

Special Noise Violations Ordinance Update

City Council Work Study Session

January 23, 2024

Today's presentation

- Overview of the update project, the challenges of sound and noise, and an update on the pilot sound monitoring project
- Overview and analysis of existing ordinance
- Update on community involvement to date
- Possible ordinance updates

Problem statement

There is a concern among some residents and businesses that current sound levels are too loud at times from outdoor amplification from some bars, restaurants, live entertainment venues, and special events.

City regulations to address problems from noise are different depending on the location of the issue and do not account for all types of disruptive sound. This conundrum adds to the confusion for some residents and businesses.

Project goal

To maintain and improve quality of life within Scottsdale, look at possible ordinance changes and other mitigation methods that would provide a mechanism for setting reasonable sound standards, including for bass frequencies, and provide guidance for sound management related to outdoor amplification at bars, restaurants, live entertainment venues, and special events.

Sound versus noise

At or below
70 dBA,
sounds are
generally
considered safe.

60-70 dBA
Normal conversation



30 dBA
Whisper



Source: CDC National Center for Environmental Health

**8 hours at
85 dBA**
can damage
your hearing.

80-100 dBA
Lawnmower



74-104 dBA
Movie theater



**14 minutes at
100 dBA**
can damage
your hearing.

94-110 dBA
*Headphones, sporting events
and concerts*



**2 minutes at
110 dBA**
can damage
your hearing.

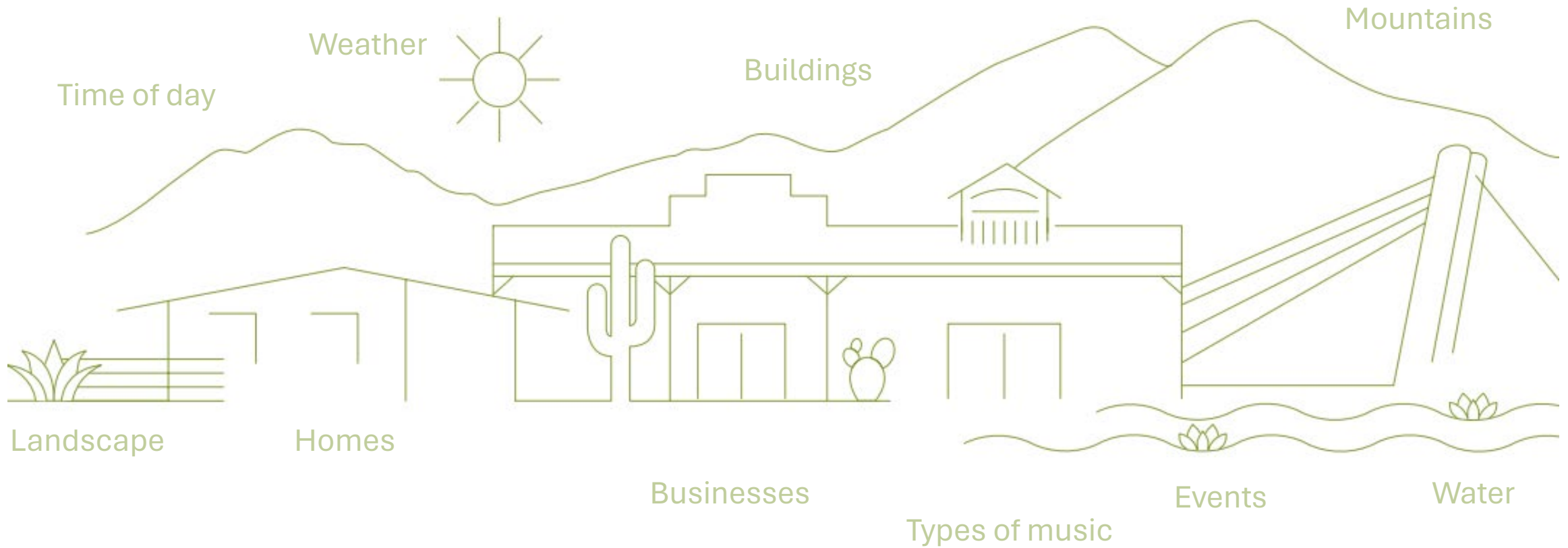
140-160 dBA
Fireworks show



110-129 dBA
Ambulance sirens

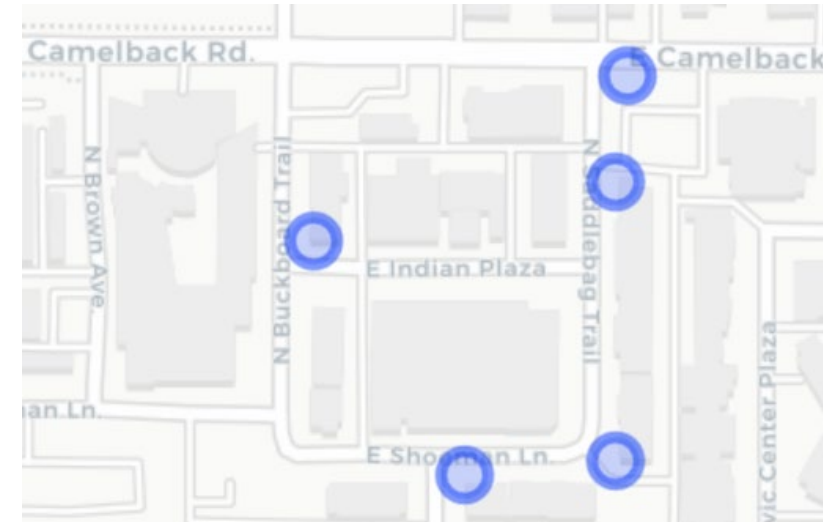


Why is this such a challenging issue?

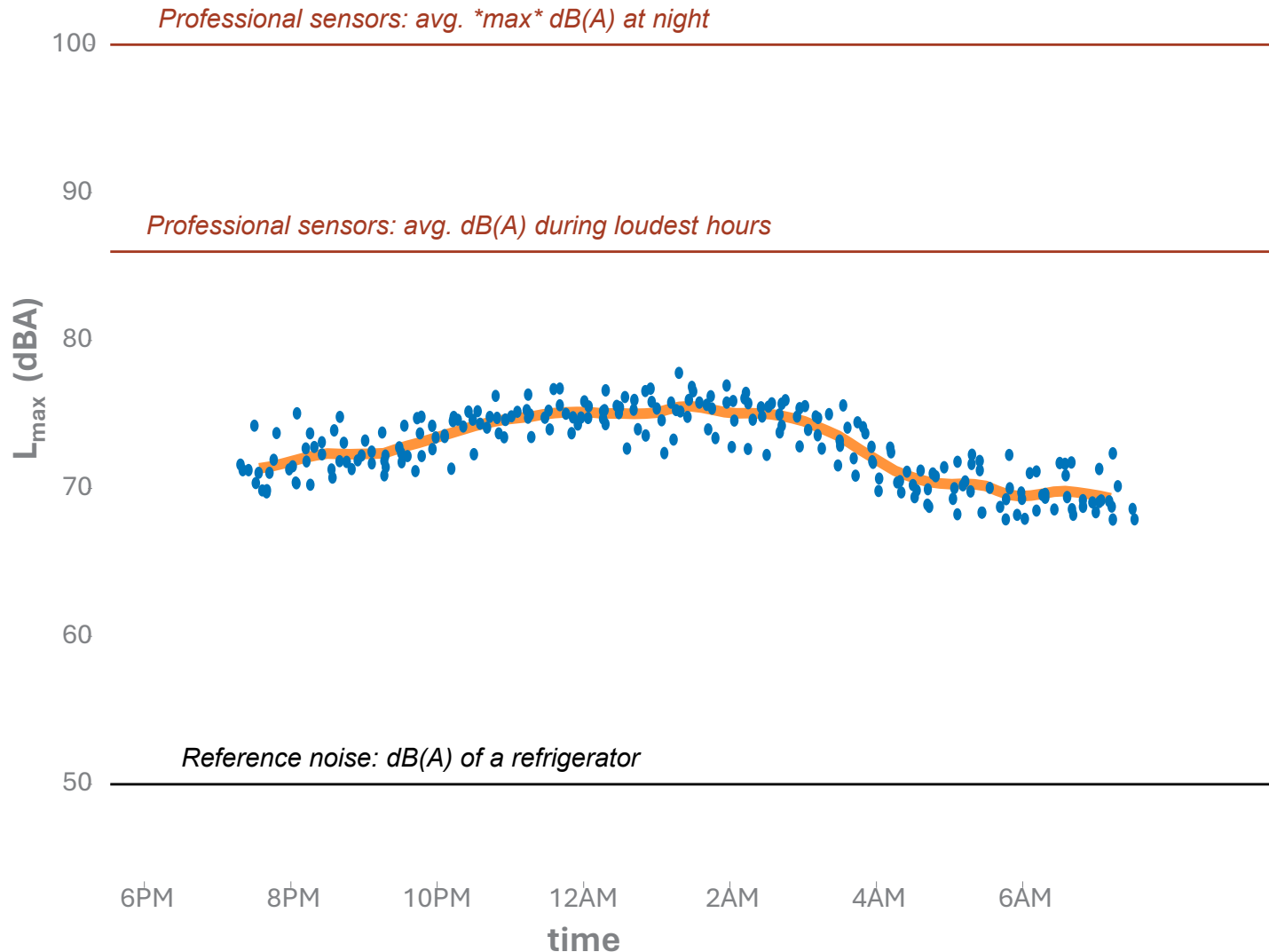


Pilot sound monitoring project

- Installed 5 Phillips Signify smart lighting sensors on street light poles
- Include sound monitoring capabilities, dBA only
- Record while streetlight is on, report data daily
- ~30 ft off the ground



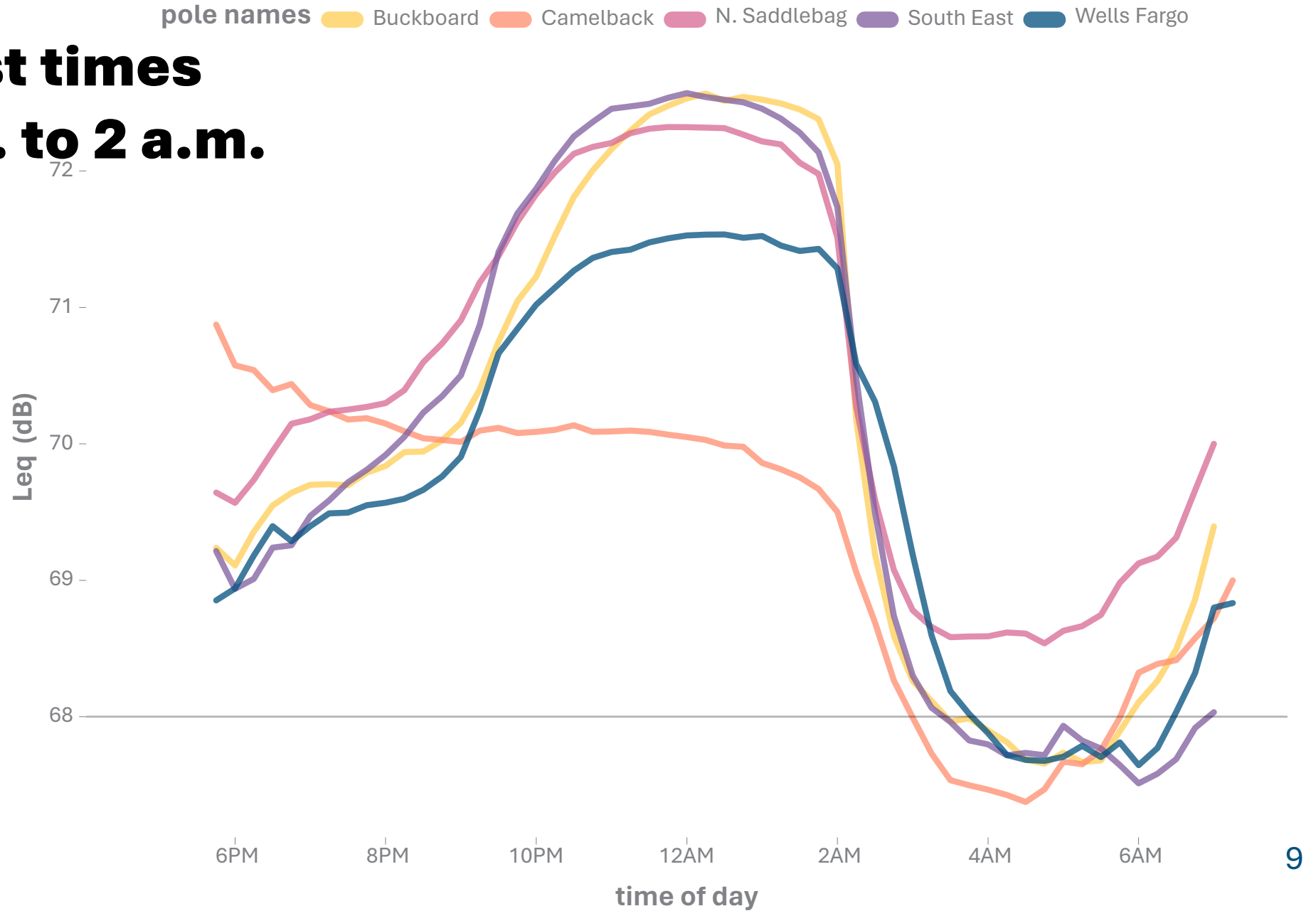
Experimenting with different sensors



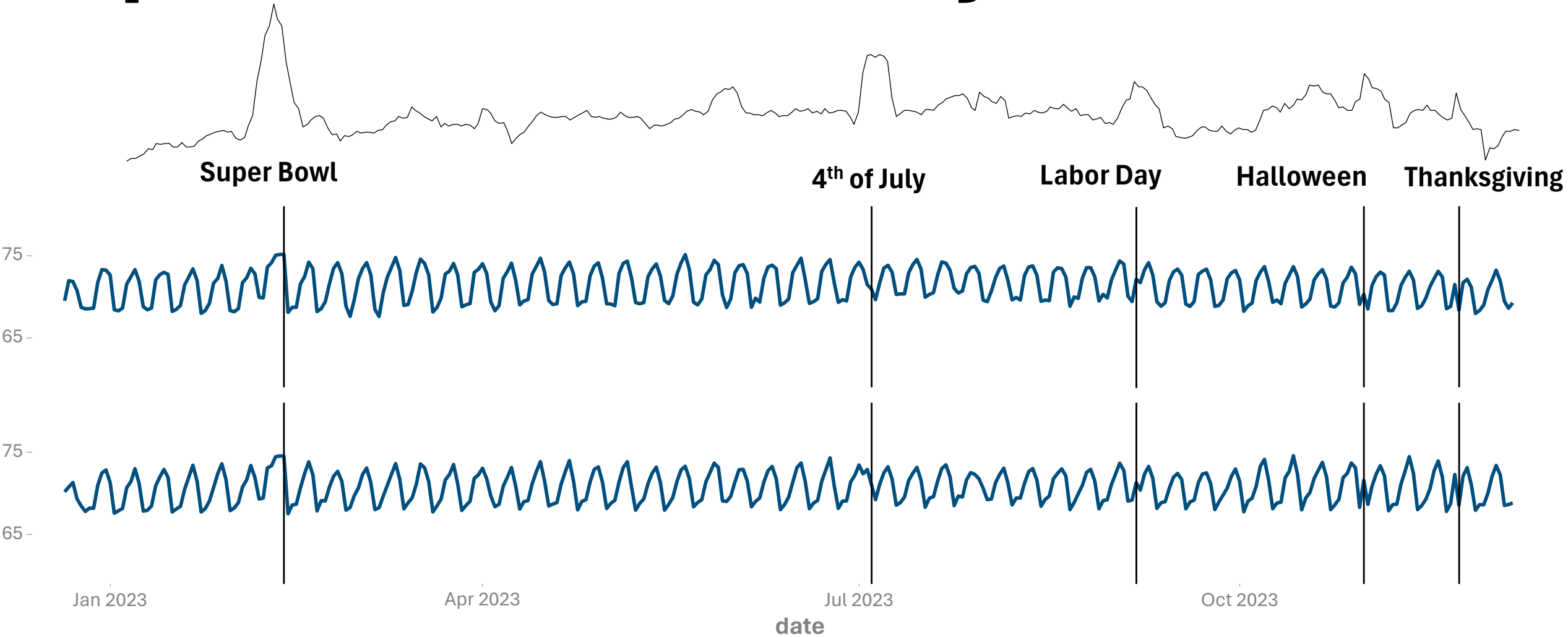
- Oct. 19-20, 2023
- Expect *some* noise fall-off from high pole placement
- Pole sensors don't capture max levels well
- Pole sensors round to whole number values



The loudest times are 10 p.m. to 2 a.m.



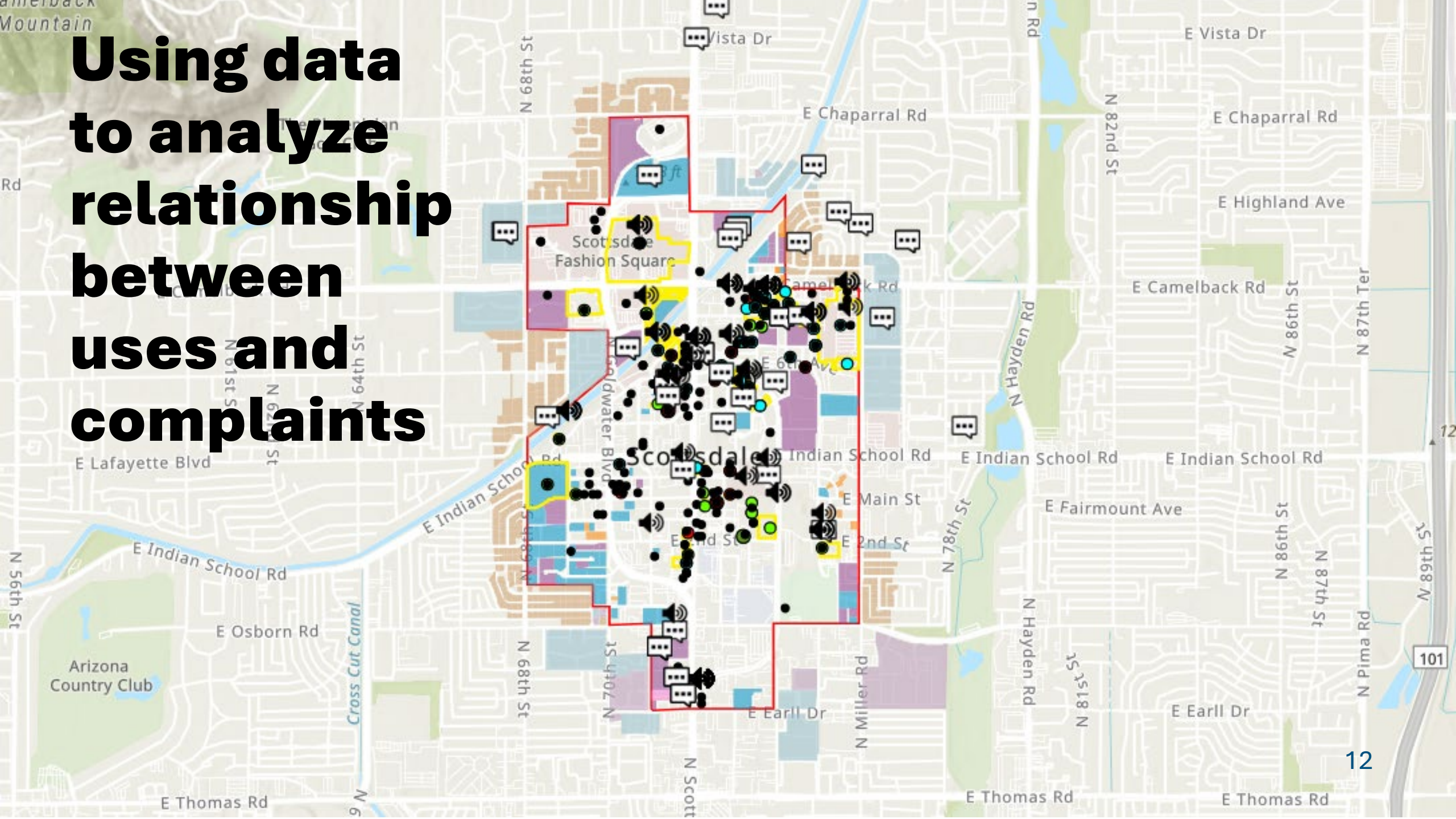
Special events and holidays are louder



Pilot takeaways

- As expected, nights, weekends, special events are louder
- The pole mounted sensors are not the most accurate
- Peak sound levels are not being captured by sensors
- Ongoing project to determine monitoring and reporting method

Using data to analyze relationship between uses and complaints



Planning for entertainment-related sound

- Prioritize sound management not noise elimination
- Provide long-term predictability for all stakeholders
- Understand one size does not fit all
- Accountability leads to both enhancement of business operations and balance of stakeholder needs
- Education, communication, and problem solving will lead to relationship and compliance-based enforcement
- Invest in sound management resources for objectivity

<https://www.nite-cap.org/planning-for-entertainment-related-sound>

Measuring low frequency sound

High levels of low frequency sound can have negative health effects

Low frequency sounds are perceived when pressure levels are high

Evidence-based options to set dBC levels to reduce annoyance:

- Set violation at level when dBC is greater than dBA by 20 decibels
- Set different levels for different conditions
 - daytime and nighttime
 - residential and commercial neighborhoods
 - intermittent vs. continuous

Special Noise Violations Ordinance

Prohibits unreasonable noise created by businesses that serve alcohol or provide live entertainment

The ordinance also includes:

- Criteria for measurement of sound
- Penalties for violations and habitual offenders
- Authority to issue civil complaints



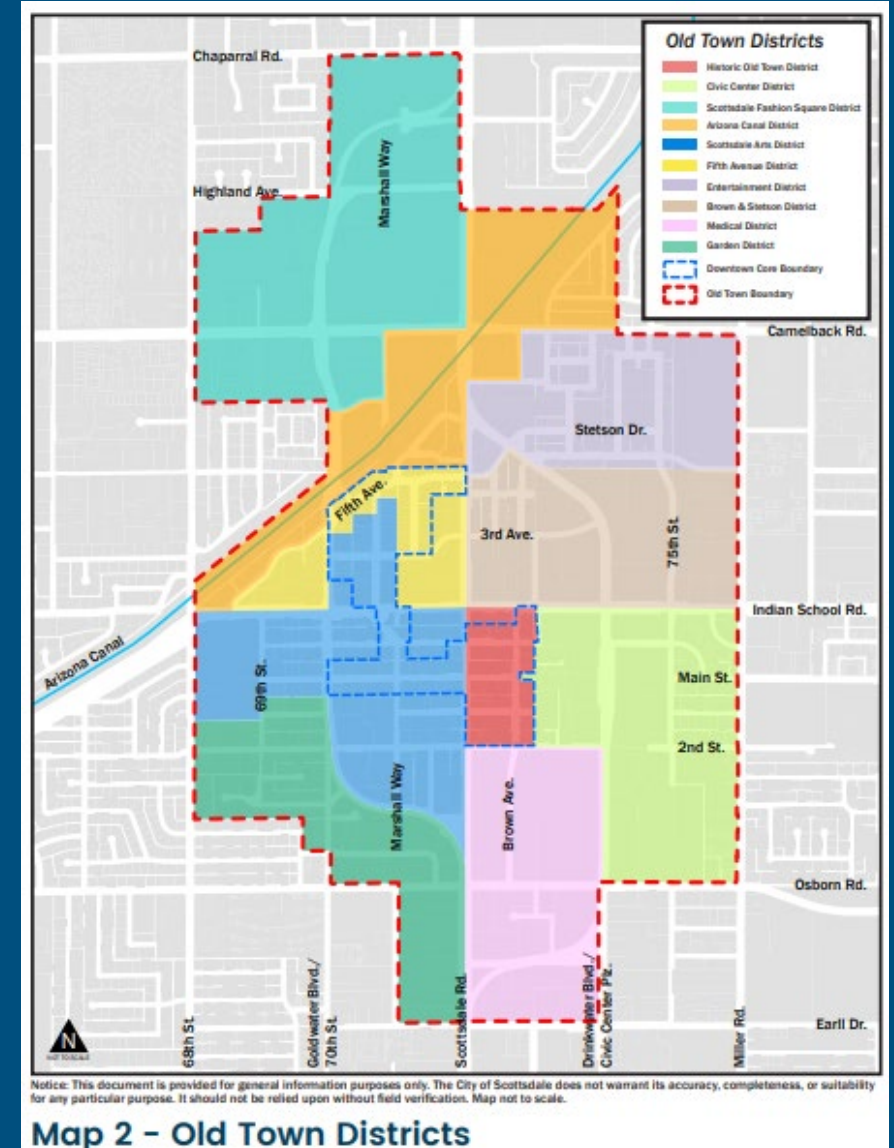
Ordinance No. 3912 (2010)

Special Noise Violations Ordinance (cont'd)

- Applicable citywide – except in mixed use areas
- Applies to all businesses that serve alcohol and/or provide live entertainment
- Reasonable person standard used and measured at least 100' from source with maximum decibel threshold at 68 dBA in a residential district
- Unamplified voice, crowd noise and special events exempted

Current ordinance challenges

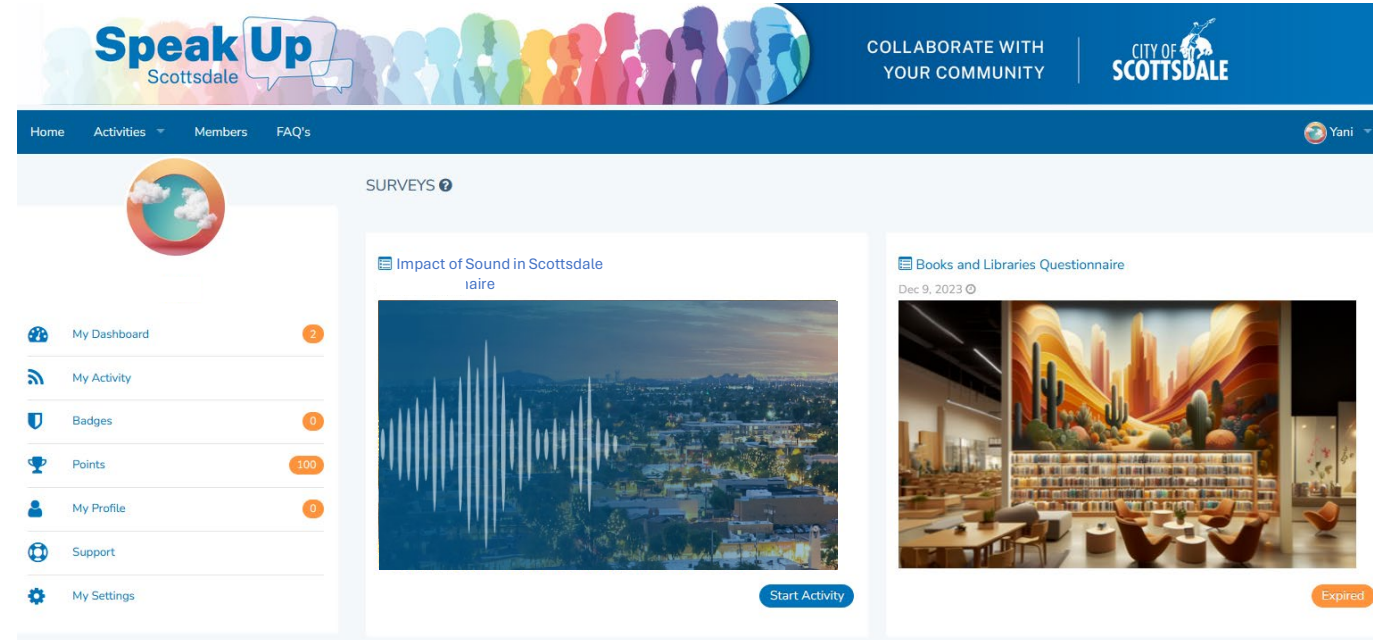
- What is considered “unreasonable”
- Does not apply within commercial and mixed-use districts, including Old Town neighborhoods
- Does not address sound from bass frequencies (low frequency sound)



Community Involvement Efforts



COMMUNITY WORKSHOPS
In Person Participation
106 participants



SPEAK UP SCOTTSDALE
Online Community
100 Responses

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Who have we listened to so far?

- Residents
- Business owners
- Nightclub/bar owners and operators
- Hotel owners
- Special event producers
- Sound industry professionals

Scenarios used for public input process

Scenario 1:

A nightclub in Old Town operating during the week with residences 1 mile away

Scenario 2:

General sound from the Old Town area during the weekend reaching a residential area within the area

Scenario 3:

A mixed-use area with a restaurant playing music on its patio near homes

Scenario 4:

A country club hosting a special event within its residential community

1. Decibel levels should be implemented as a measure of criteria

- Include dBA and dBC levels
- Differentiate between businesses and events; consideration for zoning of areas
- Flexibility for time of day or day of week but with consistency for allowable levels from source of sound
- Removal of exemption areas

2. Location of measurement should remain close to the source of the sound

- The majority wish to measure sound at either the source property line or 100 feet from the business
- Participants suggested using technology that measures sound levels
- Location of the complainant does not matter but expressed support for considerations for source of sound and timeframe

3. There should not be exemptions for the type of sound

- Sound is sound
- No distinction for city-sponsored events vs private special events
- Set parameters for special events; comply with Special Events ordinance and HOA management
- Amplified and bass does matter

4. Response should be consistent, timely, and enforceable

- Suggestions for determining the source of the sound had a wide range
- Tiered approach for consequences to violations was the overall consensus

Special Noise Violations Ordinance Possible Changes

A decibel level should be implemented as a measure of criteria



A defined decibel level should be established for A-weighted sound (i.e. mid and high frequency) and C-weighted sound (i.e. low frequency)

When a complaint arises, sound should be measured from the source



Sound should be measured close to the sound-producing source

There should be consistency in set sound levels and they can be set based on type of establishment or event



Allowable levels of sound can depend based on producer (i.e. special event, restaurant, amplified sound)

Special Noise Violations Ordinance Possible Changes

Allowable sound levels for weekend, nights, and holidays can be different from weekdays with consistency



Similar to Nuisance Party Ordinance regarding C-weighted sound and regarding times and weekend

Encourage compliance from sound producers



Encourage violators to establish a sound management plan

Next steps

- Continue enforcement of existing ordinance
- Conduct further analysis of sound in Scottsdale
- Identify best practices for sound enforcement
- Draft ordinance amendments based on direction
- Gain public feedback on draft ordinance

Special Noise Violations Ordinance Update

City Council Work Study Session

January 23, 2024

From: [Stockwell, Brent](#)
To: [Roberta Echeumuna](#)
Cc: [Robert Rupprath - Envy Treasurer](#); [Scott Semer - Vice President](#); [Monte'Nae Leblanc](#); [Anthony Haechler](#); [Murphy, Bill](#); [City Manager Mailbox](#); [City Council](#); [Hill, Christy](#); [Lane, Benjamin](#)
Subject: RE: Urgent Concerns Regarding Noise Disturbance in the Area
Date: Monday, January 22, 2024 5:31:38 PM

Hello Roberta,

Thank you for your email. I also recall that we met following one of the community workshops. I wanted to acknowledge receipt of your email, and will share it with the City Clerk so it is included as a public comment for tomorrow's work study session.

The location of the business currently operating as "Hot Chick" has both a bar and live entertainment conditional use permit in 2007 and 2009 respectively, and these uses run with the land. They do pre-date the Envy Residences, and Envy Residences is in a mixed use district, not a residential district.

We are aware of your concerns, and tomorrow's work study is an opportunity for the City Council to provide direction to staff on possible changes to the Special Noise Violations Ordinance which may benefit communities such as yours impacted by noise.

Many thanks. Sincerely,

Brent Stockwell, MPA, ICMA-CM

Assistant City Manager | City of Scottsdale

o 480-312-7288

City Manager's Office
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

ScottsdaleAZ.gov

[Connect with us on social media](#)

From: Roberta Echeumuna <REcheumuna@hoamco.com>

Sent: Monday, January 22, 2024 1:46 PM

To: Murphy, Bill <bmurphy@Scottsdaleaz.Gov>; City Manager Mailbox <citymanager@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; City Council <CityCouncil@scottsdaleaz.gov>; Hill, Christy <ChHill@scottsdaleaz.gov>

Cc: Robert Rupprath - Envy Treasurer <envyhoatreasurer@gmail.com>; Scott Semer - Vice President <envyvicepresident@gmail.com>; Monte'Nae Leblanc <MLeblanc@hoamco.com>; Anthony Haechler <anthonyhaechler@yahoo.com>

Subject: Urgent Concerns Regarding Noise Disturbance in the Area



I hope this email finds you well. I am writing to you as the General Manager of Envy Residences, on behalf of the owners and myself, to express our deep concerns regarding the ongoing noise issues in our area, particularly originating from the restaurant and bar, Hot Chick.

The level of noise has reached unbearable levels, causing great discomfort for our owners at Envy Residences. We have experienced significant financial losses as a result, with some owners even deciding to move out and sell their units due to the intolerable conditions. Additionally, several tenants have broken their leases and relocated elsewhere due to the constant disturbance caused by the noise emanating from Hot Chick. It is worth noting that I have personally met with neighboring businesses and other General Managers who have expressed similar concerns.

I understand that there is a meeting scheduled for tomorrow to review the data from the sound monitoring project. I kindly request that you bring our concerns to the attention of the attendees during this meeting. Envy Residences has been an integral part of this community for over eight years, long before the establishment of Hot Chick. Despite our numerous attempts to contact the Owner and Manager of Hot Chick, we have received no response or resolution to this ongoing issue. Furthermore, I attended the Impact of Sound Workshop held back in November, which shed light on the regulations outlined in Ordinance Number 3912, Section 19–26. This order clearly states that it is unlawful for a business serving alcohol or providing live entertainment to create unreasonable noise that disturbs the peace and quiet of a residential district.

We have tried involving the local authorities by calling the police each time the noise becomes excessive, but unfortunately, no substantial actions have been taken thus far. With this email, we sincerely seek your attention and assistance in addressing this matter urgently. The continuous noise disturbance caused by Hot Chick is negatively impacting the quality of life for our residents and the financial well-being of Envy Residences.

We greatly appreciate your prompt attention to this matter and look forward to a resolution that ensures a peaceful and harmonious environment for all residents and businesses in the area.

We would greatly appreciate it if you could acknowledge the receipt of this email as it will help us ensure that our concerns have been properly communicated to the relevant.

Thank you for your understanding and cooperation.

Best Regards,

Roberta Echeumuna
General Manager
Envy Residences
4422 North 75th Street
Scottsdale, AZ. 85251
Tel: 480-833-0196

www.envyresidents.com

From: Runar Berntsen <zenspeare@gmail.com>
Sent: Sunday, January 21, 2024 7:46 PM
To: City Council
Cc: Mayor David D. Ortega
Subject: Ref: Noise complaints and blowers.

⚠ External Email: Please use caution if opening links or attachments!

Dear City Council and Mayor Ortega,

It has come to our attention that the City Council will be discussing "noise complaints" in Scottsdale this coming week. As residents ourselves of Scottsdale, we felt it was timely to also approach you in regards to the BLOWER noise that have become extensive and beyond horrific here in Scottsdale.

Many States and towns have begun banning loud gas-powered power tools, such as in California. It is noise pollution that can truly contribute to our misery as residents. The McCormick Ranch area in particular have become inundated with blowers at all hours of the day, even as early as 6 am at times. This is absolutely uncalled for and we must address this issue.

Not only does these tools cause noise but is bad for the environment and impacts the local air quality, as they whip up dust, dirt and filth into the air every single day across town. For sensitive people this noise is as bad as cars without mufflers or fireworks blasting off, and is particularly bad for those of us that work from home.

We ask that you consider an ordinance or consider limiting the ability to allow these tools to be utilized.

Thank you,

Sincerely,

Runar Berntsen and family.

From: kathryn salazar <kszarini@gmail.com>
Sent: Wednesday, December 6, 2023 4:40 PM
To: City Council
Subject: Re: Quiet enjoyment of my home

⚠ External Email: Please use caution if opening links or attachments!

This week New York Times journalist Erin Nolan featured Quiet Communities Advisor Arline Bronzaft, P.h.D., in her piece "[Quiet, Please: New York's 'Noise Cameras' Are Listening.](#)"

"Few people have done more to try to turn down the city's volume than Ms. Bronzaft, 87. She has been advising mayors, subway administrators and other officials since the 1970s, when she completed a widely publicized study that determined that schoolchildren in classrooms next to train tracks in Inwood performed worse than those in quieter classroom," writes Nolan.

After piloting a noise camera program, today the NY City Council passed a bill that will establish a citywide noise camera program, installing at least five cameras per borough.

We are proud that 2023 has seen unprecedented press coverage addressing the health impacts of noise. Our movement is growing towards a quieter future for all!

https://www.nytimes.com/1982/04/26/nyregion/student-scores-rise-after-nearby-subway-is-quieted.html?mc_cid=10d12f97b5&mc_eid=3e24db0ee6

On Tue, Nov 14, 2023 at 9:58 AM kathryn salazar <kszarini@gmail.com> wrote:

Nov 14, 2023

Scottsdale City Council

P.O. Box 2757

Scottsdale, AZ 85257

Dear Scottsdale City Council Members,

I am writing to express my concern about the excessive noise levels in my neighborhood. I live at 7068 E Whispering Mesquite Trail and have been a resident of Scottsdale for 28 years. Recently, I have noticed a significant increase in noise pollution in my area. This noise is coming from a variety of sources, including:

- Traffic noise: The traffic on Carefree Highway and Scottsdale Road has been getting worse. The cars are often speeding and honking their horns, and the motorcycle traffic is making it difficult to enjoy my home or patio at all hours of the day and night
 - A typical motorcycle can produce a sound level of around 90 decibels (dB), while a car typically produces around 70 dB. According to the Environmental Protection Agency (EPA), exposure to noise levels above 70 dB for extended periods of time can cause hearing damage. Motorcycles that are equipped with aftermarket exhaust systems can be even louder, producing sound levels of 100 dB or more.
- Construction noise: There have been new construction projects happening nearby. The construction workers are using loud machinery, which is making it difficult to relax in my home.

Noise Level Standards

The Scottsdale Revised Code (SRC) Chapter 5.28 establishes noise level standards for different types of areas and times of day. The standards are measured in decibels (dB), a logarithmic unit of sound intensity. The following are the noise level standards for residential areas:

- 7 a.m. to 11 p.m.: 68 dB(A)
- 11 p.m. to 7 a.m.: 58 dB(A)

The "A" weighting network is used to measure sound levels in a way that is more sensitive to the frequencies that are harmful to human hearing.

Motor Vehicles

The SRC Chapter 5.2808 prohibits the operation of motor vehicles that produce excessive or unusual noise. This includes vehicles with defective mufflers, cutouts, or other devices that increase noise levels. The SRC also prohibits the use of air horns, sirens, and other amplified sound devices in residential areas.

Construction Equipment

The SRC Chapter 5.2809 prohibits the operation of construction equipment that produces excessive noise between the hours of 10 p.m. and 7 a.m. Construction equipment is also prohibited from being operated in residential areas unless a permit has been obtained from the city.

This excessive noise is causing me a great deal of stress and anxiety. I am no longer able to sleep peacefully in my own home, find it difficult to concentrate working in my home office and to enjoy my free time.

Exposure to high decibel noise can have a significant impact on your physical and mental health:

Hearing loss: One of the most well-known health impacts of high decibel noise is hearing loss. Noise-induced hearing loss (NIHL) is a permanent condition that can occur from exposure to loud noises over time or from exposure to a single very loud noise. NIHL can cause a range of hearing problems, including difficulty hearing conversations, tinnitus (ringing in the ears), and hyperacusis (sensitivity to loud noises).

Sleep disturbances: High decibel noise can also disrupt your sleep patterns. This can lead to problems such as insomnia, daytime fatigue, and difficulty concentrating.

Stress and anxiety: Noise can also be a major source of stress and anxiety. This is because noise can trigger the body's fight-or-flight response, which can lead to increased heart rate, blood pressure, and muscle tension.

Cardiovascular problems: Studies have shown that exposure to high decibel noise can also increase the risk of cardiovascular problems, such as high blood pressure, heart disease, and stroke.

Cognitive impairment: Some studies have also suggested that exposure to high decibel noise can impair cognitive function, such as learning and memory.

Other health problems: In addition to the health problems listed above, exposure to high decibel noise has also been linked to other health problems, such as headaches, tinnitus, and digestive problems.

I am requesting that the Scottsdale City Council take action to address this issue. I would like to see the following actions taken:

- **Enforce noise ordinances:** The city should enforce its noise ordinances more strictly. This would involve issuing citations to residents and businesses that are making excessive noise.
- **Install noise barriers:** The city should install noise barriers along Carefree Highway and Scottsdale Road to reduce traffic noise.
- **Work with construction companies to reduce noise:** The city should work with construction companies to develop strategies for reducing noise pollution.

These actions would help to reduce the noise levels in my neighborhood and make it a more livable place. I urge you to take these concerns seriously and to take action to address this issue.

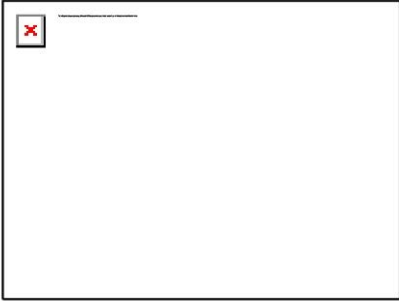
Thank you for your time and consideration. I look forward to your action plan within the next 30 days.

Sincerely,

Kathryn Salazar

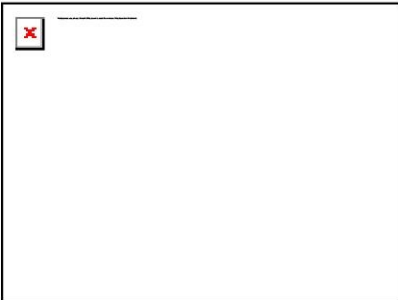
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Kathryn M Salazar



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Kathryn M Salazar



From: Ann Abel <rwabel3@yahoo.com>
Sent: Saturday, December 2, 2023 5:38 PM
To: City Council
Subject: Environmental noise

⚠ External Email: Please use caution if opening links or attachments!

Dear members,

I am writing because Scottsdale is a wonderful place to call home except for the increasing amount of environmental noise, and I mean the cars and trucks with the modified muffles! Along with extremely loud motorcycles.

My Apple Watch tracks the level of noise and everyday it is above the recommended decibel amount for hearing/hearing loss. I am always outside and even my dog reacts to these modified mufflers.

I feel like it has gotten worse each year and I really would like to see something done about it! More police need to be pulling these vehicles over and giving citations. I also feel like there should be some law that you can't even have these modified mufflers installed.

I understand there are many things on your agenda, but this should be one of them! Today my watch registered environmental noise at over 100 decibels. Tourists have commented on this as well when I've been at the civic center, farmers market and several parks on the greenbelt. I really hope you look into this, my ears are actually ringing as I write this to you. Thank you for your time.

Sincerely,
Ann Abel