

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.

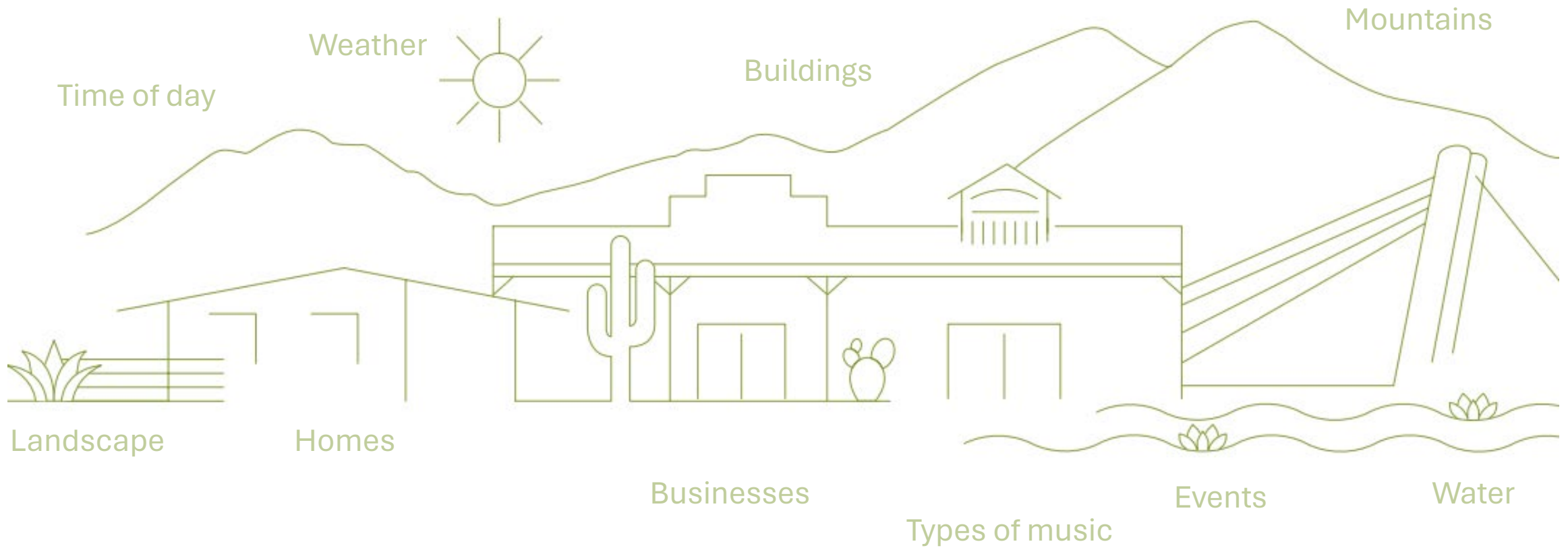
140-160 dBA
Fireworks show



110-129 dBA
Ambulance sirens

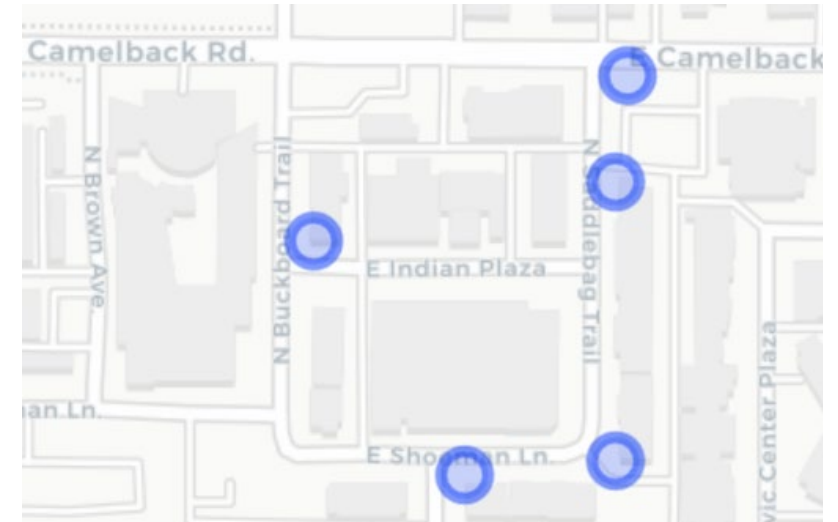


Why is this such a challenging issue?

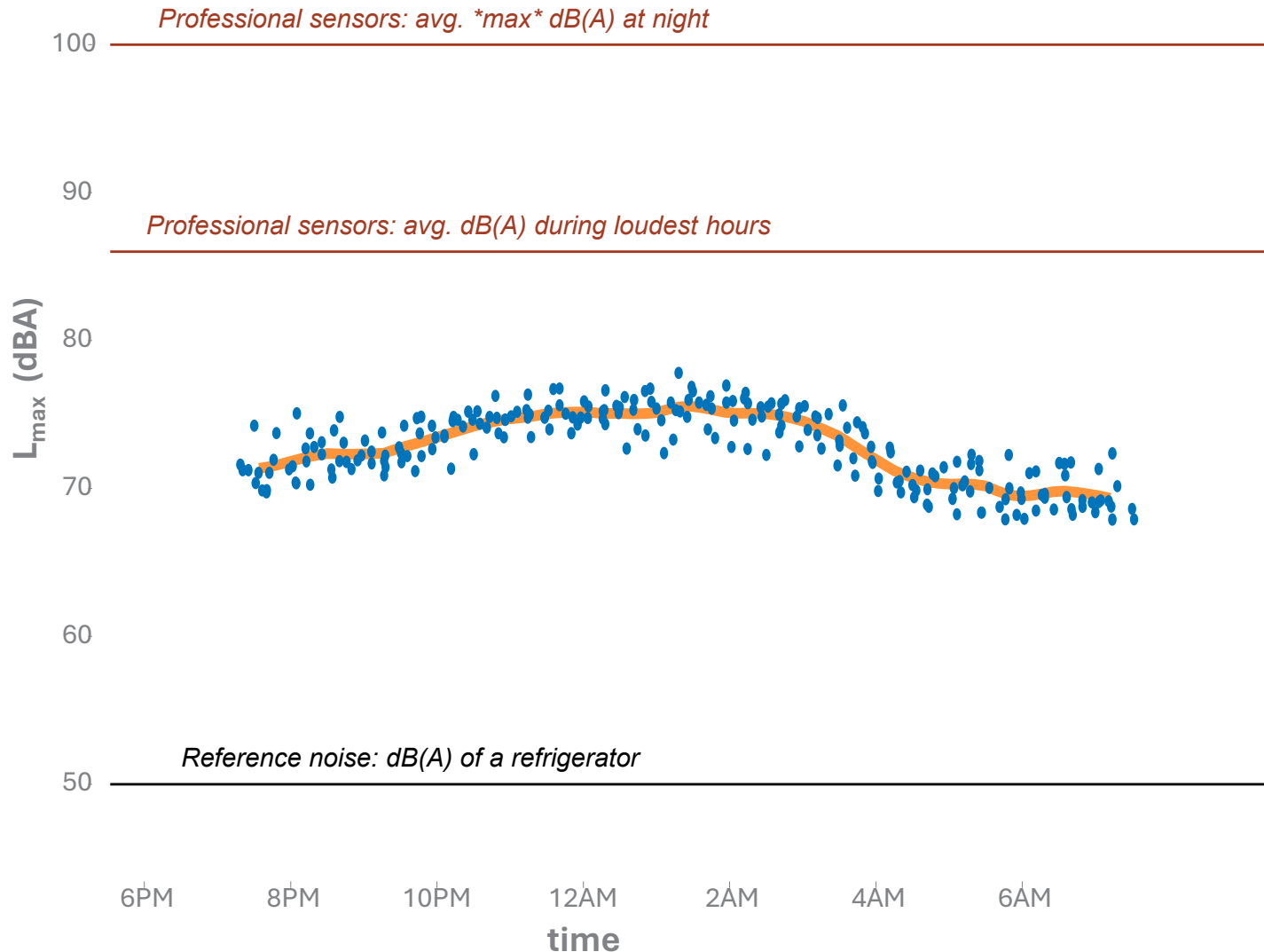


Pilot sound monitoring project

- 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



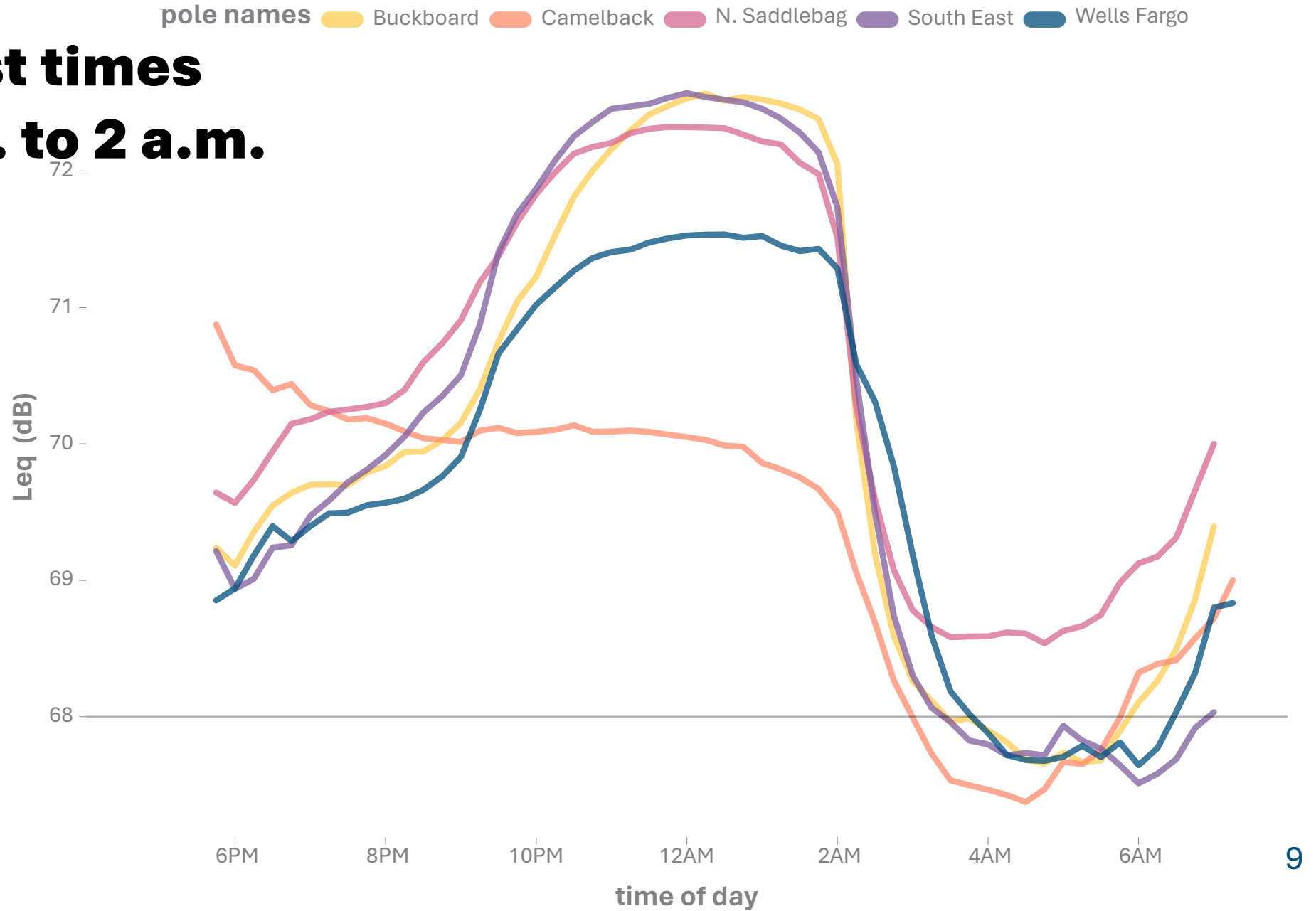
Experimenting with different sensors



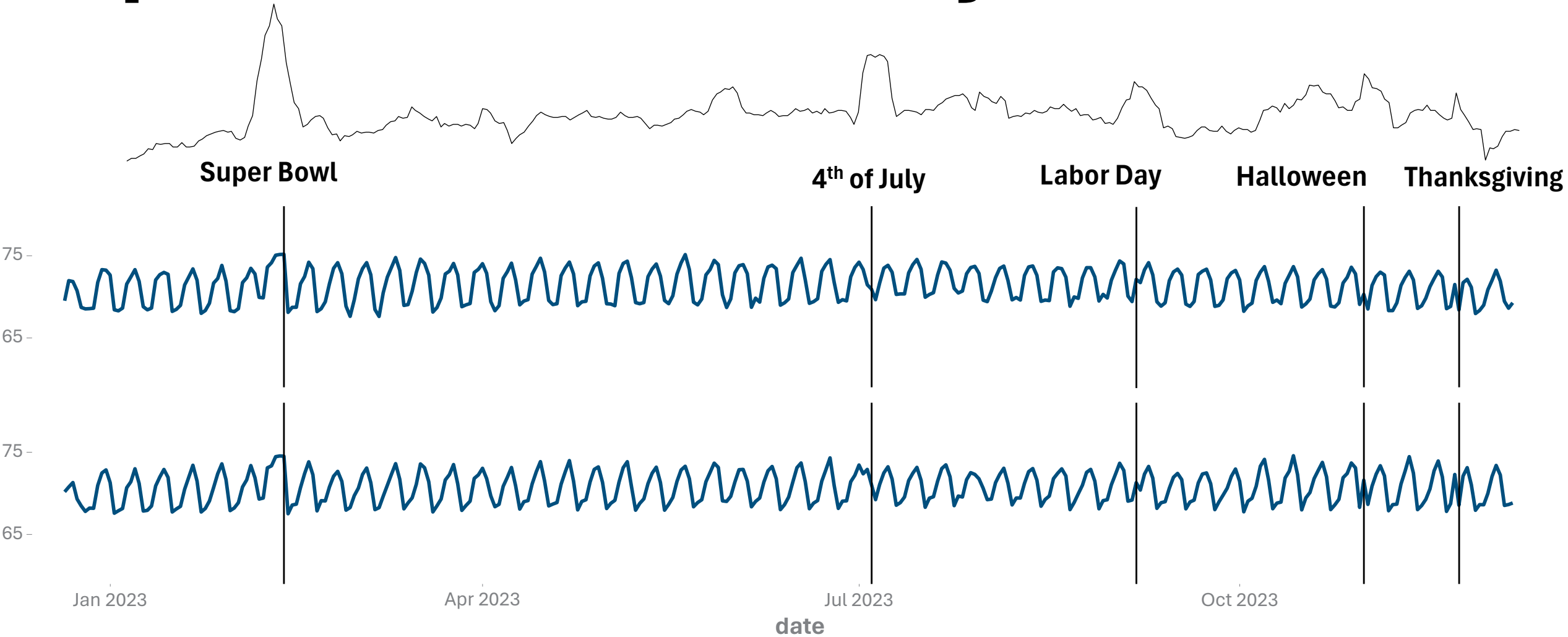
- Oct. 19-20, 2023
- Expect *some* noise fall-off from high pole placement
- Pole sensors don't capture max levels well
- Pole sensors round to whole number values



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



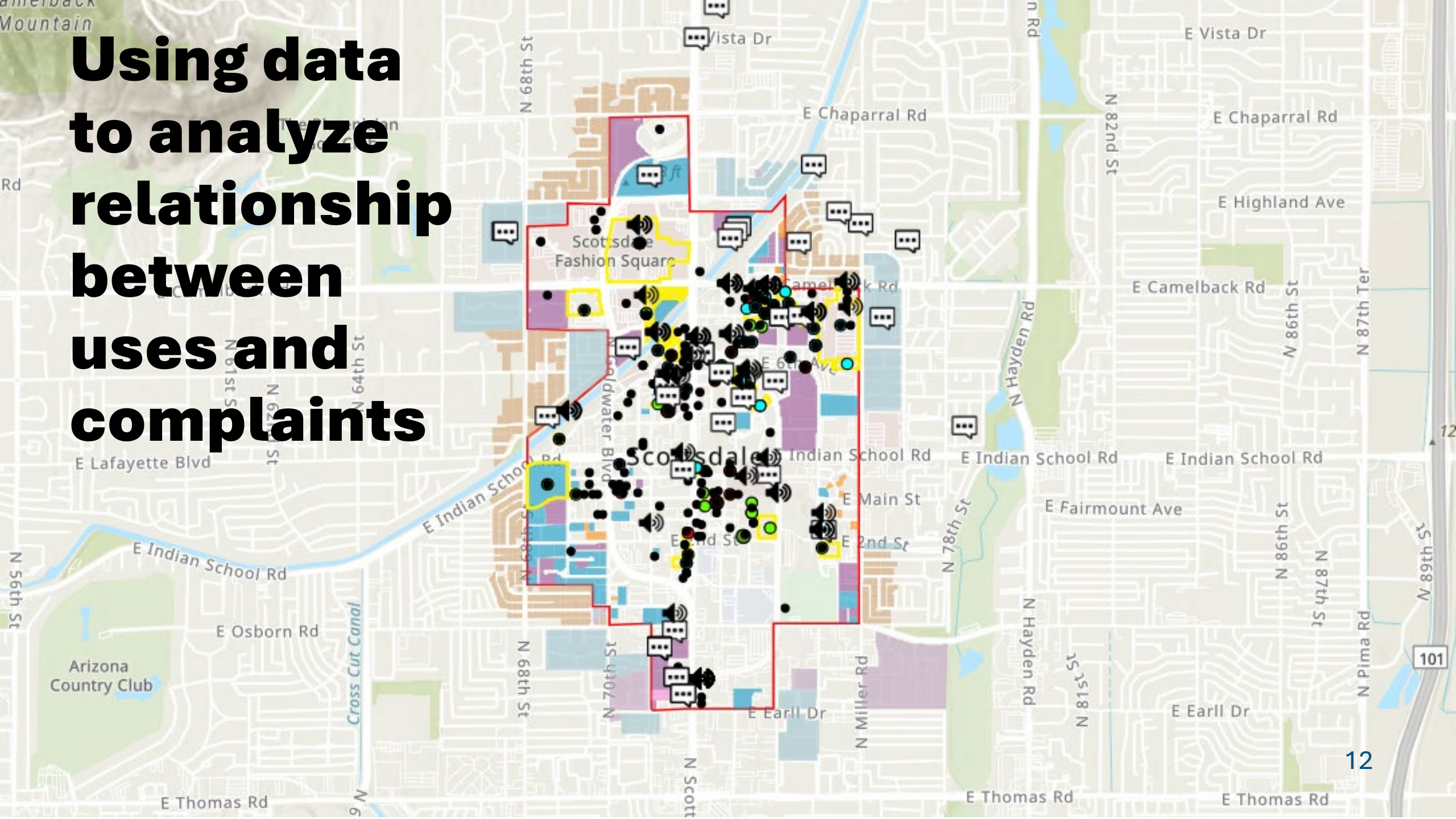
Special events and holidays are louder



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



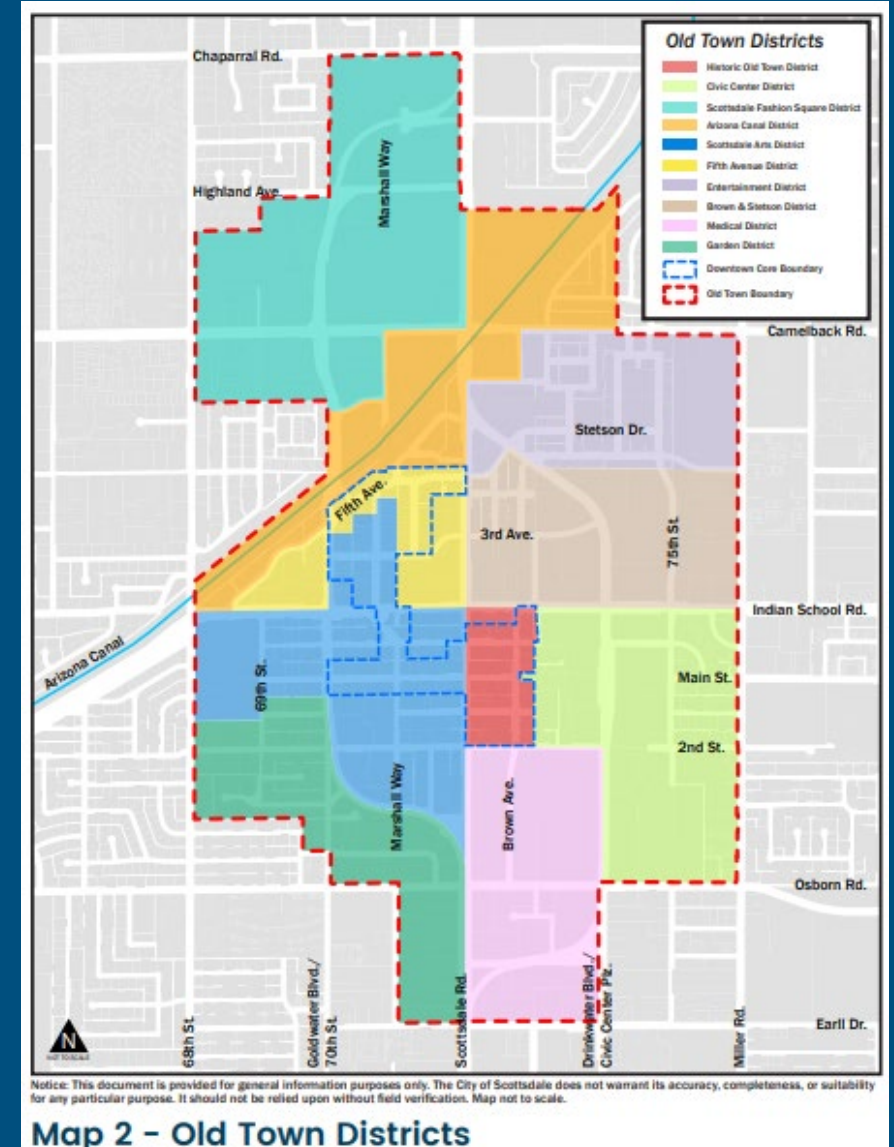
Ordinance No. 3912 (2010)

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

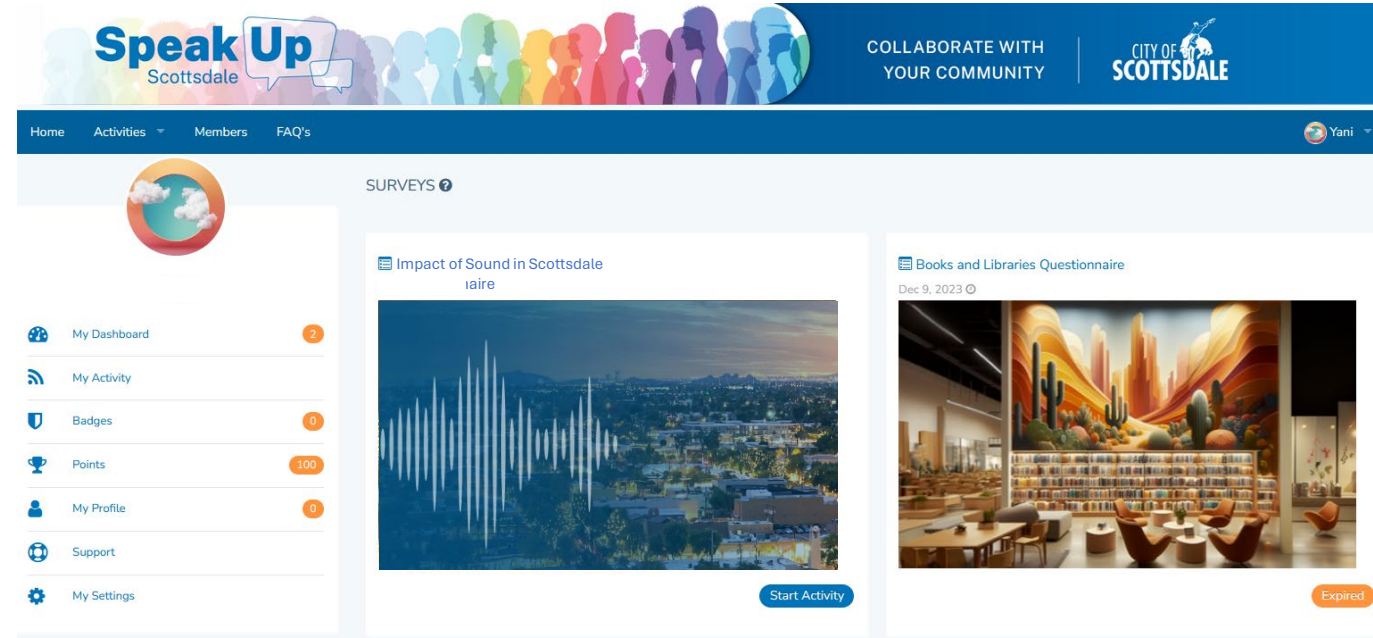
- What is considered “unreasonable”
- Does not apply within commercial and mixed-use districts, including Old Town neighborhoods
- Does not address sound from bass frequencies (low frequency sound)



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

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