

City of Mesa

City Code Update

Title 6, Chapter 12

Offensive, Excessive, and Prohibited Noises

October 27, 2022

Assistant Police Chief Ed Wessing
Geoff Balon, Police Legal Advisor



Noise Ordinance

- **Restructure to clean-up language**
- **Create similarity with other municipalities**
- **Mindful of urban area, and the businesses and industries that operate within Mesa, including aeronautical and industrial.**

Suggested Language: General Prohibition with Factors

- **Violation to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any loud, unnecessary, or unusual sound or noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person.**
- **Factors to Consider:**
 - **Volume and intensity of noise and background noise**
 - **Proximity of the source to residential structures**
 - **Nature of zoning from which the sound or noise emanates**
 - **Recurrent, intermittent, or constant**
 - **Time of day, especially between 10:00 p.m. and 6:00 a.m.**
 - **Whether enhanced by electronic or mechanical means**
 - **Whether can be controlled without unreasonable effort or expense to the creator**

Current Code

- Prohibits unreasonable noise coming from:
 - Vehicles
 - Animals
 - Sound amplification systems in or on vehicles
 - Property
 - People

Suggested Code

Same or Similar Prohibition



Current Code

- Exempts noise related to:
 - Emergency work involving fires, accidents, disasters, and utilities
 - Governmental units or agencies
 - Parades, concerts, or festivals approved by the City
 - Athletic, musical or cultural activities or events conducted by schools
 - Activity permitted under the zoning code
 - Construction, repair, remodeling, demolition, drilling, wood cutting, crafts and hobbies, excavation work, and landscaping between 6:00 a.m. and 8:00 p.m. Monday through Friday, and between 6:00 a.m. and 8:00 p.m. on Saturday and Sunday.

Suggested Code



Now a factor similar to other cities



Adds: Landscape maintenance and landscaping at golf courses and private parks between 5:00 a.m. and 8:00 p.m. on all days is also exempted.

Current Code

- **Allows temporary exemptions to be granted by the City Manager after considering 7 factors.**
- **Responsible Parties**
 - **Owner or property manager when the person responsible for an activity that violates the Code cannot be found.**
- **Enforcement**
 - **Police Department and any other City Department designated by the City Manager may enforce**

Suggested Code

- Clarifies how to submit an exemption request and where it is filed if granted**
-
-

Suggested Language: Penalties

- **Changes fines (Within 24 Months)**
 - **First Offense**
 - **Current: \$250**
 - **Suggested: No less than \$250 & up to \$1500**
 - **Second Offense**
 - **Current: \$500**
 - **Suggested: No less than \$500 & up to \$2500**
 - **Third Offense**
 - **Current: \$2500**
 - **Suggested: No less than \$750 & up to \$2500**
- **Adds Habitual Offender**
 - **Class 1 misdemeanor if a person violates on 3 separate dates within 12 months.**
 - **Fine no less than \$500 and up to \$2500**



Questions ?