

## Frequently Asked Questions

### What is the overall summary of the [current ordinance](#)?

- This ordinance applies 24/7
- Noise is measured at least 100 feet from the business and lies within a [residential district](#)
- unless more specific criteria are set in zoning or use permit stipulations, noise volume levels are set by the individual businesses falling under this ordinance
- Sound created by businesses that serve alcohol or provide live entertainment within Mixed Use developments are required to meet 68 decibels at least 100 feet from their business within a residential district.
- Only amplified sound is covered as it can be managed and controlled through a sound system. In addition, Because the ordinance covered liquor-serving and live entertainment establishments, which is defined as only being amplified, the focus was on managing sound from only amplified sources. Ambient noise is not covered under this ordinance

### What is an example of 68 decibels?

A large group presentation with speaker using a microphone. For context, a normal conversation is typically between 60-70 dBA.

### How many hours in downtown are decibel levels rising above 68? How many businesses have been cited?

Along busy city streets through and around Old Town the decibel level is often at 70dBA most of the day. However, the police department has not measured readings in excess of 68dBA in residential districts surrounding Old Town Scottsdale when responding to complaints so no business have risen to the level of receiving a citation under the Special Noise Violations Ordinance. The police department reports that they have issued two citations to businesses under the state disorderly conduct statute for unreasonable noise.

### Is noise additive?

It is our understanding that you cannot add dBA as you can pounds or dollars. For example, the combination of two sounds with average levels of 60dBA do not give a combined level of 120dBA, but rather 63dBA.

### Why are some areas exempt from the current ordinance?

- **Special Events** are governed by the [Special Events Ordinance](#) and have a separate review process with established criteria.
- **Mixed Use Zoning Areas in Old Town** were exempt because, as stated in the Sept. 28, 2010 City Council Report, “that zoning anticipates that various land uses can and will occur adjacent to, or near, each other particularly in an urban environment.” It was noted that those areas where “mixed use” designation was in place still had the existing statutes that govern disorderly conduct to address noise issues.
- **Tribal lands** are exempt as the ordinance only applies to properties within the city of Scottsdale. Therefore areas in other communities such as the Salt River Pima-Maricopa Indian Community, and at Kierland Commons in the city of Phoenix, are not covered by the ordinance.

- **City events held on city properties** are monitored by city staff. These are currently not covered but could be in the updated ordinance.

### How is Unreasonable Noise determined?

- Per the current ordinance:
  - Unreasonable noise means noise that a reasonable person of normal sensibilities would find excessive and that can be heard at least one hundred (100) feet from the business.”
  - A reasonable person of normal sensibilities shall include Scottsdale police officers or other city employees designated by the City Manager to enforce this section.”
- For the update of this ordinance, the acceptable noise level will ultimately be set by the City Council in passing an ordinance.

### How does Scottsdale compare to other similar cities?

Staff is reviewing ordinances from other communities, including Nashville and Austin, and will include a summary table of other cities when the draft ordinance is considered.

### How is noise data measured, collected, and reported?

- We are using the data from 5 light poles to monitor trends over time pertaining to noise levels and locations as well as the relationships between levels and complaints.
- Scottsdale Police have four sound-level meters that can be used from the center of the street in front of the bar.
- The ScottsdaleEZ requests and Police calls for service are available on the city’s [Open Data Portal](#). The police data is in the process of transitioning to a new platform.
- The city does have an active project to monitor sound in and around the Entertainment District and report the data using a map or website, but that project is still in process. We are still exploring how to get real-time data that reflects the experience of persons in the area, and how to use that information to monitor and proactively address noise complaints in the future.

### What is the status of the City’s current noise meters?

- Monitoring noise continues to be an active project. An additional 5 locations within Old Town were added in March 2024 to the units already installed. The city had an active project to replace street lighting in the Entertainment District so it was decided that the noise sensors would go on these poles, along with cameras.
- dBC (bass) can be measure with the mobile sound meters that the city owns but not with the current pole mounted smart multi-node sensors.
- Our current sound meters continue to be under evaluation while we try to identify a more effective product that will assist with determining bass levels and updated technology.

### How are public health and OSHA standards taken into consideration?

This ordinance was created to address the negative impacts from noise. As stated in the ordinance purpose, “The purpose of this article is to promote the health and general welfare of the citizens and businesses of the city by protecting neighborhoods.”

- OSHA standards are applicable to businesses and their employees. As a result of an informal cooperative agreement by the Scottsdale Police Department and businessowners in the Entertainment District in 2019, noise limit levels were set at 95dBA and 110dBC which were

consistent with the Occupational Safety and Health Administration standards for workplace safety for an exposure duration of 4 hours per day.

- OSHA requires employers to implement a hearing conservation program when noise exposure is at or above 90 dBA averaged over 8 working hours.

### **What defines a “Special Event”?**

A special event is defined in the [Special Events Ordinance](#) as “...an organized, temporary activity or series of temporary activities held outdoors, on public property or private property that is inconsistent with the legal use of the property under the City's Zoning Ordinance and open to the public by advertisement or invitation, with or without charge.”

For more information on Special Events, visit [ScottsdaleAZ.gov, search “Special Events”](#)

### **Does Planning consider noise ramifications or guidelines associated with a project?**

Yes, the city uses the Zoning Ordinance, the Design Standards and Policy Manual, any specific design standards and guidelines (such as the Old Town Urban Design & Architectural Guidelines) and adopted building codes to consider and mitigate noise associated with development projects. Sound mitigation is considered during the development review process and must be met at the time of construction before issuing a certificate of occupancy.

### **Have sound cameras, sound walls or baffles been considered?**

We are aware of the use of sound cameras in Europe and most recently in New York City, but this is more of a solution to address moving rather than stationary noise. Sound walls can buffer sound waves but can also redirect them into different areas. Baffles could be considered by businesses.

### **Can the size of woofers be regulated?**

The level of sound coming from the woofers would be regulated rather than the size of the woofers themselves.

### **How does one submit a noise complaint and how are complaints handled?**

If you want a police response, call the non-emergency number at 480-312-5000. Complaints may also be submitted online at [ScottsdaleAZ.gov/EZ, search Noise](#), but this will not automatically generate a call for service with the police department, but will be followed up on during office hours.

When a call for service is called in to our dispatch system, information regarding the complaint is gathered, prioritized and assigned to the beat officer for response and verification. If the cause can be isolated, the officer will take steps to eliminate the source of the sound which includes a warning, a citation or no action plus documentation. Re-occurring complaint areas will bring a more formalized response of sound-level meters, meetings with the locations generating the noise and code enforcement involvement if there are zoning or use permit stipulations that apply.

For concerns within the areas of exemption, the Police can also determine whether the sound constitutes unreasonable noise under the state disorderly conduct statute, or whether the sound exceeds the standard set in the Special Noise Violations Ordinance. When there are persistent concerns regarding specific businesses, the city also works with residents and businesses within Old Town to work to find a sound level that both would consider reasonable.

**Will there be / Are there currently incentive programs for businesses?**

No incentive programs are currently under consideration but could be considered by the City Council.

**Are potential buyers notified of the prospective noise issues?**

Arizona law requires residential sellers to disclose facts about the property including if the property is subject to any present or proposed effects of neighborhood noise, but this is not a city requirement.

**Additional noise ordinances governed by the City or State law**

**Disorderly Conduct** covers the following areas:

- Ambient noise, anytime of day - UBER pickups, employees playing music, people being loud, general disturbance of the peace
- Landscaping equipment, power tools
- Church-sponsored events
- Mob drifting

**Nuisance parties – [SRC 18-122](#)**

- Applies to any and all residential properties, including short-term rental properties

**Vehicles**

- Golf carts – sound systems [SRC 19-20 \(a\)](#) and/or can be considered commercial vehicles in Old Town and regulated by [SRC, Chapter 17](#)
- Food trucks – [SRC 16-650](#)
- Muffler noise - [ARS 28-955](#)
- Sound systems - [SRC 19-20 \(a\)](#)
- Racing – [ARS 28-708](#)
- Aircraft, garbage trucks – not covered under any ordinance