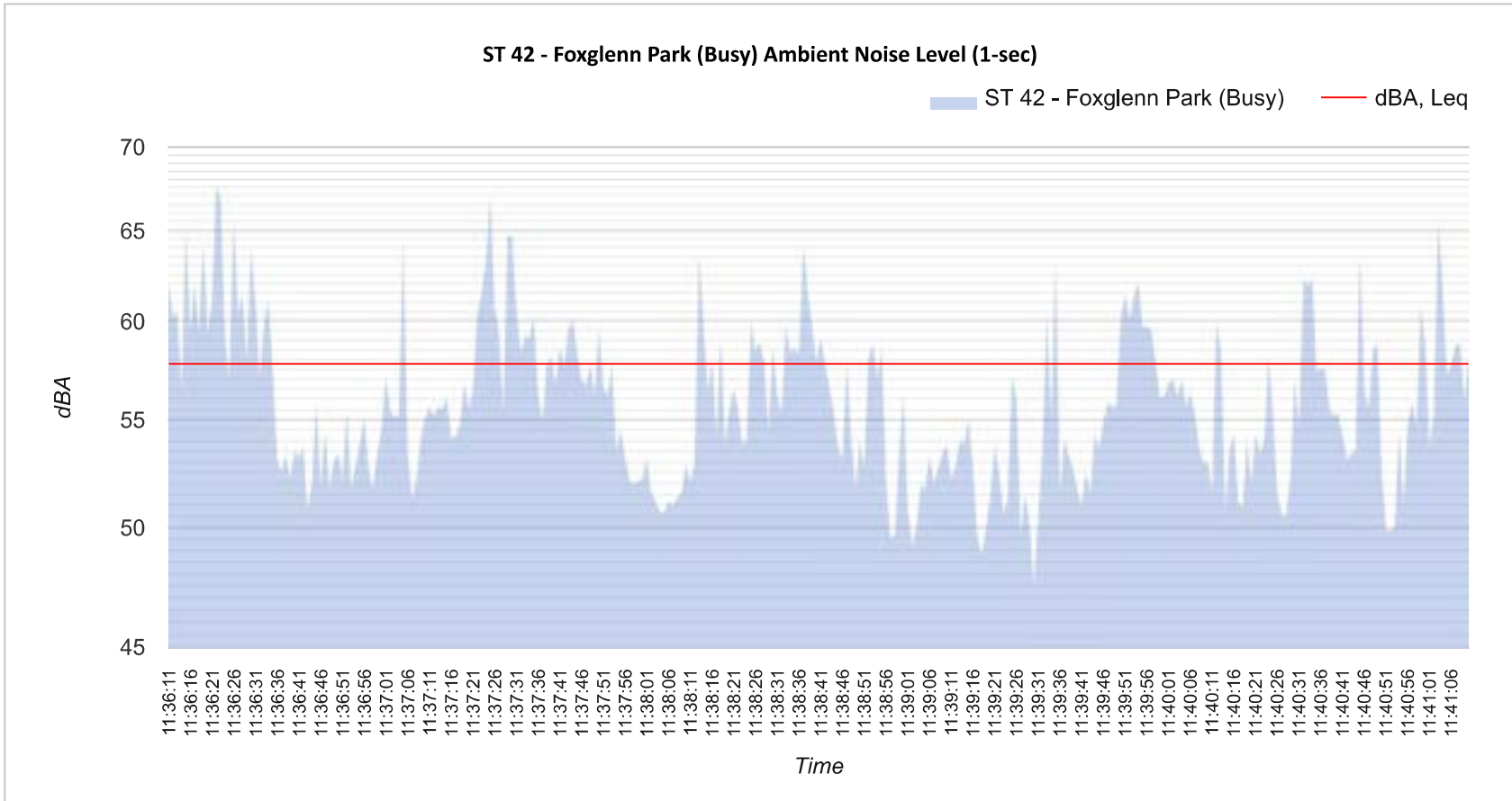


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST 42 - Foxglenn Park (Busy)	11:36 AM	11:42 AM	57.8	68.7	49.1	64.7	61.5	58.4	55.4	51.3

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

<b>Project Name:</b>	Ordinance: ST-42 Foxglenn Park (Busy)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	70 Degrees, Light Clouds, Wind @ ~10mph	Park - 225'
<b>Site Id:</b>	ST 42 - Foxglenn Park (Busy)	<b>Ground Type:</b>	Grass/Gravel	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-43 Jay Lively Residential (Idle)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Residential ambient, light traffic, no foot traffic, some construction

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/21/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST - 43



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-43 Jay Lively Residential (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 43

Figure 1:



Figure 2:

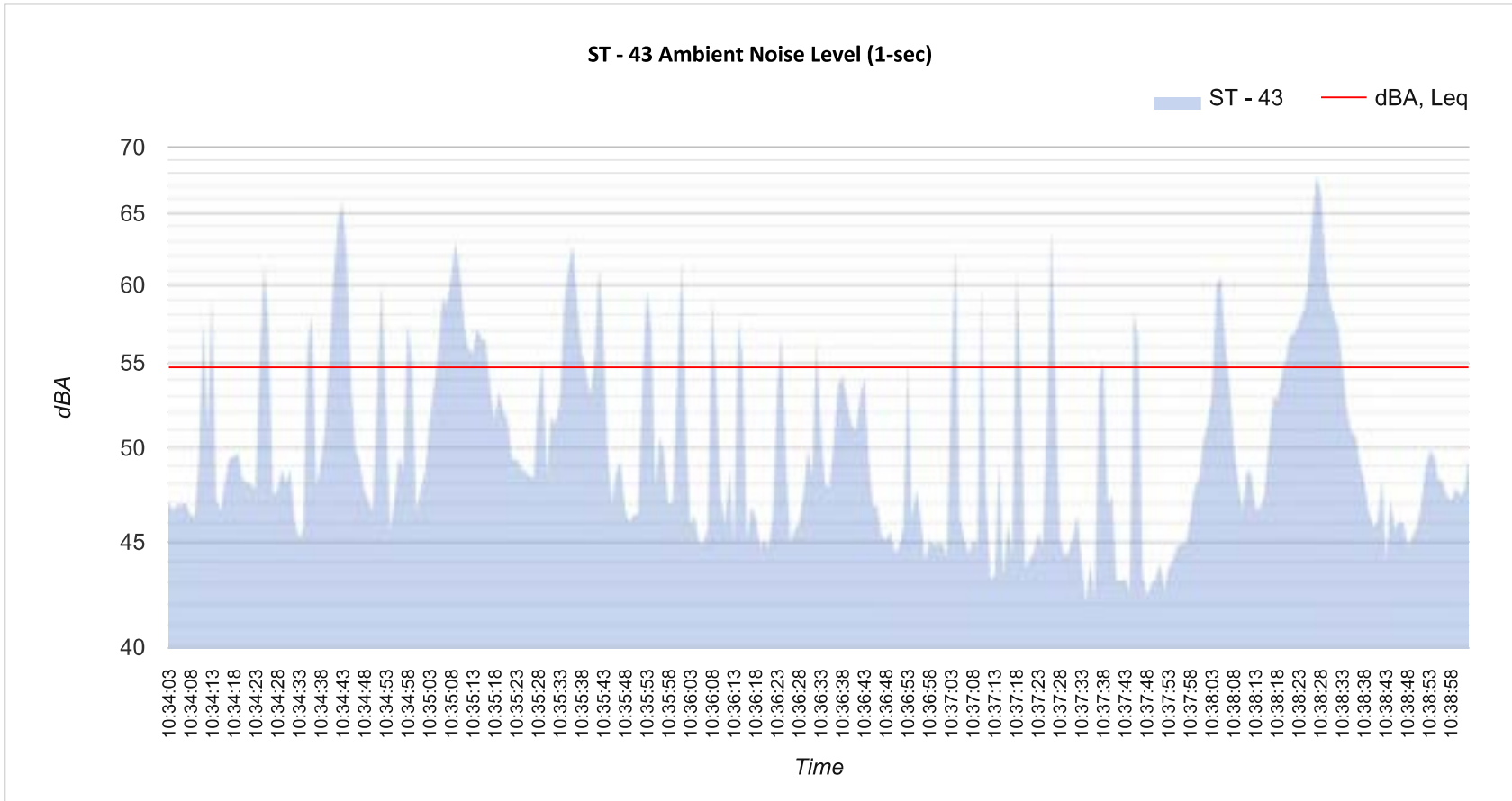


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 43	10:34 AM	10:40 AM	54.7	67.1	42.8	62.9	59.6	54.1	48.6	44.7

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

<b>Project Name:</b>	Ordinance: ST-43 Jay Lively Residential (Idle)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	76 degrees, Sunny/Clear, Winds ~10mph	Residential
<b>Site Id:</b>	ST - 43	<b>Ground Type:</b>	Asphalt	

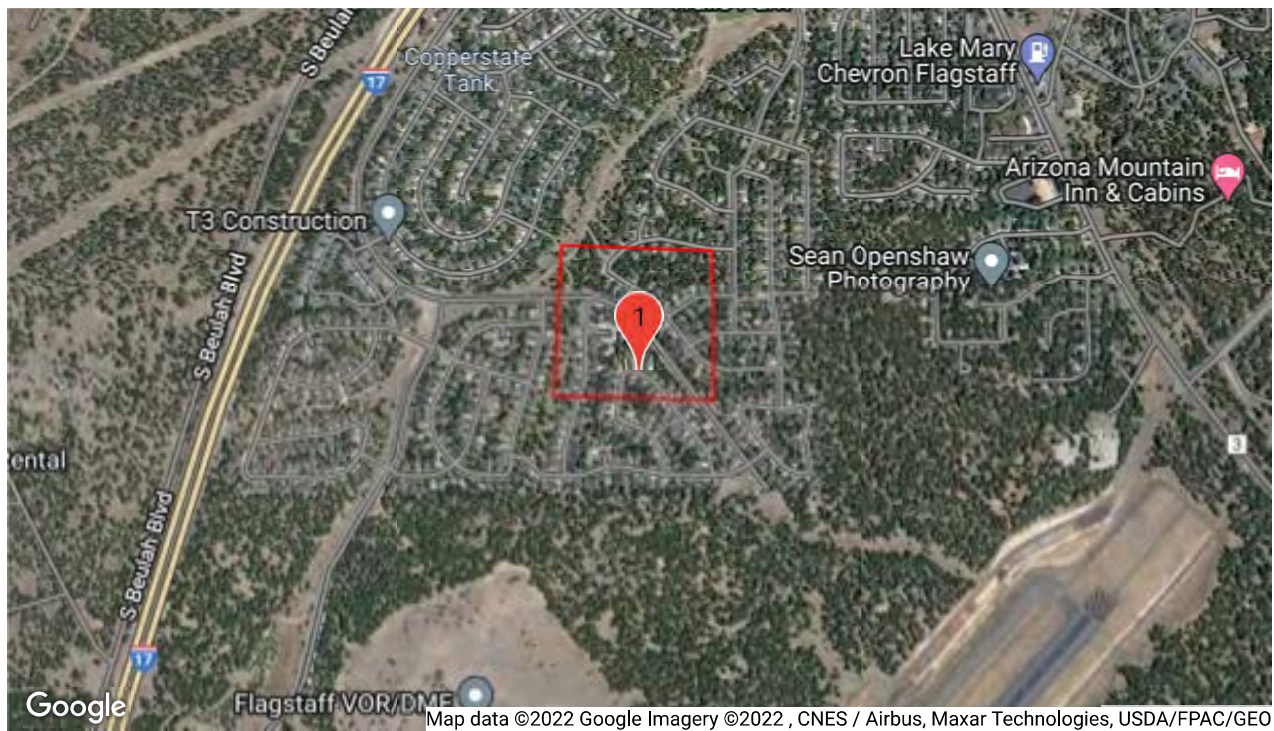


### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-44 Lake Mary Residential (Idle)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/21/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Residential ambient, no traffic, no foot traffic

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** ST - 44



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-44 Lake Mary Residential (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 44

Figure 1:

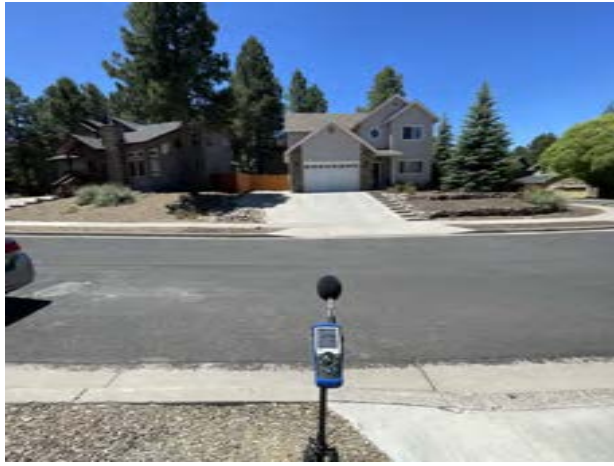


Figure 2:

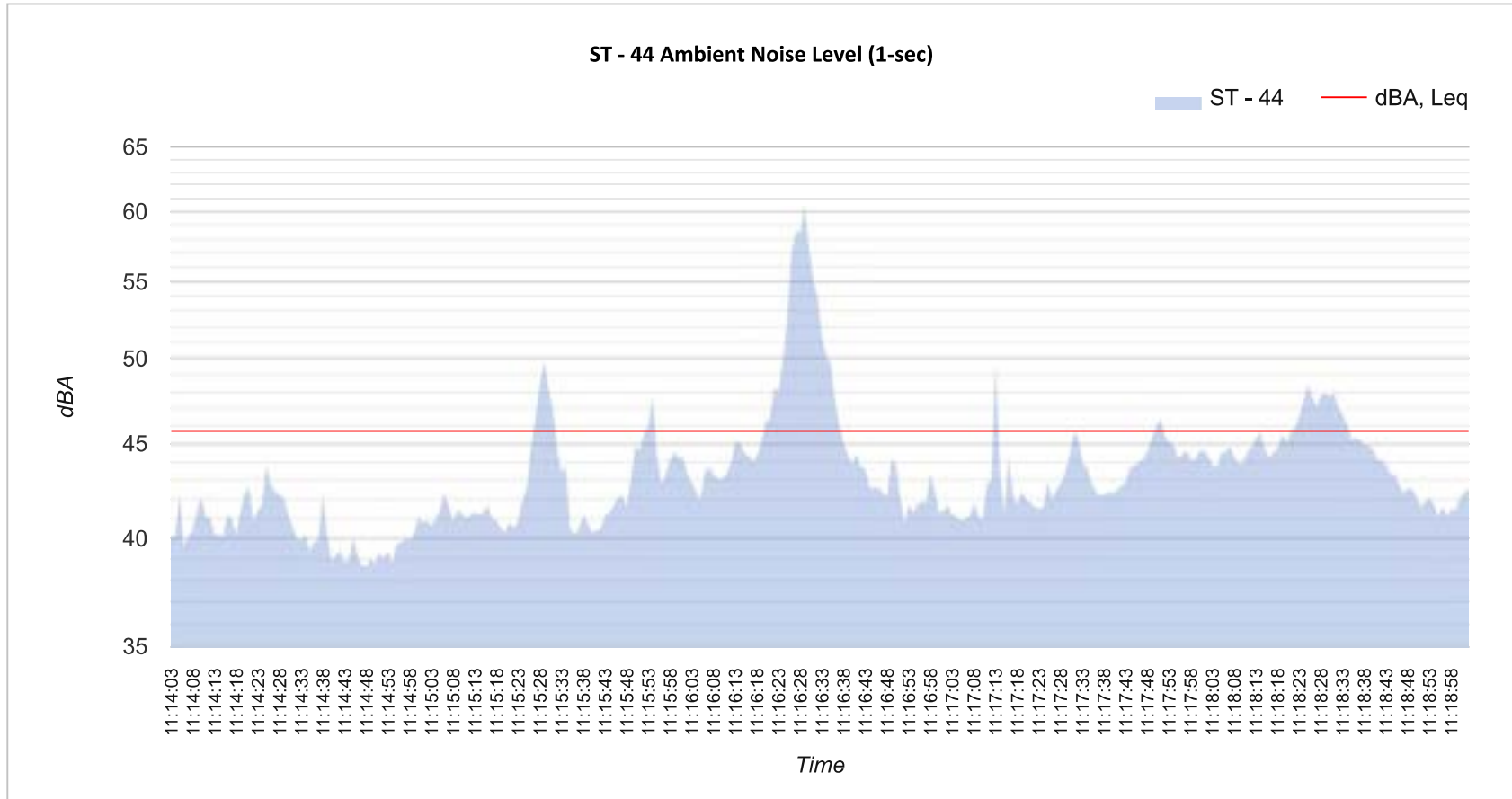


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 44	11:14 AM	11:20 AM	45.7	59.8	38.7	53.9	47.6	44.5	42.6	40.2

5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-44 Lake Mary Residential (Idle)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	77 degrees, Sunny/Clear, Winds 5-10mph	Residential
<b>Site Id:</b>	ST - 44	<b>Ground Type:</b>	Asphalt	



### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-45 Walnut Residential (Idle)

**Site Observations:**

**Project: #/Name:** 0357-2022-001

Residential ambient, no traffic, no foot traffic

**Site Address/Location:** Flagstaff, AZ

**Date:** 06/21/2022

**Field Tech/Engineer:** Jordan Trubakoff

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0

**Settings:** A-weighted, slow, 1-sec, 5-minute interval

**Site Id:** ST - 45



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-45 Walnut Residential (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 45

Figure 1:



Figure 2:

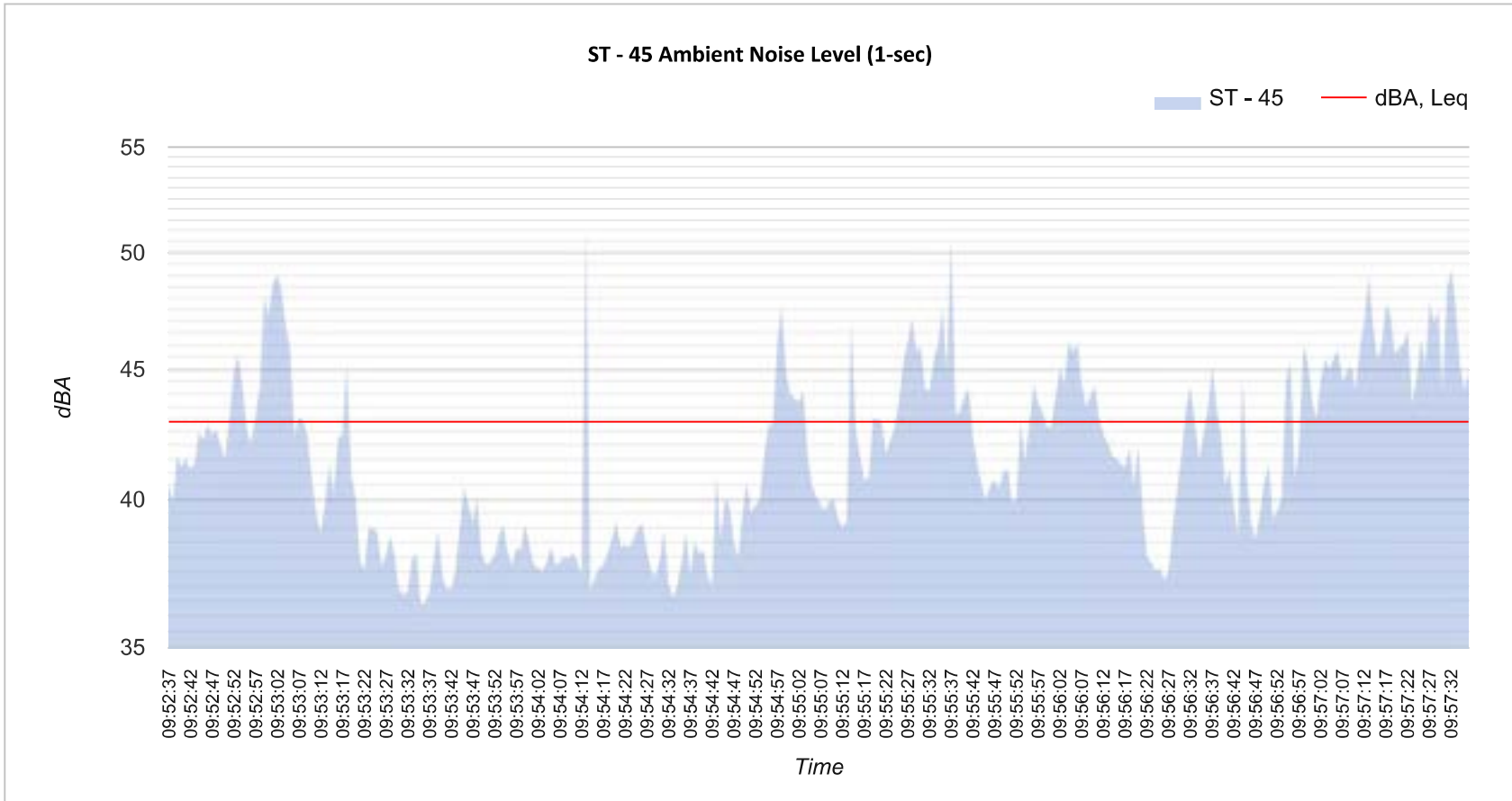


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 45	9:52 AM	9:58 AM	42.9	52.2	36.6	48.4	46.2	44.2	41.3	37.7

5-Minute Continuous Noise Measurement Datasheet - Cont.

<b>Project Name:</b>	Ordinance: ST-45 Walnut Residential (Idle)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	73 degrees, Sunny/Clear, Winds ~10mph	Residential
<b>Site Id:</b>	ST - 45	<b>Ground Type:</b>	Asphalt	

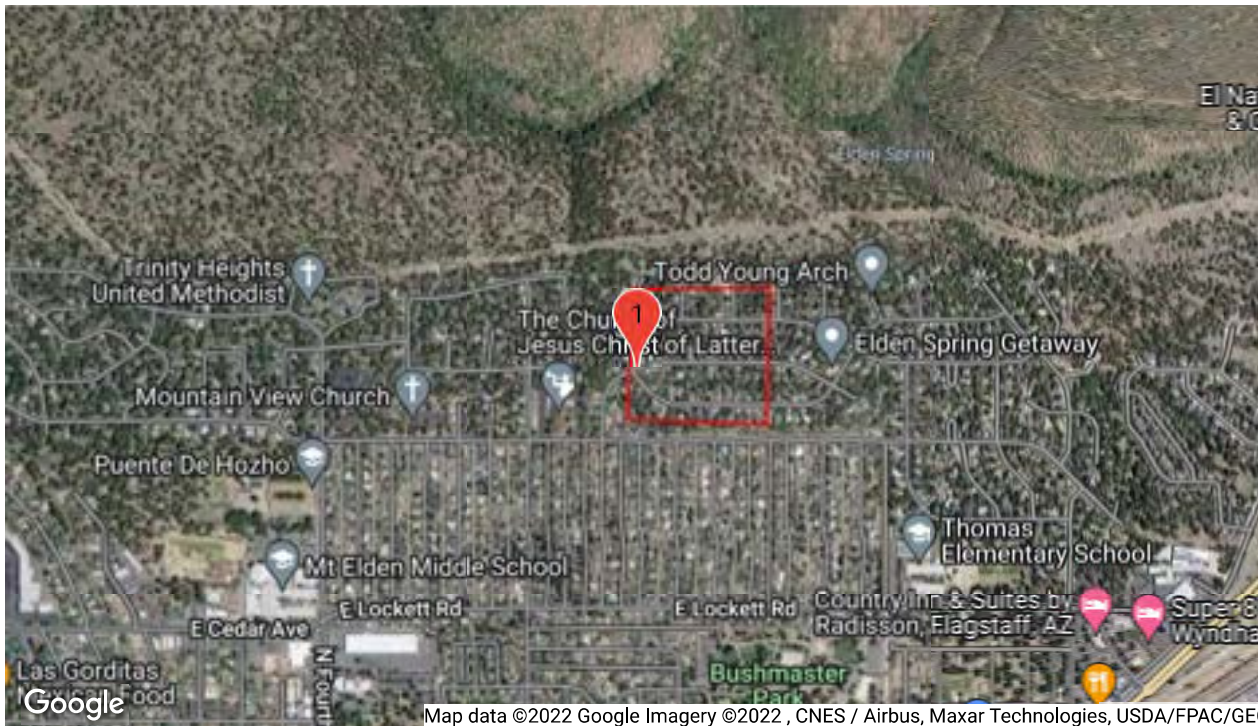


### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-46 Upper Green Law Residential (Idle)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/21/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Residential ambient, light traffic, no foot traffic.

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** ST - 46



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-46 Upper Green Law Residential (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 46

Figure 1:



Figure 2:

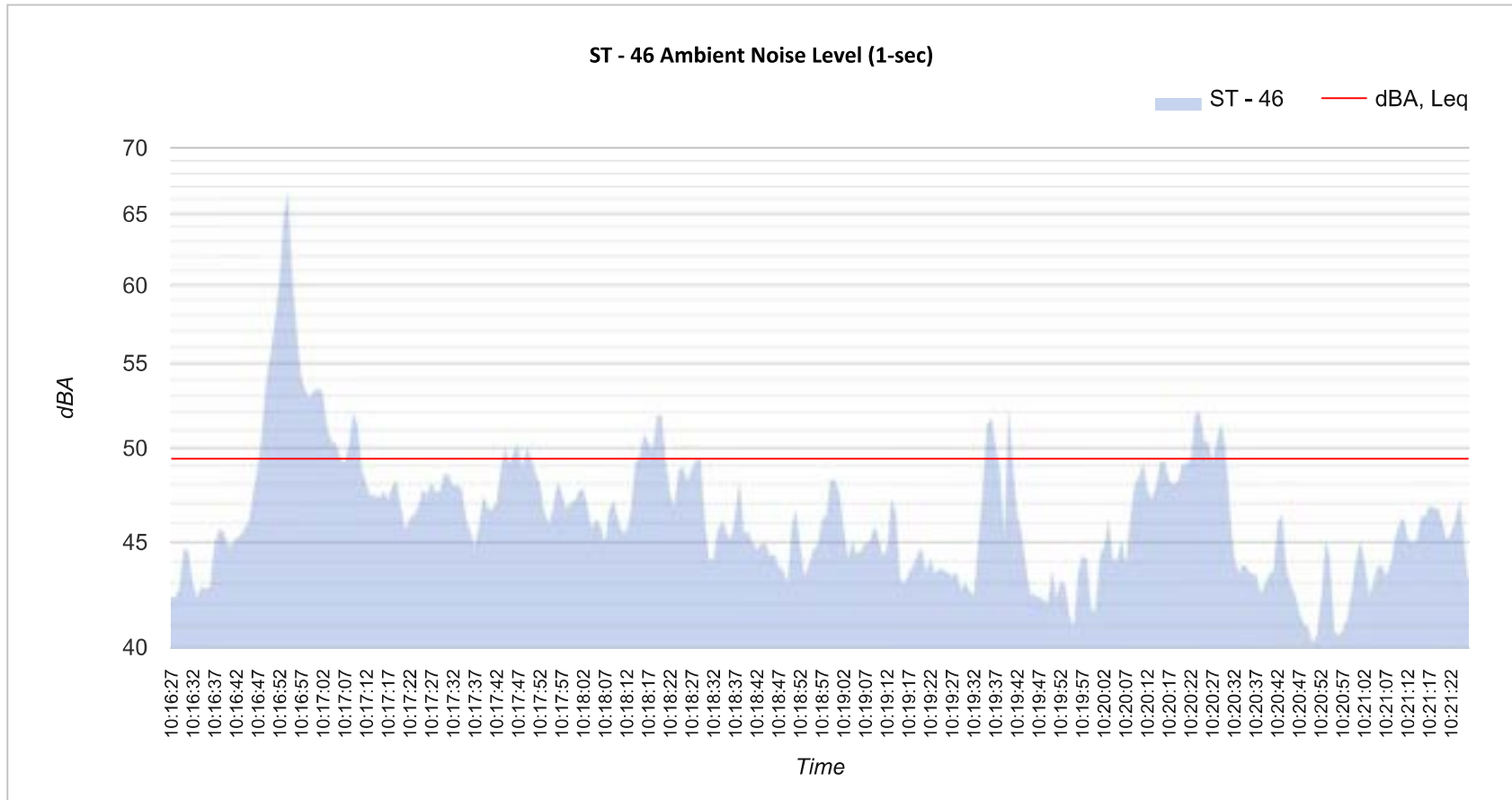


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 46	10:16 AM	10:22 AM	49.4	65.9	40.2	55.6	51.2	48.2	46	42.7

5-Minute Continuous Noise Measurement Datasheet - Cont.

**Project Name:** Ordinance: ST-46 Upper Green Law Residential (Idle) **Site Topo:** Flat **Noise Source(s) w/ Distance:**  
**Site Address/Location:** Flagstaff, AZ **Meteorological Cond.:** 74 degrees, Sunny/Clear, Winds 10-12 mph Residential  
**Site Id:** ST - 46 **Ground Type:** Asphalt

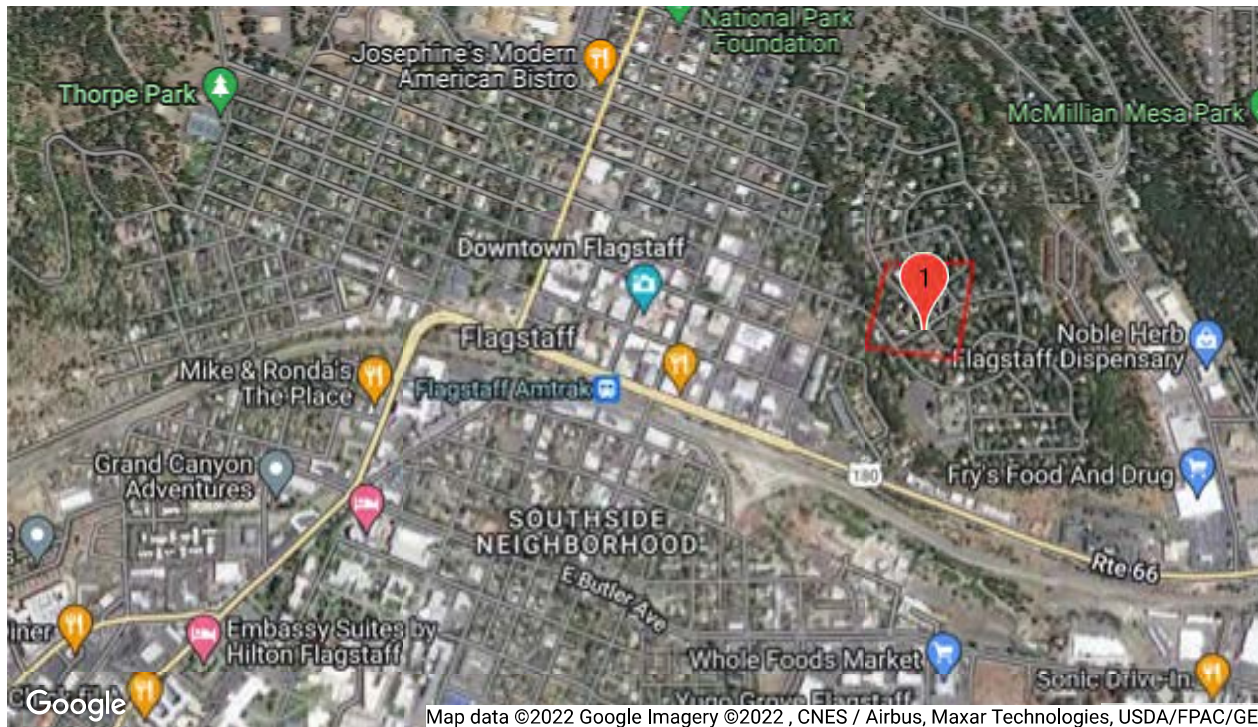


### 5-Minute Continuous Noise Measurement Datasheet

**Project Name:** Ordinance: ST-47 Cherry Hill Residential (Idle)  
**Project: #/Name:** 0357-2022-001  
**Site Address/Location:** Flagstaff, AZ  
**Date:** 06/21/2022  
**Field Tech/Engineer:** Jordan Trubakoff

**Site Observations:**  
Residential ambient, light/no traffic, no foot traffic.

**Sound Meter:** XL2, NTI                      **SN:** A2A-19621-E0  
**Settings:** A-weighted, slow, 1-sec, 5-minute interval  
**Site Id:** ST - 47



**5-Minute Continuous Noise Measurement Datasheet - Cont.**

**Project Name:** Ordinance: ST-47 Cherry Hill Residential (Idle)

**Site Address/Location:** Flagstaff, AZ

**Site Id:** ST - 47

Figure 1:



Figure 2:

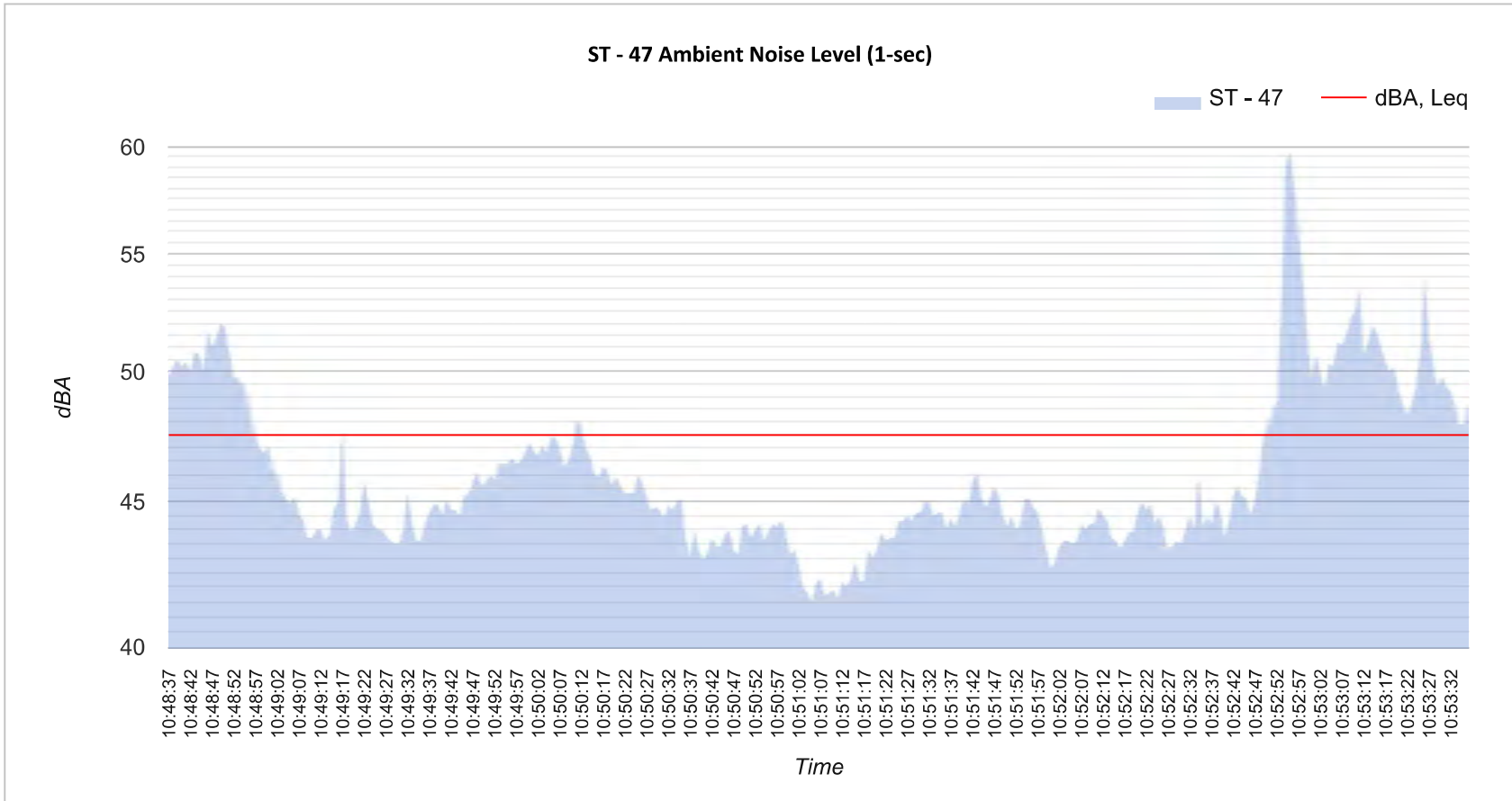


Table 1: Baseline Noise Measurement Summary

Location	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
ST - 47	10:48 AM	10:54 AM	47.5	59.2	41.6	53.5	50.8	47.1	44.9	43.3

**5-Minute Continuous Noise Measurement Datasheet - Cont.**

<b>Project Name:</b>	Ordinance: ST-47 Cherry Hill Residential (Idle)	<b>Site Topo:</b>	Flat	<b>Noise Source(s) w/ Distance:</b>
<b>Site Address/Location:</b>	Flagstaff, AZ	<b>Meteorological Cond.:</b>	76 degrees, Sunny/Clear, Winds ~10mph	Residential
<b>Site Id:</b>	ST - 47	<b>Ground Type:</b>	Asphalt	



**Appendix C**  
City of Flagstaff Noise Ordinance

## CHAPTER 6-08 NOISE CONTROL

### SECTIONS:

- [6-08-001-0001](#) DEFINITIONS
- [6-08-001-0002](#) NUISANCE NOISE
- [6-08-001-0003](#) GENERAL EXCEPTIONS
- [6-08-001-0004](#) ENFORCEMENT PROCEDURE
- [6-08-001-0005](#) NUISANCE PARTIES
- [6-08-001-0006](#) SOUND AMPLIFICATION SYSTEMS IN VEHICLES

### **6-08-001-0001 DEFINITIONS**

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The following words and phrases, when used in this chapter, shall have the following meanings:

**CLEARLY AUDIBLE:** Can be plainly heard by any occupant of a residence.

**CONSTRUCTION EQUIPMENT:** Any device or mechanical instrument operated by fuel, electric, or pneumatic power employed in the excavation, alteration, repair, demolition or construction of any building, structure, land parcel, public right of way, waterway or appurtenance thereto.

**NOISE:** Any sound, whether naturally or artificially produced.

**PERSON:** Any individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.

**PUBLIC PREMISES:** All real property, including appurtenances thereon, which is owned or control by any governmental entity, including all public right of ways, parks and waterways.

**PUBLIC SAFETY WORK:** Work immediately necessary to restore property to safe condition, or work required to protect persons or property from potential danger or damage, including snowplowing or work by a public or private utility when restoring utility service.

**RESIDENCE:** A building, or portion thereof, used for living quarters. Residence includes use for temporary living quarters, including but not limited to hotels and motels.

**RESIDENTIAL UNIT:** A single-family residence, or that portion of a multi-family residence, designed to provide living quarters for a single family.

**SOUND AMPLIFICATION SYSTEM:** Any device, instrument or system, whether electrical or mechanical or otherwise for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player. (Ord. 2014, Amended, 12/21/1999; Ord. 2004-21, Amended, 11/16/2004)

**6-08-001-0002 NUISANCE NOISE**

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The following noise restrictions are hereby established for any area within the City:

- A. The noise regulations of this Chapter shall apply on Monday through Friday between the hours of twelve o'clock (12:00) A.M. and six o'clock (6:00) A.M. and on Saturday and Sunday between the hours on one o'clock (1:00) A.M. and seven o'clock (7:00) A.M.
- B. During the hours given in subsection (A), it shall be unlawful for any person, while outdoors or within a residential unit, to make or permit to be made any noise which is clearly audible within a residential unit other than that from which the noise may have originated.
- C. The standards which shall be considered in determining whether a violation of this Section exists shall include the following:
  - 1. The volume of the noise;
  - 2. Whether the nature of the noise is usual or unusual;
  - 3. Volume of background noise, if any;
  - 4. The duration of the noise.

**6-08-001-0003 GENERAL EXCEPTIONS**

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The following activities are exempted from the prohibitions stated in Section 6-8-2:

- A. Noise created by public safety work.
- B. Sound made to alert persons to the existence of an emergency, danger or attempted crime.
- C. Noise associated with the normal traffic of motor vehicles, aircraft or the railroads.
- D. Bells or chimes on public buildings.
- E. Noise created by construction equipment operated upon public premises by or on behalf of any governmental entity when the welfare or convenience of the public requires the operation of such equipment at night. (Ord. 2004-21, Amended, 11/16/2004)

**6-08-001-0004 ENFORCEMENT PROCEDURE**

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Violations of this Chapter shall be prosecuted as civil violations of the Flagstaff City Code or in the same manner as other misdemeanor violations of the City's Code. (Ord. 1511, 08/04/1987; Ord. 2014, Amended, 12/21/1999)

**6-08-001-0005 NUISANCE PARTIES**

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A. Findings. The City Council of Flagstaff finds and determines that unruly parties held on private property may constitute a nuisance which is a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated responses to unruly parties to abate the nuisance and to disperse uncooperative or unruly participants to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the Police Department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

B. Purpose. The purpose of this section is to deter criminal behavior associated with and related to nuisance parties which have been determined to be a threat to the peace, health, safety or welfare of the general public.

C. Definitions. For the purposes of this section, the following definitions apply, unless the context in which they are used clearly requires otherwise:

1. "Owner" means the owner of any property, as well as any agent of an owner who acts on behalf of the owner to control or otherwise regulate the occupancy or use of the property.
2. "Premises" means the property that is the site of a nuisance party. For residential properties, "premises" means the dwelling unit or units where the nuisance party occurs.
3. "Nuisance party" means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances may include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.
4. "Responsible person" means any person in attendance who engaged in a nuisance party, including any owner who is in attendance, occupant, tenant, guest or any sponsor, host or organizer of the nuisance party. "Responsible person" does not include owners or persons in charge of premises where a nuisance party takes place if the persons in attendance obtained use of the premises through illegal entry or trespassing.
5. "Minor" means any person under the age of twenty-one (21) years.
6. "Officer" and/or "police officer" means a duly sworn peace officer in the State of Arizona.

D. Nuisance Party. A nuisance party is unlawful and constitutes a civil infraction.

1. When a police officer responds to the first nuisance party and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, the officer shall issue a written notice of violation to any responsible person(s). The responsible person(s) will be assessed a civil fee as set forth in

subsection (E) of this section.

a. On a first response to a nuisance party, the responsible person(s) shall be assessed a fee commensurate with a second nuisance party, as set forth in subsection (E) of this section, for a first nuisance party if any of the following crimes are being committed at the first nuisance party:

- (1) Minor in possession of alcohol;
- (2) Minor in consumption of alcohol;
- (3) Possession or use of illegal drugs;
- (4) Weapons misconduct, in violation of A.R.S. Section 13-3102; or
- (5) Any felony offense.

2. If, after a written notice of a violation is issued, police respond for a second time to the same premises for a nuisance party within one hundred twenty (120) days of the first response, such response shall be deemed a second nuisance party and any responsible person(s) as well as the owner of the premises will be issued a written notice of a second violation and assessed a civil fee as set forth in subsection (E) of this section. Notice to any responsible person(s) and the owner shall be provided in the same manner as set forth in subsection (D)(4) of this section.

a. On any response to a second nuisance party, the responsible person(s) shall be assessed a fee commensurate with a third response fee, as set forth in subsection (E) of this section, for a second nuisance party if any of the following crimes are being committed at the nuisance party:

- (1) Minor in possession of alcohol;
- (2) Minor in consumption of alcohol;
- (3) Possession or use of illegal drugs;
- (4) Weapons misconduct in violation of A.R.S. Section 13-3102; or
- (5) Any felony offense.

3. If, after a written notice of a second violation is issued, police respond to the same premises for a third or subsequent nuisance party within one hundred twenty (120) days of the second nuisance party response, such response shall be deemed a third or subsequent nuisance party and any responsible person(s) as well as the owner of the premises will be issued a written notice of a third or subsequent violation and assessed a civil fee as set forth in subsection (E) of this section. Notice to any responsible person(s) and the owner shall be provided in the same manner as set forth in subsection (D)(4) of this section.

a. On any response to a third or subsequent nuisance party, the responsible person(s) shall be assessed a fee commensurate with two (2) times the fee for a third or subsequent nuisance party, as set forth in subsection (E) of this section, if any of the following crimes are being committed at the party:

- (1) Minor in possession of alcohol;
- (2) Minor in consumption of alcohol;
- (3) Possession or use of illegal drugs;
- (4) Weapons misconduct in violation of A.R.S. Section 13-3102; or
- (5) Any felony offense.

4. The police officer or other police employee shall provide notice of the violation to the responsible person(s) and the landlord or owner in any of the following manners:

- a. Personal service to any responsible person(s) at the nuisance party.
- b. As to the resident(s) of the premises, posting of the notice on the door of the premises of the nuisance party.
- c. Mailing a copy of the notice of the nuisance party or notice of violation via certified mail to the property owner at the address shown on the Coconino County Property Tax Assessor's records. The return receipt will serve as evidence of service. A courtesy copy of the notice shall be sent to any property manager if known to the Flagstaff Police Department.
- d. Upon request by law enforcement the owner must provide the names of any and all occupants listed on the leasing documents of the premises of a nuisance party.

E. Civil Penalties.

1. The civil fees for a responsible person(s) are as follows:

- a. For a first nuisance party violation the fee is two hundred fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments or surcharges.
- b. For a second nuisance party violation within one hundred twenty (120) days of the first nuisance party the fee is five hundred dollars (\$500.00), inclusive of any State or City fines, fees, assessments or surcharges.
- c. For a third or subsequent nuisance party within one hundred twenty (120) days of the second

nuisance party the fee is one thousand dollars (\$1,000.00), inclusive of any State or City fines, fees, assessments or surcharges.

2. The civil fees for the owner of a property are as follows:

a. If the owner was at the premises when the nuisance party occurred and failed to take reasonable action to prevent the nuisance party the civil fees are as follows:

(1) Two hundred fifty dollars (\$250.00) for the first nuisance party, inclusive of any State or City fines, fees, assessments or surcharges.

(2) Five hundred dollars (\$500.00) for the second nuisance party within one hundred twenty (120) days of the first nuisance party, inclusive of any State or City fines, fees, assessments or surcharges.

(3) One thousand dollars (\$1,000.00) for the third or subsequent nuisance party within one hundred twenty (120) days of a second nuisance party, inclusive of any State or City fines, fees, assessments or surcharges.

b. If notice of the first nuisance party was provided to the owner via certified mail as provided in subsection (D)(4)(c) of this section, a civil fee can be imposed on the owner if a subsequent nuisance party occurs on the premises thirty (30) days after the receipt of the notice of the first nuisance party. The fees are as follows:

(1) Two hundred fifty dollars (\$250.00) for the next nuisance party that occurs on the premises thirty (30) days after notification is received by the owner, inclusive of any State or City fines, fees, assessments or surcharges.

(2) Five hundred dollars (\$500.00) for a second nuisance party that occurs on the premises thirty (30) days after notification is received by the owner, inclusive of any State or City fines, fees, assessments or surcharges.

(3) One thousand dollars (\$1,000.00) for a third or subsequent nuisance party that occurs on the premises thirty (30) days after notification is received by the owner, inclusive of any State or City fines, fees, assessments or surcharges.

c. Within ten (10) business days of receipt of notification of violation, the owner may petition the Chief of Police, or the Chief's designee, for a waiver of the civil fee for the first nuisance party that occurs thirty (30) days after notification of the nuisance party was received, under the following circumstances:

(1) The owner has taken steps reasonably necessary to prevent a subsequent nuisance party or to exclude the uninvited persons from the premises, or the owner is actively attempting to evict

the responsible persons from the premises.

(2) The owner agrees to actively participate in the Flagstaff Police Department's Crime Free Multi-Housing Program by participating in the training provided by the Flagstaff Police Department, requiring tenants to sign a crime free lease addendum, and by receiving reports regarding criminal activity on the premises and taking action based upon those reports.

(3) The owner of a property with over one hundred (100) individually rented units obtains and maintains private security services for the entire property.

d. If an owner evicts tenants from a premises where a nuisance party occurred and new tenants at the same premises are given notice of a nuisance party violation the owner must be renotified pursuant to subsection (D)(4)(c) of this section.

3. Nothing in this section shall be construed to impose liability on the owner, occupant, or tenant of the premises or sponsor of the nuisance party for the conduct of persons who are in attendance without the express or implied consent of the owner, occupant, tenant, or sponsor, as long as the owner, occupant, tenant, or sponsor has taken steps to prevent a subsequent nuisance party or to exclude the uninvited persons from the premises. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant or sponsor for the purpose of determining liability under this section.

F. Other Remedies. Nothing in this section shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any responsible persons or owner for any violations of the provisions of the City code or State law arising out of the circumstances necessitating the application of this section.

G. Hearing Procedures.

1. A person liable for the civil fee under this section may, within ten (10) days of receipt of notice of the violation, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.

2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.

3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the civil fee. The rules of evidence shall not apply; provided, that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of the evidence that a violation has occurred.

4. The decision of the Hearing Officer is final. A failure of the person notified of the violation as set forth in subsection (D)(4) of this section to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity of the notice or violation. (Ord. 1934, Enacted, 02/18/1997; Ord. 2009-32, Amended, 10/06/2009; Ord. 2015-08, Amended, 05/19/2015)

#### **6-08-001-0006 SOUND AMPLIFICATION SYSTEMS IN VEHICLES**

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##### **A. 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 in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or neighborhood in the vicinity.
2. Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle which can be heard at a distance of fifty (50) feet or more and which annoys or disturbs a reasonable person of normal sensitivities, or which causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet or more.

##### **B. EXEMPTIONS**

1. Amplification systems being operated to request assistance of an emergency nature or to warn of a hazardous situation;
2. Authorized emergency vehicles;
3. Vehicles operated by utility companies;
4. Vehicles used in parades, concerts, festivals, fairs or similar activities subject to any sound limits in any permit or other approval by the city; or
5. Amplification systems in vehicles which are operated on private property with the permission of the owner and which are not audible beyond the property line.

(Ord. 2014, Add, 12/21/1999)

**Appendix D**

City of Sedona, AZ and City of Boulder, CO Noise Ordinances

## Chapter 8.25

# NOISE REGULATIONS

Sections:

- 8.25.010 Declaration policy.**
- 8.25.020 Definitions.**
- 8.25.030 Noise.**
- 8.25.040 Special noise sources.**
- 8.25.050 Construction of buildings and projects.**
- 8.25.060 Unnecessary noise in residential areas.**
- 8.25.070 Penalties.**

### **8.25.010 Declaration policy.**

It is hereby declared to be the policy of the city of Sedona to prohibit unnecessary, excessive and offensive noises from all sources subject to its police power. At certain levels, noises are nuisances detrimental to the health, safety and welfare of the citizenry, and in the public interest, such noise shall be systematically proscribed. [Ord. 2021-08 § 1, 11-9-2021; Res. 2021-28 Exh. A, 11-9-2021].

### **8.25.020 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-weighted scale” means the total sound level of all noise as measured with a sound level meter using the A-weighting network. The unit is the dB(A).

“Commercial area” means an area located within a commercial zoning district (CO), lodging district (L), mixed-use office district (M2), mixed-use activity center district (M3), or community facilities district (CF) pursuant to the city Land Development Code or public right-of-way.

“Community noise standards” means the noise standards set forth in SCC [8.25.030\(C\)](#).

“Decibel (dB)” means a sound pressure that is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, two 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 resulted 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.

“Industrial area” means an area located within a light industrial zoning district (IN) pursuant to the city Land Development Code.

“Motor vehicles” means any self-propelled device in, upon, or by which any person or property is, or may be, transported within the city, including, but not limited to, licensed or unlicensed vehicles, automobiles, off-highway vehicles, minibikes, go-carts, motorized skateboards, and motorcycles.

“Nonresidential area” shall include any area located within a commercial area, industrial area or other area not zoned as a single-family residential zoning district or multifamily residential zoning district pursuant to the city Land Development Code.

“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.

“Person” means an individual, firm, association, partnership, joint venture or corporation. For the purpose of SCC [8.25.060](#), person shall also include an owner of property, tenant, lessee, manager, agent, or other person entitled to lawfully possess (or who claims lawful possession of) such property at the time of the offense.

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

“Residential area” means an area located within a single-family residential or multifamily residential zoning district pursuant to the city Land Development Code.

“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 S1.4-1983 or the most recent revision thereof.

“Sound level (noise level)” in decibels (dB) is the sound measured with the A-weighting and slow response by a sound level meter. [Ord. 2021-08 § 1, 11-9-2021; Res. 2021-28 Ex. A, 11-9-2021].

### **8.25.030 Noise.**

A. *Exemptions.* The following uses and activities shall be exempt from noise level regulations in this section, but may be subject to other city regulations, including but not limited to the regulations in the Land Development Code:

1. The operation of air-conditioning, pool or spa equipment when it is properly functioning in accordance with manufacturer's specifications;
2. The operation of power tools and lawn maintenance equipment in a commercial area or industrial area, or over 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 6:00 p.m. on weekends or federal holidays. All engine-driven equipment used in these activities shall be operated with a muffler or noise-reducing equipment in accordance with manufacturer's specifications. The operation of power tools and lawn maintenance equipment, excluding emergency work, in commercial or industrial areas at all other times shall be subject to the community noise standards;
3. The operation of power tools and lawn maintenance equipment in a residential area between 7:00 a.m. and 8:00 p.m., but only if said equipment is properly functioning with all mufflers and noise-reducing equipment in accordance with manufacturer's specifications. The operation of lawn maintenance equipment in residential areas at all other times shall be subject to the community noise standards;
4. Nonamplified noises resulting from the activities such as those planned for school, governmental or community groups or duly authorized by such groups;
5. Noises of safety signals, warning and alarm devices, emergency generators, storm warning sirens, emergency pressure relief valves or horns and the authorized testing of such equipment;
6. Noises resulting from emergency work as defined in SCC [8.25.020](#);
7. Noises of church chimes;
8. Noises created by aircraft;
9. Public or utility owned or operated stationary mechanical equipment so long as such equipment is properly functioning pursuant to manufacturer's specifications;
10. Road and street noise generated from the normal operation of traffic except as regulated herein, or any emergency or safety warning devices, such as, but not limited to, vehicle horns or back-up beepers;
11. Work by or on behalf of the city, the state, or the federal government, between the hours of 8:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 8:00 p.m.;
12. Special events for which a permit has been obtained from the city, so long as said event is conducted in compliance with the terms and conditions of the permit;
13. Sound from any mobile garbage collection vehicle;
14. Noises from permissible consumer fireworks and their use as defined in Chapter [8.50](#) SCC except between the hours of 12:30 a.m. and 7:00 a.m.

B. *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.

C. *Allowable Noise Levels.*

1. It is unlawful for any person to create any noise which would cause the noise level measured from any location at or within the property line of the complainant's property to exceed the following community noise standards for more than 15 minutes in commercial areas and industrial areas and for more than five minutes in residential areas:

**Table 1. Community Noise Standards**

Zone	Time	Noise Standard Maximum dB(A)
Residential area	10:00 p.m. – 7:00 a.m.	50
	7:00 a.m. – 10:00 p.m.	60
Commercial area	10:00 p.m. – 7:00 a.m.	65
	7:00 a.m. – 10:00 p.m.	65
Industrial area	10:00 p.m. – 7:00 a.m.	65
	7:00 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. [Ord. 2021-08 § 1, 11-9-2021; Res. 2021-28 Exh. A, 11-9-2021].

## 8.25.040 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 SCC [8.25.030](#).

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 from any vehicle.

C. *Motor Vehicles.*

1. *Vehicle Repair.* 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.

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 city 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 subsection do not apply to public safety vehicles.

4. *Vehicle Operation.* Except as authorized by law, 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 the following table:

	Speed Limit of 35 mph or Less	Speed Limit of More 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 (moped)	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. *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.

E. *Burglar Alarms.* An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated. At all times, the limits of the applicable community noise standards set forth in SCC [8.25.030](#) do not apply.

F. *Animals.* Domesticated or caged nonfarm animals may not bark, squeal, crow, howl or make any other such noises for more than five minutes if continuous or more than 15 minutes if intermittent. At all times, the limits of the applicable community noise standards set forth in SCC [8.25.030](#) do not apply.

G. *Specific Acts Prohibited.*

1. The playing of any radio, stereo, player, or other sound device, including, but not limited to, “boom boxes” or other devices for reproduction or amplification of sound, from a public street, public property or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet or greater in any direction between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., such equipment shall not be operated in such a manner that it is plainly audible at a distance of 25 feet in any direction.
2. The playing of any musical instrument, including, but not limited to, guitar, keyboard, drums or other musical instrument, from a public street, public property or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet or greater in any direction between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator. [Ord. 2021-08 § 1, 11-9-2021; Res. 2021-28 Exh. A, 11-9-2021].

### **8.25.050 Construction of buildings and projects.**

A. *General Provisions.* It shall be unlawful for any person to pour concrete or perform construction work in the city, except within the time periods specified herein; at all other times the limits of the applicable community noise standards set forth in SCC [8.25.030](#) shall apply. 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.* For the delivery, placement and finishing of concrete and stucco, concrete mixing trucks may be idled, between the hours of 6:00 a.m. and 9:00 p.m. Monday through Saturday or at such other times as authorized by permit. During the period from May 1st through September 30th of each year such work may begin one-half hour before sunrise.
2. *All Other Construction – Residential Zones in or Within 250 Feet.* All other construction work shall not begin prior to 6:00 a.m. and must stop by 9:00 p.m. Monday through Saturday in or within 250 feet of a residential zone.
3. *Commercial and Industrial Zones.* Construction work in commercial and industrial zones not within 250 feet of a residential zone shall not begin prior to 5:00 a.m. and must stop by 9:00 p.m. Monday through Saturday or it may be conducted at such times as authorized by permit.

C. *Permit.* Construction work may be conducted at different times than otherwise permitted herein if, upon written application, a permit is obtained from the community development department. In granting such permit, the director of the community development 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; and 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.

D. *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 city manager or 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.

E. *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. 2021-08 § 1, 11-9-2021; Res. 2021-28 Exh. A, 11-9-2021].

### **8.25.060 Unnecessary noise in residential areas.**

A. Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful in residential areas 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 residing in the area.

B. Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful in residential areas for any person without justification to yell, shout, make unreasonably loud and disturbing noise, or allow any such noises to occur on one's property, between the hours of 9:00 p.m. and 7:00 a.m., or at any time so as to disturb the quiet, comfort, or repose of a reasonable person of ordinary sensitivity. "Unreasonably loud and disturbing noise" means any noise of such character, intensity or duration as to be detrimental to the life or health or well-being of any individual in a residential area, or as to disturb the public peace and quiet of an individual in a residential area. This subsection applies only to those situations where the disturbance is not a result of the content of the communication, but due to the volume, duration, location, timing or other factors not based on content.

C. The factors that 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.

D. The evidence that may be considered in determining whether a violation of the provisions of this section exists may include any of the following evidence: officer observations, witness statement, photograph, video recording, audio recording, data from a noise app, noise nuisance log, and any other type of evidence as determined by the officer. [Ord. 2021-08 § 1, 11-9-2021; Res. 2021-28 Exh. A, 11-9-2021].

## **8.25.070 Penalties.**

A. *Violations of SCC 8.25.030, 8.25.040, and 8.25.050.*

1. *Civil Violations.* Any person who violates SCC [8.25.030](#), [8.25.040](#), or [8.25.050](#) shall be subject, upon order of a court, to a civil penalty of not more than \$2,500 for each offense, and each day during which the violation continues shall constitute a separate offense.
2. *Habitual Offender.* A habitual offender is a person who commits a violation of this chapter after previously having been found responsible for committing three or more civil violations of this chapter within a 24-month period, whether by admission, by payment of the fine, by default or by judgment after hearing. A habitual offender shall be guilty of a criminal class 1 misdemeanor complaint in the city municipal court against habitual offenders who violate this chapter. For purposes of calculating the 24-month period under this subsection, the dates of the commission of the offenses are the determining factor.
  - a. For habitual offenders, upon conviction of a violation of this chapter, the court may impose a sentence of incarceration not to exceed six months in jail; or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law; or both. The court shall order a person who has been convicted

of violation of this chapter to pay a fine of not less than \$500.00 for each count upon which a conviction has been obtained.

b. Every action or proceeding under this chapter shall be commenced and prosecuted in accordance with the laws of the state relating to criminal misdemeanors and the state rules of criminal procedure.

c. Habitual offenders shall not be eligible for a temporary use permit per SLDC 8.4(D) for six months after the third violation within 24 months and each subsequent violation.

B. *Violations of SCC 8.25.060 Regarding Unnecessary Noise in Residential Areas – Criminal Penalty.* Any person found guilty of violating SCC [8.25.060](#) shall be guilty of a class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$2,500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein or by civil sanction.

C. *Enforcement.* The police chief and his/her designees, including code enforcement officers as applicable, shall have the authority to enforce the noise regulations contained in this chapter. Nothing in this chapter shall prevent obtaining voluntary compliance by way of warning, notice or education.

D. *Severability.* If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated. [Ord. 2021-08 § 1, 11-9-2021; Res. 2021-28 Exh. A, 11-9-2021].

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**The Sedona City Code is current through Ordinance 2022-02, passed March 22, 2022.**

Disclaimer: The city clerk's office has the official version of the Sedona City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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[Code Publishing Company](#)

## Chapter 9 - Noise

*Footnotes:*

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*Adopted by Ordinance No. 7358.*

## 5-9-1. - Legislative Intent.

The purpose of this chapter is to protect the public health, safety and welfare by defining those noises and sounds which by their volume or other physical characteristics, and, depending on their time, place and manner, disturb people of normal sensitivity, and to regulate such noises and sounds to the extent that can be done without detrimentally affecting necessary residential, commercial and governmental activities.<sup>1</sup> It is not the intention of the council to differentiate on the basis of the content, if there be any, of the prohibited sounds. However, in certain instances the council finds that there is a compelling governmental interest in making an exception for the loudness of certain sounds, such as warnings of imminent hazard.

<sup>1</sup> For other provisions involving noise, see sections 6-1-19, "Barking, Howling, or Other Unreasonable Animal Noise Prohibited," 7-3-4, and "Adequate Muffling of Noise Required," B.R.C. 1981.

## 5-9-2. - Definitions.

As used in this chapter, the following words are defined to mean:

*Commercial district or commercial zone or commercial* means any area zoned A, BCS, BMS, BC, MU, P, BT, BR or DT.

*Group living arrangement* means those group residencies in which the individual or family lives in a room or rooms of their own, but which contains common dining facilities and where decisions concerning the use of common areas for social events are shared among the individual residents. These include, without limitation, cooperative housing units, congregate or residential care facilities, rooming houses, dormitories, fraternities and sororities, as those terms are used in Title 9, "Land Use Code," B.R.C. 1981. These exclude buildings where people only reside temporarily such as hotels, motels or bed and breakfasts and buildings where each person resides in and controls a complete dwelling unit, including, without limitation, duplexes, triplexes, fourplexes, apartment buildings and condominiums.

*Industrial district or industrial zone or industrial* means any area zoned IG, IM, IS, or IMS.

*Light construction work* means work which uses only hand tools and power tools of no more than five horsepower, but not including power actuated fastening devices (e.g., nail guns).

*Residential district or residential zone or residential* means any area zoned RE, RH-1, RH-2, RH-3, RH-4, RH-5, RL, MH, RM, RMX, RR-1, or RR-2.

*Zoned* means classified into one of the zoning districts specified in Section 9-5-2, "Zoning Districts," B.R.C. 1981, as shown on the zoning map adopted by Section 9-5-3, "Zoning Map," B.R.C. 1981. Each district includes all areas zoned under the same prefix (i.e., RL includes RL-1 and RL-2). If new districts are established without amendment to this section, it is intended that the new district be governed under this chapter as if in the existing district which it most closely resembles, and if it could as easily be in one category or another, that it be in the category with the lower allowable decibel levels.

Ordinance No. 7522 (2007)

## 5-9-3. - Exceeding Decibel Sound Levels Prohibited.

- (a) No person shall:
- (1) Operate any type of vehicle, machine, or device;
  - (2) Carry on any activity; or
  - (3) Promote or facilitate the carrying on of any activity, which makes sound in excess of the level specified in this section.
- (b) Sound from any source, other than a moving vehicular source located within the public right of way, shall not exceed any of the following limits for its appropriate zone:
- (1) The sound limits prescribed by this section are set forth in the following table for the zoning district within the following use classifications in Section 9-5-2, "Zoning Districts," B.R.C. 1981:

<i>Zoning District of the Property on Which the Sound is Received</i>	<i>Maximum Number of Decibels Permitted from 7 a.m. until 11 p.m. of the Same Day</i>	<i>Maximum Number of Decibels Permitted from 11 p.m. until 7 a.m. of the Following Day</i>
Residential	55 dBA	50 dBA
Mixed use and other	65 dBA	60 dBA
Industrial	80 dBA	75 dBA

- (2) Sound from construction work for which a building permit has been issued:
  - (A) During the hours of 7 a.m. to 5 p.m., sound for work of any type shall be deemed received in an industrial zoning district;
  - (B) During the hours of 5 p.m. until 9 p.m., sound from light construction work received in a residential zone shall be deemed received in a commercial zoning district; and
  - (C) Under no circumstances shall amplified sound be considered as construction work activity.
- (3) Sound from a source regulated by this subsection:
  - (A) Sound from a source on private property shall be measured at or inside the property line of property other than that on which the sound source is located;
  - (B) Sound from a source on public property may be measured on that receiving property so long as the measurement is taken at least twenty-five feet from the source, or it may be measured at or inside the property line of receiving property other than the public property on which the sound source is located;
  - (C) For the purposes of this paragraph, a leasehold shall be deemed a property of the lessee, and its boundary, other than a boundary with adjacent property owned by the lessee, shall be deemed a property line.
- (c) All sound measurements shall be made on a sound level meter that meets ANSI specification S1.4-1974 for Type I or Type II equipment. The manufacturer's published indication of compliance with such specifications is prima

facie evidence of compliance with this subsection.

(d) It shall be a defense to a charge of violating this section that:

- (1) The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by law or acting in time of emergency or by an emergency warning device operated by a government;
- (2) The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;
- (3) The sound was made within the terms of a fireworks display or temporary street closure permit issued by the city manager, or was made by the rendering of military honors at a funeral by a military funeral honors detail;
- (4) The sound was made by an animal; <sup>[22]</sup>
- (5) The sound was made within the terms and conditions of a sound level variance granted by the city manager;
- (6) The sound was made on property belonging to or leased or managed by a federal, state, or county governmental body other than the city and made by an activity of the governmental body or by others pursuant to a contract, lease, or permit granted by such governmental body;
- (7) The sound was made by a police alarm device, if the police alarm shuts off automatically after no longer than ten minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes;
- (8) The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow; or
- (9) The sound was made between the hours of 7 a.m. and 9 p.m. by a lawn mower or gardening equipment equipped with a standard muffling system in good repair.

(e) This section shall not be construed to conflict with the right of any person to maintain an action in equity to abate a noise nuisance under the laws of the state.

Ordinance Nos. 7522 (2007); 7831 (2012); 7965 (2014)

*Footnotes:*

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*Animal noises are covered in chapter 6-1, "Animals," B.R.C. 1981.*

5-9-4. - Exceeding Decibel Sound Levels From a Motor Vehicle Prohibited.

- (a) Sound from a motor vehicle located within the public right of way shall not exceed eighty decibels on the "A" weighting scale (dBA), except that sound from a vehicle with a manufacturer's gross weight rating of ten thousand pounds and above may exceed eighty dBA but shall not exceed eighty-eight dBA. Such sound shall be measured at a distance of at least twenty-five feet from a vehicle located within the public right of way.
- (b) Such sound measurements shall be made on a sound level meter that meets the requirements of Subsection 5-9-3(c), B.R.C. 1981.
- (c) It shall be an affirmative defense to a charge of violating this section that:
  - (1) The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by law or acting in time of emergency or by an emergency warning device operated by a government;

- (2) The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of a warning device as required by law;
- (3) The sound was made within the terms and conditions of a sound level variance granted by the city manager;
- (4) The sound was made by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes; or
- (5) The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow.

Ordinance Nos. 7831 (2012); 7965 (2014)

#### 5-9-5. - Disrupting Quiet Enjoyment of Home.

- (a) No person shall engage in, or be responsible for, a course of conduct which is so loud that it materially interferes with or disrupts another individual in the conduct of activities at such individual's home.
- (b) The following standards and definitions shall be used in the application of this section:
  - (1) The person engaging in such conduct must be at a location other than the complainant's home.
  - (2) *Home* includes the physical residence as well as the outside premises.
  - (3) *Another individual* includes all members of the household as well as others rightfully in the residence or on the premises.
  - (4) No person shall be convicted of a violation of this section unless that person has been warned that conduct violating this section is occurring or has recently occurred and, following such warning, the conduct is repeated or continued.
    - (A) No additional warning need be issued as a precondition to enforcement of this provision if similar conduct occurred within the previous ninety days and if a warning was communicated to an individual regarding his or her role in that past conduct.
    - (B) A prior warning shall be sufficient with respect to each of the residents of an individual dwelling unit at which a prior noise incident occurred (including any resident in a group living arrangement), if, after a personal communication was made to a person who engaged in conduct subject to the provisions of this section, the city manager caused a warning letter to be sent by first class mail addressed to "residents" of the dwelling unit in which the person who received the prior warning resided at the time of the issuance of the prior warning and at which the prior noise incident occurred. If a warning was attempted but could not be personally communicated because no one would answer the door or the person engaged in the conduct could not be identified, a warning letter under this subparagraph shall be sufficient.
    - (C) No warning under this paragraph is required if the conduct would violate Subsection 5-9-6(b), B.R.C. 1981, concerning unreasonable unamplified sound, and it originated on private property.
- (5) If conduct violative of this section:
  - (A) Originates upon private property;
  - (B) The owner or some other person with authority to control that property is present at the time that such occurs; and
  - (C) The owner or authorized person has received a communication requesting cessation or reduction in the level;

then the owner or authorized person is also responsible for the repeated or continued conduct under this section, even though not directly engaged in the conduct.

- (6) Whether or not noise is "so loud that it materially interferes with or disrupts" shall be measured against the objective standard of a reasonable person of normal sensitivity.
- (7) It shall be an affirmative defense to a charge of violating this section that:
- (A) The sound was made by an authorized emergency vehicle when responding to an emergency or as otherwise authorized by law or acting in time of emergency or by an emergency warning device operated by a government;
  - (B) The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;
  - (C) The sound was made within the terms of a parade, fireworks display, or temporary street closure permit issued by the city manager, or was made by the rendering of military honors at a funeral by a military funeral honors detail;
  - (D) The sound was made by an animal; <sup>[23]</sup>
  - (E) The sound was made on property belonging to or leased or managed by a federal, state, or county governmental body other than the city and made by an activity of the governmental body or by others pursuant to a contract, lease, or permit granted by such governmental body;
  - (F) The sound was made by a police alarm device, if the police alarm shuts off automatically after no longer than ten minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes;
  - (G) The sound was made by snow removal equipment equipped with a standard muffling system in good repair while removing snow;
  - (H) The sound was made between the hours of 7 a.m. and 9 p.m. by a lawn mower or gardening equipment equipped with a standard muffling system in good repair; or
  - (I) The loud conduct consisted solely of natural speech or communication by or between people, unless such conduct was used as a guise materially to interfere with or disrupt another individual in the conduct of activities at the individual's home and that was the result.
- (8) It is not a defense to a charge of violation of this section that the sound levels complied with the requirements of Section 5-9-3, "Exceeding Decibel Sound Levels Prohibited," B.R.C. 1981.

Ordinance Nos. 7831 (2012); 7965 (2014)

*Footnotes:*

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*Animal noises are covered in chapter 6-1, "Animals," B.R.C. 1981.*

5-9-6. - Unreasonable Noise Prohibited Between the Hours of 11 P.M. Through 7 A.M.

Between the hours of 11 p.m. through 7 a.m., no person shall:

- (a) Amplified Sound: Electronically amplify any sound, or make any noise by means of any electronic amplifier, which is loud enough to be audible to a person of normal hearing;

- (1) One hundred or more feet beyond the property line of the property upon which the loudspeakers are located w are located in a residential district.
- (2) One hundred fifty or more feet beyond the property line of the property upon which the loudspeakers are located where they are located in a commercial or industrial district.
- (3) Each resident or person in control of an activity or event in or on the premises of a dwelling unit who is present within that dwelling unit or upon the premises of that dwelling unit when sound in violation of this section is amplified or generated upon the premises shall be responsible for the generation of that sound or noise.
- (4) Each owner, manager, or person in control of an activity or event in or on the premises of a commercial or industrial property upon which sound in violation of this subsection is generated shall be responsible for the generation of that sound or noise.
- (5) It shall be an affirmative defense to a charge of violating this subsection that:
  - (A) The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in time of emergency or by an emergency warning device operated by a government;
  - (B) The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;
  - (C) The sound was made within the terms of a parade or temporary street closure permit issued by the city manager;
  - (D) The sound was made on property belonging to or leased or managed by a federal, state, or county governmental body other than the city and made by an activity of the governmental body or by others pursuant to a contract, lease, or permit granted by such governmental body;
  - (E) The sound was made by a police alarm device if the police alarm shuts off automatically after no longer than ten minutes, by a fire alarm, or by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes;
  - (F) For a charge of violation based on Paragraph (a)(3) or (a)(4) of this section, the defendant did all that a reasonable person could have done under the circumstances of the creation of the noise to prevent the offense and, if requested to do so, cooperated with law enforcement officers to identify accurately the offender or offenders; or
  - (G) For a charge of violation based on Paragraph (a)(4) of this section, the sound was made by a trespasser.
- (b) Unreasonable Unamplified Sound:
  - (1) While on public property within a residential district, no person shall yell, scream, shout, cheer, sing, or otherwise make noise with the human voice louder than that which is reasonably necessary for normal conversational speech.
  - (2) It shall be an affirmative defense to a charge of violating this subsection that the sound was reasonably necessary to gain assistance to prevent a crime, catch a criminal, warn of fire or other danger, or to seek assistance for a health problem or injury or for assistance in dealing with an accident.
- (c) Trash Pickup: No person shall make any trash pickup with a truck which has a compactor or the capacity to raise and dump dumpsters in any residential or commercial district, and no employer shall fail to prevent its employee from violating this subsection while the employee is driving a trash truck owned by or under the control of the

employer. For the purposes of this subsection, testimony that the name of a business which holds itself out as being in the business of trash hauling was written on the trash truck shall be prima facie evidence that the trash truck was owned by or was under the control of the employer so identified.

Ordinance Nos. 7831 (2012); 7965 (2014)

5-9-7. - Unreasonable Noise Prohibited Between the Hours of 9 P.M. Through 7 A.M. - Lawn Mowers, Leaf Blowers, and Construction.

Between the hours of 9 p.m. through 7 a.m., no person shall:

- (a) Lawn Mowers and Leaf Blowers: Operate any lawn mower, leaf blower, or other power lawn or gardening tool on any private property within, or within one hundred feet of the boundary of, any residential district.
- (b) Construction in a Residential Zone: In a residential zone, use power tools which are audible off the property upon which they are being used as part of construction work for which a building permit has been issued or is required for the work.

Ordinance Nos. 7831 (2012); 7965 (2014)

5-9-8. - Unreasonable Noise Prohibited at Any Time - Motor Vehicle Amplified Sound.

- (a) No person shall operate any electronic amplifier in or attached to any motor vehicle so that the sound is audible at a distance of twenty-five feet or more from the motor vehicle, or which emits vibrations which can be felt by persons outside of that vehicle. This prohibition does not apply to sound made on private property with the permission of the property owner and not audible or palpable beyond the property line.
- (b) It shall be an affirmative defense to a charge of violating this section that:
  - (1) The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in time of emergency or by an emergency warning device operated by a government;
  - (2) The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;
  - (3) The sound was made within the terms of a parade or temporary street closure permit issued by the city manager; or
  - (4) The sound was made by an alarm system installed in a motor vehicle, if the car alarm shuts off automatically after no longer than five minutes.

Ordinance Nos. 7831 (2012); 7965 (2014)

5-9-9. - Certain Musical Instruments Prohibited on the Mall Between 12 Midnight and 7 A.M.

No person shall play any percussive or amplified musical instrument on the mall between the hours of 12 midnight and 7 a.m.

Ordinance Nos. 7831 (2012); 7965 (2014)

5-9-10. - Sound Variances.

- (a) Decibel Variance: A variance shall be granted for the decibel limits of Section 5-9-3, "Exceeding Decibel Sound Levels Prohibited," or 5-9-4, "Exceeding Decibel Sound Levels From a Motor Vehicle Prohibited," B.R.C. 1981, after

application is made if the city manager finds that compliance will cause an undue hardship and further finds that:

- (1) Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this section; or
- (2) The activity, operation, or sound source will be of temporary duration, and even with the application of the best available control technology cannot be done in a manner that would comply with this section.

In either case, the manager must also find that no reasonable alternative is available to the applicant. If the manager grants a variance, the manager shall prescribe such reasonable conditions or requirements as are necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(b) Trash Variance: Trash haulers may apply to the city manager for a variance of the provisions of Subsection 5-9-6(c), B.R.C. 1981, for locations within a commercial district. Possession of a valid variance shall be a specific defense to any charge under Subsection 5-9-6(c), B.R.C. 1981, if the act complained of was within the variance granted. The manager may grant all or a part of any requested variance, and may place such conditions upon any variance granted as are reasonably suited to limit the harmful effects of the variance. Such variances shall be granted only if the applicant can demonstrate to the manager's satisfaction:

- (1) That the location in question is sufficiently removed from any residential use that the noise of trash removal will not disturb anyone in their residence, including, without limitation, hotel and motel accommodations; or
- (2) That the location cannot feasibly be serviced during permitted hours, and that the variance is the least necessary to permit trash removal while still assuring nearby residents reasonable nocturnal quiet.

#### 5-9-11. - Flood Debris Removal.

Notwithstanding any other provision of this chapter, until April 15, 2014, individuals and entities involved in debris removal necessitated by flooding, may engage in operations as necessary from 5 a.m. until 12 midnight.

Ordinance No. 7946 (2013)