

Pima County Ordinance – Construction Noise

9.30.070 - Construction of buildings and other projects.

- A. Noise limitations: Subject to the provisions of section 9.30.040, 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 zones): 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 zone 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 (commercial and industrial zones): Construction and repair work in commercial and industrial zones, 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 should not begin prior to 6:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or state or federal 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 county administrator or his designee. The permit shall be kept on the work site and shown to county officials on request. In granting such permit, the county administrator 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 to not 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 9.30.030.
- D. Revocation of permits: The county administrator 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.

(Ord. 1999-61 § 1 (part), 1999)

9.30.080 - 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 manufacturer's specifications and is in proper operating condition provided that no unit may create an excessive, unnecessary or offensive noise causing annoyance or discomfort to a reasonable person of normal sensitivity within any sleeping or living area inside any dwelling unit;
- 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. Nonamplified 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 9.30.030;
- G. Noises from the normal operation of railroad trains;
- H. Noises from church chimes;
- 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.

(Ord. 2001-127 § 1 (part), 2001; Ord. 1999-61 § 1 (part), 1999)

9.30.090 - 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 shall be guilty of a class 1 misdemeanor. Each day a violation continues or exists shall be a separate offense subject to punishment as a separate class 1 misdemeanor.

(Ord. 1999-61 § 1 (part), 1999)