

**Article 8-10 NUISANCE NOISE** <sup>573 2016-10</sup>

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**Section 8-10-1 GENERAL PROHIBITIONS**

- A. It shall be unlawful for any person to disturb the peace by any of the following: making, continuing, maintaining or causing to be made or continued, within the limits of the Town, any disturbing, excessive, unreasonable or unusually loud or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
  
- B. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to, the following:
  - (1) The level of the noise;
  - (2) Whether the nature of the noise is usual or unusual;
  - (3) Whether the origin of the noise is natural or unnatural;
  - (4) The level of the ambient noise;
  - (5) The proximity of the noise to sleeping facilities;
  - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
  - (7) The time of day or night the noise occurs;
  - (8) The duration of the noise; and
  - (9) Whether the noise is recurrent, intermittent, or constant.

**Section 8-10-2 DECLARATION OF CERTAIN ACTS CONSTITUTING DISTURBING, EXCESSIVE, OR OFFENSIVE NOISES**

The following activities, among others, are declared to cause disturbing, excessive or offensive noises in violation of this section and are unlawful, namely:

- A. Excessive Animal Noise
  - 1. Restrictions on animal noise.

## SAFETY, HEALTH, SANITATION AND NUISANCE

The keeping or maintaining by any person of any animal or animals which by any frequent or long-continued noise causes annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity is prohibited.

### 2. Prima Facie Violations

The noise from any such animal or animals that disturbs two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.

## B. Yard/Landscape Maintenance Equipment

### 1. Definition

- a. "Summer" shall mean those months from May through September, inclusive.
- b. "Yard/Landscape Maintenance Device" as used in this section, shall mean any portable, hand-held or propelled, ridden, carried, or pushed device, which is capable of and intended for landscape and yard maintenance purposes. This includes, but is not limited to, leaf blowers, chain saws, lawn mowers, edgers, or weed or string cutters.

### 2. Violations.

Except for those properties where a special use permit provides for a more specific set of noise restrictions, it shall be unlawful for any person to operate, or cause to be operated, a Yard/Landscape Maintenance Device, except between 7 AM and 5 PM on Monday through Friday and between 9 AM and 5 PM on Saturdays and Sundays and on the legal holidays defined in Section 10-7-2 (10) of this Code. Summer hours of operation may start one (1) hour earlier.

## C. Burglar alarms

### 1. Prohibitions.

Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such burglar alarms can be terminated within 10 minutes of being activated, and remain silent unless another security breach occurs.

## SAFETY, HEALTH, SANITATION AND NUISANCE

### 2. Emergency disconnections.

Notwithstanding the requirements of this provision, any member of the Police Department of the Town of Paradise Valley shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation.

### 3. Emergency Contact Information.

On or after thirty (30) days from the effective date of this article, any building or dwelling upon which an audible, unmonitored burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building or dwelling.

## D. Construction and Related Activities

### 1. Definitions.

- a. "Decibel" shall mean a logarithmic unit of measurement which indicates the ratio between two quantities commonly referred to as electric or sound energy levels, or pressure levels. One decibel on the A-weighted scale is abbreviated "dB (A)."
- b. "Emergency" means a sudden or unforeseen situation that requires immediate work to prevent or mitigate injury or damage to persons or property. An Emergency exists only for the time necessary to remedy the immediate risk of harm.
- c. "Heavy Equipment" means mechanical equipment that typically generates significant and offensive noise, such as, but not limited to, a loader or backhoe.
- d. "Summer" shall mean those months from May through September, inclusive.

### 2. Except for those properties where a special use permit provides for a more specific set of noise restrictions it shall be unlawful for any person to operate or permit to be operated any Heavy Equipment in any construction, demolition, land clearing, excavation or similar outside construction activity, except between 7 AM and 5 PM on Monday through Friday. Operation of Heavy Equipment is unlawful at all times on Saturdays, Sundays and legal holidays (as defined in Section 10-7-2(10) of this Code). Summer hours of operation may start one (1) hour earlier.

## SAFETY, HEALTH, SANITATION AND NUISANCE

The Town Manager, or his designee, may grant exceptions upon written request.

3. It shall be unlawful for any person to deliver or cause to be delivered construction equipment or materials to a construction site except between 7 AM and 5 PM Monday through Saturday. Delivery of construction equipment or materials to a construction site is unlawful on Sundays and legal holidays (as defined in Section 10-7-2 (10) of this Code), except that sprayed termite prevention material may be applied at any time. Summer delivery hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.
4. It shall be unlawful for any person to operate or permit to be operated any other device or equipment (that is, equipment that is not already subject to the Heavy Equipment restriction in Section D.1 above) in any building, construction, demolition, land clearing, excavation or similar outside construction activity, alteration, or repair work on any buildings, structures or projects, except between 7 AM and 5 PM Monday through Friday, and between 9 AM and 5 PM on Saturdays, Sundays and legal holidays, (as defined in Section 10-7-2 (10) of this Code). The noise level created on Sundays shall not exceed 75 Decibels measured at the nearest property line. Summer hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.

### **Section 8-10-3        Exemptions**

The following uses and activities shall be exempt from the regulations of this Article:

1. Noises resulting from any authorized emergency or public safety vehicle.
2. Noises resulting from the operation of any Heavy Equipment, equipment other than Heavy Equipment, or a Yard/Landscape Maintenance Device during an Emergency.
3. Noise resulting from activities of a temporary duration for which a license or permit has been granted by the Town.
4. Vehicle back up warning alarms.

### **Section 8-10-4        Penalty**

Any person who violates any provision of this article may be prosecuted for such a violation in accordance with the provisions of article 1-9 of the Paradise Valley Town Code.