

**ORDINANCE NO. 050306-ENO as Amended by
031611-ENO-01**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PINAL
COUNTY, ARIZONA, TO BE KNOWN AS THE PINAL COUNTY
EXCESSIVE NOISE ORDINANCE**

IT IS HEREBY ORDAINED by the Board of Supervisors of Pinal County as follows:

REGULATION OF EXCESSIVE NOISES

1.0 Applicability.

This ordinance shall not apply to any incorporated city, town or Indian reservation. It shall apply only within the unincorporated areas of the county.

2.0 Authority and Purpose.

This ordinance is hereby adopted under the authority granted the Board of Supervisors in A.R.S 11-251.05 to adopt and amend ordinances necessary or proper to carry out the duties, responsibilities and functions of the County and is adopted for the purpose of regulating excessive noises pursuant to the County's police powers set forth in A.R.S 11-251 (31).

It is hereby declared to be the policy of Pinal County to prohibit any noise which exceeds the decibel level set out in Sections 6.0(A) and 6.0(B). At and above certain levels, such noises are unreasonable, excessive and detrimental to the health and welfare of the citizens of the county, and it is in the best interest of the citizens of Pinal County that such excessive noises be systematically eliminated.

3.0 Excessive Noise Violation.

It shall be unlawful and a violation of this ordinance for any person to knowingly and/or intentionally make continue, or cause to be made or continued, or to allow or permit any excessive noise as defined in Section 4.0.

4.0 Definitions.

A-WEIGHTED SOUND PRESSURE LEVEL: The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

COMMERCIAL PROPERTY:

Commercial property means any property occupied by businesses, store or shop which shall be a retail establishment where all products shall be sold on the premises.

DECIBEL (dB): A unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter), denoted as dB.

EMERGENCY VEHICLE: Vehicles of the fire, police, and public service departments and legally authorized ambulances and emergency vehicles of state departments or any political subdivisions thereof and vehicles of public service corporations.

EMERGENCY WORK: Any work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety, and welfare of persons or property.

EXCESSIVE NOISE: Any sound measured according to the criteria of Section 5.0 which exceeds the levels set out in Section 6.0.

GROSS VEHICLE WEIGHT RATING (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single-motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

INDUSTRIAL PROPERTY:

Industrial property means any property occupied by land uses whose primary operation involves manufacturing, assembling, processing or otherwise treating raw materials, semi-finished products, or finished products for packaging and distribution to either wholesale or retail markets.

LEQ: (Equivalent Sound Level) The constant level that over a given period transmits to the receiver the same amount of acoustic energy as the actual time-elapsed sound.

LEGAL HOLIDAY: Those holidays so designated by Pinal County in its Personnel Rules.

MOTOR VEHICLE: Every self-propelled device in, upon, or by which any person or property is, or may be, transported upon a public highway, excepting devices used exclusively upon stationary rails or tracks and aircraft.

MUFFLER: A device for abating the sound of escaping gases from an internal combustion engine.

NOISE: The same meaning as “sound pressure level” as hereinafter defined.

PROPERTY LINE: The line which represents the legal limits of real property (including an apartment, condominium, room or other dwelling unit) owned, leased or otherwise

occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

RESIDENTIAL PROPERTY: Any property, the dominant use of which is non-transient occupancy of residential dwelling units.

SITE-SPECIFIC SOURCE OF NOISE: A source of sound which is found on a specific site or tract of land and which originates from that site even though the specific source of the sound generation may be mobile.

SOUND: Temporal and spatial oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that causes progressively alternative compression and rare fraction of that medium and which propagates at finite speed to distant points and can evoke an auditory sensation.

SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS (root mean square) detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

SOUND PRESSURE LEVEL: Twenty (20) times the logarithm to the base ten (10) of the ratio of RMS sound pressure to the reference pressure of twenty (20) micropascals ($20 \times 10^{-N}/m$). The sound pressure level is denoted L_p or SPL and is expressed in decibels (db).

STREET: A way, existing or proposed, for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, freeway, road, roadway, boulevard, avenue, lane, place, or however otherwise designated.

STREET, COLLECTOR: A street, existing or proposed, collecting traffic from local streets, and connecting the same with a major street, or another collector street.

STREET, LOCAL or MINOR: A street, existing or proposed, exclusively or primarily providing access and utilities to abutting properties.

STREET, MAJOR: Such major street, highway, thoroughfare, parkway or boulevard and all section lines so designated on the Pinal County Comprehensive Plan.

5.0 Sound Level Measurement Criteria.

For the purpose of enforcement of the provisions of this ordinance, noise levels shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirement for Type 2 sound level meters as defined in American National

Standard SI.4-1971 or the most recent revisions thereof. Prior to measurement, the meter shall be set for slow response speed, except that for rapidly varying sound levels, fast response speed may be used. Prior to measurement, the meter shall be verified and calibrated according to the manufacturer’s specifications.

6.0 Enumeration of Excessive Noises.

The following enumerated acts or conditions may produce excessive and unreasonable noise which violates the provisions of this ordinance.

(A) Land Use Noise.

1. Classification of Use Districts (Residential, Rural, Commercial, Industrial). Zoning district classifications shall be as set out in Article 5 of the Pinal County Zoning Ordinance and shall for purposes of this ordinance be distinguishable as Residential, Commercial, Rural and Industrial land use classifications, within which sound levels of Table 1 below shall be locally measurable and applied by the use of LEQ levels as defined in Section 4.0 and measured in accordance with the methods set forth in Section 5.0 for purposes of evaluating an alleged violation of this ordinance.
2. Violations. It shall be unlawful and a violation of this ordinance for any person to operate or to permit to be operated any site-specific source of sound which when measured at any point of the property line where the noise emission is generated:
 - (a) Creates a sound level in excess of its ambient sound pressure level (Leq) limit, indicated on Table 1 below:

TABLE 1 - LIMITING SOUND LEVELS FOR LAND USE DISTRICTS	
<u>Zoning District Classifications</u>	<u>Leq Limits, dBA</u>
(Residential) CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, OS, MH, RV, MHP, PM/RVP, TR	60dBA {7am-8pm} 55dBA {8pm-7am}
(Commercial or Business) CB-1, CB-2	65dBA {7am-10pm} 60dBA {10pm-7am}
(Industrial) CI-B, CI-1, CI-2	70dBA {7am-10pm} 65dBA {10pm-7am}

(Rural) CAR, SR, SR-1, SH, GR, GR-5, GR-10	65dBA {7am-9pm} 60dBA {9pm-7am}
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The LEQ limits specified in Table 1 are LEQ for a two (2) minute time interval. Partial LEQ levels may be obtained as necessary to assure an accurate indication of the representative sound environment for the site.

- (b) Sound projected from property within one (1) zoning district into property within another zoning district of a lesser sound level limit shall not exceed such lesser sound level limit.

(B) Vehicle Noise.

1. Vehicle Noise Limits. No person shall operate either a motor vehicle or combination of vehicles at any time upon any street or paved surface or under any condition of grade, load, acceleration, or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle, based on a distance of fifty feet (50') or fifteen (15) meters from the center of the street, paved surface, or from the actual motor vehicle or combination of vehicles:

TABLE 2 - SOUND PRESSURE LEVEL LIMITS FOR MOTOR VEHICLES (Measured at 50 Feet or 15 meters)		
<u>Vehicle Class</u>	<u>Operated on a Local Street</u>	<u>Operated on a Paved Surface or Major Street</u>
Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more or any combination of vehicles towed by such motor vehicle.	86 dBA	90 dBA
Any other motor vehicle or any combination of vehicles towed by any such motor vehicle.	76 dBA	82 dBA
Motorcycles operated upon the public streets, roads, or highways.	82 dBA	86 dBA

2. Vehicle Repairs. It shall be unlawful for any person within any residential area of the County to repair, rebuild, or test any motor vehicle between the hours of ten (10:00) P.M. of one day and seven (7:00) A.M. of the next day

in such a manner as to create an excessive noise pursuant to Table 1 of Section 6.0.

3. Mufflers. No person shall operate or cause to operate any motor vehicle unless the exhaust system of such vehicle is:
 - (a) Free from defects which may cause sound level magnification;
 - (b) Equipped with a muffler; and
 - (c) Not modified in a manner which will amplify or increase the sound level emitted by the motor of such vehicle above the sound levels provided for in Table 2 of Section 6.0.

Section 7.0 Loud Radios and Sound Sets

It shall be unlawful for any person, including the owner or manager of any business, to operate or permit to be operated any radio receiving set, phonograph, musical instrument, and sound producing mechanism, at any time in such a manner as to permit the same to be heard at a distance of more than one hundred twenty-five (125) feet from the property line or motor vehicle where such radio receiving set, phonograph, and or sound producing is located.

Section 8.0 Construction of Buildings and Other Projects.

- A. Noise limitations: Subject to the provisions of Section 6.0, it shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device except within the time periods specified below unless an appropriate permit has been obtained beforehand from the county.
- B. Construction start/stop times:
 1. Concrete work: From April fifteenth to October fifteenth, inclusive, concrete may be poured each day between the hours of 5:00 a.m. and 7:00 p.m. or at such other times as authorized by permit. From October sixteenth to April fourteenth, inclusive, concrete may be poured each day between the hours of 6:00 a.m. to 7:00 p.m. or at such times as authorized by permit.
 2. Other type construction (residential property/zoning districts listed in Table 1 of Section 6.0): From April fifteenth to October fifteenth, inclusive, all other construction or repair work shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. each day, in or within five hundred (500) feet of a residential property, or at such other times as authorized by

permit. From October sixteenth to April fourteenth, inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must be stopped by 7:00 p.m. each day, in or within five hundred (500) feet of a residential property, or at such other times as authorized by permit.

3. Other type construction (non-residential property): Construction and repair work in non-residential areas, not within five hundred (500) feet of a residential property, shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. or at such other times as authorized by permit.
 4. Weekends and holidays excluded: Notwithstanding anything to the contrary herein, construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m., and concrete pouring shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m., on any Saturday, Sunday or legal holiday, unless such other times are authorized by permit.
- C. Permits: Construction and repair work may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application, a permit is obtained beforehand from the Planning and Development Services Director or his designee. The permit shall be kept on the work site and shown to county officials on request. In granting such permit, the Planning and Development Services Director or his designee shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as not to cause significant disturbance in the vicinity of the work site; if the neighborhood of the proposed work site is of such a character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazards to life or property; if proposed early morning or night work is in the general public interest; and, he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions as he deems to be required in the public interest. No permit shall be required to perform emergency work as defined in Section 4.0.
- D. Revocation of permits: The Planning and Development Services Director or his designee may revoke any permit granted hereunder upon complaint based upon substantial evidence that the construction activity caused significant disturbance in the vicinity of the work site.

Section 9.0 Exemptions.

The following uses and activities shall be exempt from the provisions contained in this article:

- A. Heating and cooling equipment when it is functioning in accordance with the manufacturer's specifications and is in proper operating condition provided that no unit may create an excessive noise pursuant to Table 1 of Section 6.0;
- B. Landscape maintenance equipment when it is functioning in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition;
- C. Non-amplified crowd noises resulting from activities such as those planned by school, governmental or community groups, or organized sports, except for such noises generated at restaurants, bars, inns, or resorts of any kind;
- D. Noises of safety signals, warning devices and emergency pressure relief valves;
- E. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- F. Noises resulting from emergency work as defined in Section 4.0;
- G. Noises from the normal operation of railroad trains;
- H. Noises from a religious institution's percussion instruments;
- I. Power plant equipment during normal operation;
- J. Noise created by any county vehicle, equipment or facility while being operated for official use;
- K. Operation of agricultural equipment in connection with farming operations;
- L. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operated under, or pursuant to, declaration of an emergency under federal air regulations; and
- M. Any special event as approved by the Board of Supervisors.
- N. Motorized sporting events which have successfully completed either the site plan or the commercial site plan review process. Uses approved shall not exceed 120 decibels level at the property line of the event.

Section 10.0 Penalty.

A violation of any provision of this article shall be deemed and is declared to be a public nuisance and any person who violates any of the provisions of this article is subject to being prosecuted for the class 1 misdemeanor offense of disorderly conduct pursuant to

A.R.S. §13-2904. Each day a violation continues or exists shall be considered a separate offense subject to punishment as a separate class 1 misdemeanor. In addition, a violation of this ordinance that is deemed to be a public nuisance may be pursued as a civil infraction with fines of up to \$ 750.00. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The Board of Supervisors, County Attorney, Code Compliance Manager, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this Ordinance, in addition to other remedies provided by law, may institute injunction, abatement or any other appropriate action or proceedings to prevent or abate this type of public nuisance.

Section 11.0 Severability.

In any provisions of this ordinance, or the application thereof to any person or circumstance, is invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance are severable.

Section 12.0 Effective Date.

This ordinance may go into full force and effect after thirty (30) days from the date of enactment.

PASSED AND ADOPTED by the Board of Supervisors, Pinal County, Arizona, this 3rd day of May, 2006.

Ordinance 050306-ENO effective January 24, 2007

AMENDED by the Board of Supervisors, Pinal County, Arizona, on the 16th day of March, 2011.

Ordinance 031611-ENO-01 effective April 13, 2011