

ORDINANCE NO. O21-52

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 24 (MOTOR VEHICLES AND TRAFFIC) ARTICLE VI (SPEED REGULATIONS) SECTION 24-94 (UNNECESSARY VEHICLE NOISE) AND CHAPTER 25 (NUISANCES) ARTICLE VIII (MISCELLANEOUS NUISANCES), SECTION 25-67 (VEHICULAR NOISE; VIOLATIONS) AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Code Chapter 24, Article VI, Section 24-94, be amended by adding the following language and shall read as follows:

Chapter 24 -Motor Vehicles and Traffic

Sec. 24-94. - Unnecessary vehicle noise.

(a) No person shall intentionally operate any vehicle:

(1) At such a speed on a curve or turn as to create loud and unnecessary noise through the squealing of tires upon the public right-of-way; or

(2) So to accelerate or decelerate in such a manner as to create loud and unnecessary noise through the squealing of tires upon the public right-of-way; or

(3) So as to cause damage to the public right-of-way.

(b) Engine braking; exceptions; violations.

(1) A person commits the offense of engine braking if the person is operating a motor vehicle on any public street, roadway or highway in this city and uses an unmuffled engine brake.

(2) Reckless and negligent violations of subsection (b) of this section shall constitute a violation and no proof of intent or knowledge of such violation is required.

(3) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property.

(4) A violation of any provision of this section shall be deemed a public nuisance. Any person who violates any provision of this section shall be guilty of a civil offense for the first violation with a mandatory fine amount of \$100, a civil violation for a second offense in a 12 month period with a

mandatory fine amount of \$500, and any subsequent offenses in the same 12 month period will be charged as a Class 1 misdemeanor and shall be punished in accordance with state law. Each day a violation continues or exists shall be a separate offense subject to punishment as a separate misdemeanor.

SECTION 2. That the Glendale City Code Chapter 25, Article VIII, Section 25-67, be amended by adding the following language and shall read as follows:

Chapter 25- Nuisances

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

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

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

(1) Is free from defects which may cause sound level magnification;

(2) Is equipped with a muffler;

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

(c) Sound amplification systems in vehicles; limitations on use.

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

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

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

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

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

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

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

(e) A violation of ~~any~~ a provision of this subsection (a) or (b) shall be deemed a public nuisance. Any person who violates any provision of ~~this~~ these subsections shall be guilty of a civil offense for the first violation with a mandatory fine amount of \$100, a civil violation for a second offense in a 12 month period with a mandatory fine amount of \$500, and any subsequent offenses in the same 12 month period will be charged as a Class 1 misdemeanor and shall be punished in accordance with state law. Each day a violation continues or exists shall be a separate offense subject to punishment as a separate misdemeanor.

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

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 10th day of August, 2021.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager

[Additions are indicated by underline; deletions by ~~strikeout~~.]