

RESOLUTION 2016-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED THE "TOWN OF FOUNTAIN HILLS NOISE REGULATIONS."

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled the "Town of Fountain Hills Noise Regulations," of which one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, Arizona, December 15, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



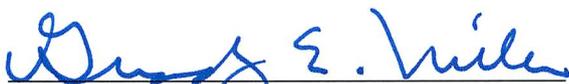
Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

**TOWN OF FOUNTAIN HILLS
NOISE REGULATIONS**

December 15, 2016

Section 11-1-7 Noise.

- A. Purpose. The purpose of this Section is to promote the health and general welfare of the citizens and businesses of the Town by balancing the need to protect the community against unreasonable noise with the legitimate goal of promoting and encouraging commercial and business growth in the community.
- B. Definitions. The following words, terms and phrases, when used in this Section, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
1. “A’ band level” means the total sound level of all noise as measured with a sound level meter using an A-weighting network. The unit is the dB(A).
 2. “Complainant” means a person who files a noise complaint.
 3. “Decibel” means a sound pressure that is 20 times the logarithm to the base 10 of the ratio of the pressure of sound to the reference pressure, 2×10^{-5} newton/meter².
 4. “Emergency work” means any (a) work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency that has or may result in a disruption of service and that is necessary to restore property to a safe condition following a public calamity, (b) work required to protect the health, safety or welfare of persons or property or (c) work by private or public utilities when restoring utility service.
 5. “Noise violation” means any noise created that exceeds the maximum limits as specified in this Section.
 6. “Sound level (noise level)” means the sound measured with the A-weighting and slow response by a sound level meter.
 7. “Sound level meter” means an instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of sound levels that satisfies the pertinent requirements for Type 1 sound level meters as set forth in the most recent version of American Standard Specifications for Sound Level Meters ANSI S1.4-1983.
 8. “Sound Source” means the cause and location of the noise.
- C. Measurement Standard. Sound level shall be measured with a sound level meter operated in accordance with the manufacturer’s guidelines and instructions.

- D. Noise Violations Prohibited. Subject to the complaint processing provisions in Subsection 11-1-7(E) below, it shall be a violation of this Section to emit or allow to be emitted noise in excess of the permissible noise levels set forth in Table 1 below.

Table 1 Permissible Noise Levels:		
Measurement Location	Time	Decibel dB(A)
Wall of structure proximate to complainant's location¹	6:00 am to 10:00² pm	70
Wall of structure proximate to complainant's location	10:00² pm to 6:00 am	50

¹ For sounds emanating from within a multifamily residential building (in a unit or the common area of the building), the measurement location shall be anywhere in a dwelling unit within that building.

² The 10:00 p.m. cut-off time may be extended to 11:00 p.m. in conjunction with a temporary use permit issued by the Town pursuant to Section 2.03 of the Town Zoning Ordinance.

- E. Complaint Processing. After receiving a noise complaint from a complainant, an individual authorized under Subsection H of this Section shall measure the noise level with such measurements being made at the wall of the complainant's location. The authorized individual shall determine a noise violation has occurred when the decibel levels at the complainant's location exceed the maximum decibel levels set forth in Table 1 above.
- F. Sound Truck. It is unlawful to play, operate, or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character that emits loud and raucous noises and is attached to and upon any vehicle.
- G. Braking devices. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the Town any compression release or other engine braking device designed to aid in the braking or deceleration of any vehicle which results in noise in excess of that which would otherwise be produced from such vehicle without such braking device. The provisions of this Subsection do not apply to public safety vehicles or to any vehicle while descending Golden Eagle Boulevard.
- H. Violations. The Town Manager or designee, code official or Town law enforcement officer may issue civil citations pursuant to Subsection 1-8-3(D) of this Code to enforce violations of this Section. After civil enforcement as set forth in Subsection 1-8-3(D) of this Code, any POST-certified law enforcement

officer or the Town Prosecutor may issue criminal complaints pursuant to Subsection 1-8-2(A) to enforce this Section.

- I. Exemptions. The following uses and activities shall be exempt from Town noise level regulations:
1. Noises resulting from air-conditioning equipment when such equipment is in proper operating condition.
 2. Noises resulting from lawn maintenance equipment operated during daylight hours when such equipment is functioning with all mufflers and standard noise-reducing equipment in use and in proper operating condition.
 3. Noises of safety signals, warning devices and emergency pressure relief valves.
 4. Noises resulting from an authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 5. Noises resulting from emergency work.
 6. Church chimes or bells.
 7. Any noise created by any Town or Town contractor vehicles, equipment or facilities while being operated or utilized for official business.
 8. Noises resulting from a special event being held pursuant to a Town-issued special event permit.
 9. An un-amplified human voice.
 10. Noises resulting from an event being held by a school.