

WORK SESSION AGENDA

**CITY COUNCIL WORK SESSION
TUESDAY
NOVEMBER 29, 2022**

**COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
3:00 P.M.**

**All City Council Meetings are live streamed on the city's website
(<https://www.flagstaff.az.gov/1461/Streaming-City-Council-Meetings>)**

*****PUBLIC COMMENT*****

Verbal public comments may be given through a virtual public comment platform or in-person

If you want to provide a verbal comment during the Council Meeting, use the link below to join the virtual public comment room.

VIRTUAL PUBLIC COMMENT WAITING ROOM

Written comments may be submitted to publiccomment@flagstaffaz.gov. All comments submitted via email will be considered written comments and will be documented into the record as such.

1. Call to Order

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance through other technological means.

MAYOR DEASY
VICE MAYOR SWEET
COUNCILMEMBER ASLAN
COUNCILMEMBER HOUSE

COUNCILMEMBER MCCARTHY
COUNCILMEMBER SALAS
COUNCILMEMBER SHIMONI

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgement

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. **Public Participation**

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

5. **Review of Draft Agenda for the December 6, 2022 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

6. **Fire Department Commendations**

7. **November Work Anniversaries**

Recognize employees who are celebrating their work anniversaries in November

8. **Business Community Listening Tour**

STAFF RECOMMENDED ACTION:

Receive the information. Council may be invited to a future tour of the facilities of the businesses represented.

9. **Youth Climate Advisory Group Introduction and Update**

This is an informational update on the Flagstaff Youth Climate Advisory Group.

10. **Vehicle Nuisance Noise Ordinance Discussion**

STAFF RECOMMENDED ACTION:

Receive direction on City of Flagstaff Vehicle Nuisance Noise Ordinance

11. **Public Participation**

12. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**

13. **Adjournment**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2022.

Stacy Saltzburg, MMC, City Clerk

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, City Clerk
Date: 11/23/2022
Meeting Date: 11/29/2022



TITLE:

November Work Anniversaries

DESIRED OUTCOME:

Recognize employees who are celebrating their work anniversaries in November

EXECUTIVE SUMMARY:

INFORMATION:

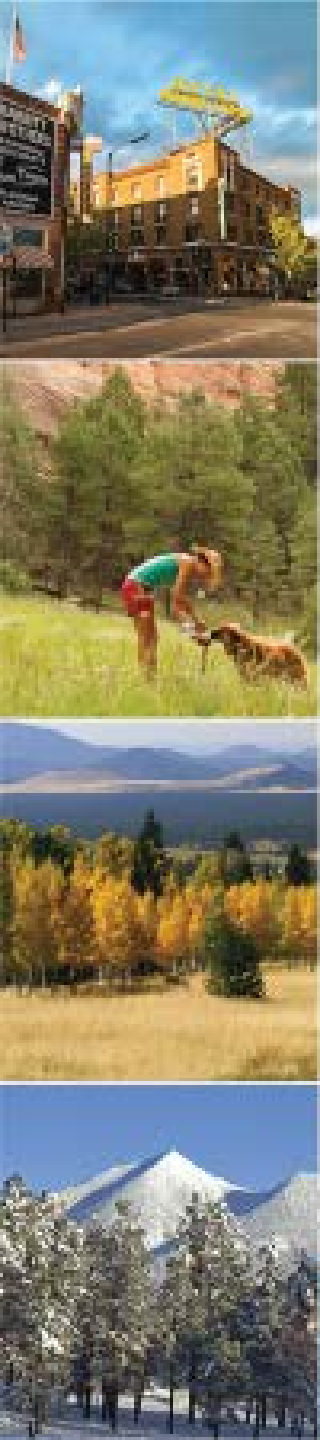
Attachments: [Presentation](#)



Five Year Anniversaries



Paul White
Parks Technician



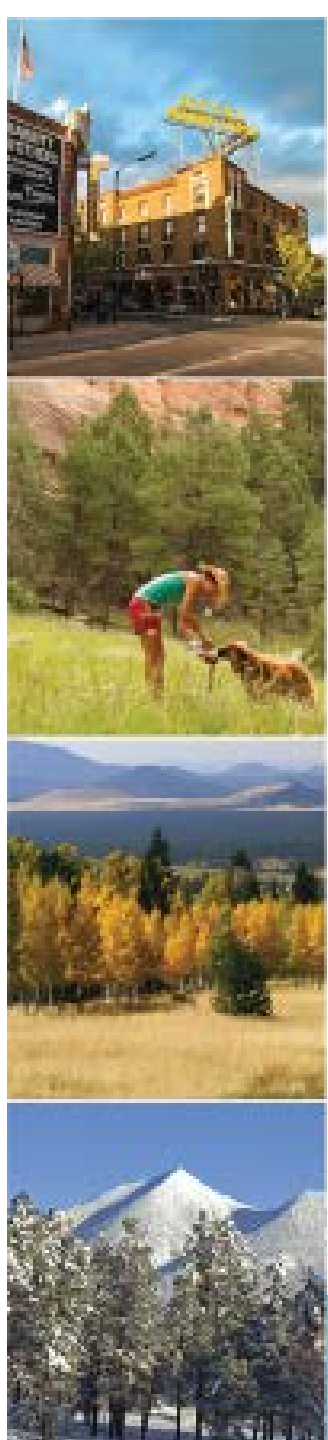
TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



Fifteen Year Anniversaries



Alan Hart
Equipment Operator III



TEAM FLAGSTAFF
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Twenty Year Anniversaries



Sandra Chavez
Recreation Leader I



Clint Hill
Police Sergeant



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25 years plus!!!

Pearl has made a meaningful and positive impact to the local community during her 30 years at the Tuba City Public Library. Pearl is committed to her work and is resourceful in carrying out her daily duties following the protocols as a City of Flagstaff employee. Pearl is an expert in materials procurement including many popular Navajo and Hopi book titles for the library that are in great demand among her patrons. She has excellent rapport among her staff who work together as a team to provide daily assistance to library patrons in the form of circulation, reference, computer assistance and programming. Pearl served an integral role during the recent library building renovation helping with the new design and layout of the furnishings to better accommodate library users. During the pandemic she devoted her time to improve the collection holdings while providing patrons curbside service to library materials.

Pearl is an asset to the City of Flagstaff having maintained steadfast dedication to the library, staff and local community of Tuba City throughout her library tenure.



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25 years plus!!!

Police Chief Dan Musselman is celebrating his 27th year with the City of Flagstaff. He has served in the roles of Police Officer, Corporal/Detective, Lieutenant, and Deputy Police Chief prior to being promoted to Police Chief in December of 2020.

During this past year Police Chief Musselman has been working hard to promote employment with the Flagstaff Police Department by introducing new tools and techniques to recruiting new officers and working with staff on competitive compensation, a local police academy, an updated contract with High Country Humane, noise ordinance specifications, and working with local partners to provide the best level of service possible to the community and its visitors.

We appreciate Chief Musselman's dedication and service!

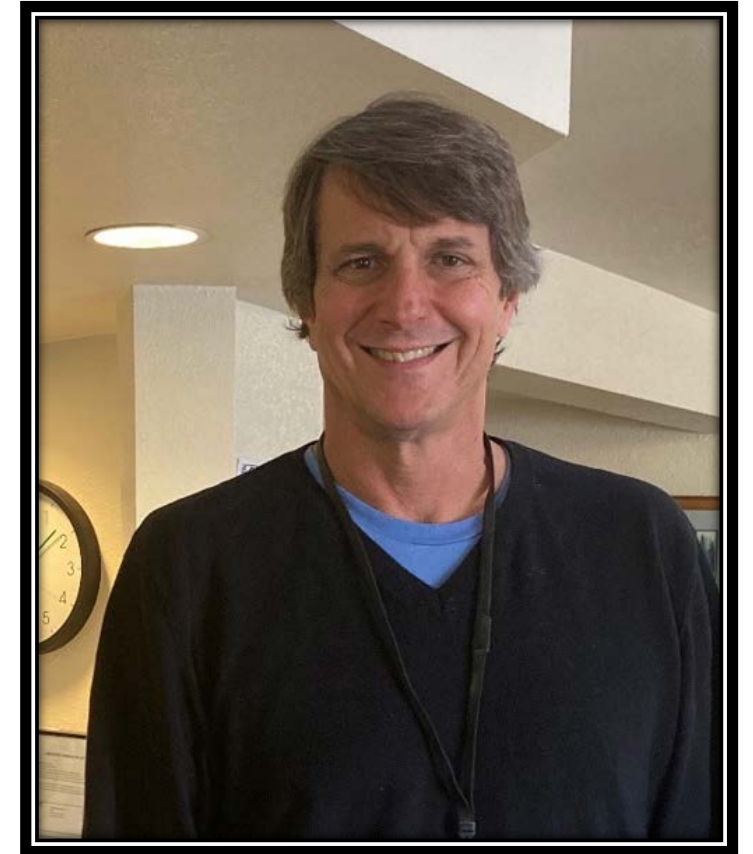


TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



25 years plus!!!

In celebrating the years of service that Matt has brought to the Recreation team, one word comes to mind: **thoughtful**. Matt is a thoughtful, energetic, inclusive team coworker who has spearheaded many programs and opportunities at the city for our community members. Some of Matt's impressive accomplishments include running the City's Therapeutic Recreation program for many years, working closely with Special Olympics and of course managing the Joe C. Montoya Community and Senior Center. Matt's dedication to the City and Recreation the past 29-years are one of the reasons why PROSE exist, as Matt is a PRO.



TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



25 years plus!!!

Geneva started with the City 27 years ago and has served the City working in the mailroom, the old warehouse stockroom, Community Development, and now Information Technology.

Geneva received a bachelor's in computer information systems and currently works as the IT Helpdesk Specialist, where, amongst many other things, she coordinates the PC replacement process for the city.

Geneva is extremely proud of her son Zach who graduated Coconino High School earlier this year and is currently attending the University of Arizona on a full academic scholarship!

Paul shared Geneva is an integral part of the City of Flagstaff's Help Desk Team. She focuses on the PC Replacement cycle, ensuring old devices get replaced with newer, higher performing units. This crucial component helps support IT's mission of making everyone's job easier tomorrow, than it was today. Congratulations Geneva on your 27 years of service!



Geneva shared the following quote "Happiness often sneaks in through a door you didn't know you left open." (John Barrymore)



TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: John Saltonstall, Business Retention & Expansion Manager

Co-Submitter: David McIntire

Date: 11/07/2022

Meeting Date: 11/29/2022



TITLE:

Business Community Listening Tour

STAFF RECOMMENDED ACTION:

Receive the information. Council may be invited to a future tour of the facilities of the businesses represented.

Executive Summary:

The City of Flagstaff Economic Development Program works with several local and regional business and service providers. The Listening Tours bring business and Council together for greater mutual understanding. For this edition Council will hear brief updates from local manufacturers Nestle Purina, F-Bomb Foods, and KC Hilites.

Financial Impact:

No financial impact.

Policy Impact:

No policy impact.

Connection to PBB Key Community Priorities/Objectives & Regional Plan:

Priority Based Budget Key Community Priorities and Objectives

Robust Resilient Economy; Enhance understanding between the development community, the City & Flagstaff Residents.

Carbon Neutrality Plan

Community Resilience.

Regional Plan

Goal ED.1. Create a healthy environment for business by ensuring transparent, expeditious, and predictable government processes.

Previous Council Decision on This:

Council has previously provided direction that these conversations remain beneficial.

Background/History:

Business Listening Tours have been offered intermittently since 2013 through the City of Flagstaff Economic Development Offices. Originating as Site Tours, the Business Listening Tours have transformed into presentations to Council from businesses at a Council Meeting followed by tours of the facilities of participating businesses.

The businesses presenting are a part of Flagstaff's manufacturing sector. Nestle Purina is a global company who has been a strong part of Flagstaff's economy for many years, F-Bomb Foods is a smaller and engaging local company, and KC Hilites is a new and exciting addition to our manufacturing community.

Key Considerations:

Advanced manufacturing is an important part of Flagstaff's economy and provides diverse employment opportunities. These businesses help support a more stable and vibrant economy. The Business Listening Tours are more effective when Councilmembers are able to tour the facilities of participating businesses.

Expanded Financial Considerations:

There are no financial considerations related to hearing from businesses directly and from touring their facilities.

Community Benefits and Considerations:

The community benefits from the City of Flagstaff City Council and the business community understanding each other better.

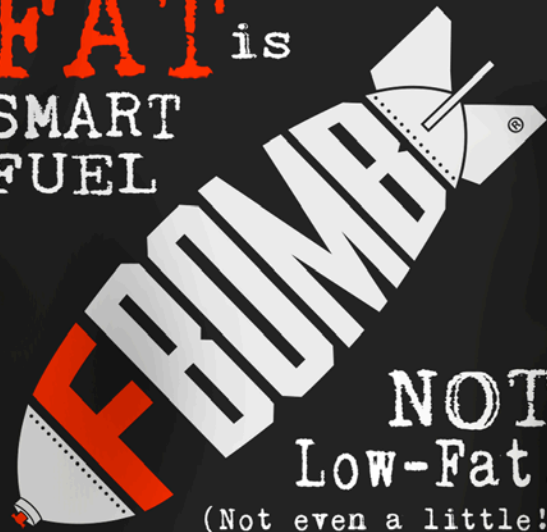
Community Involvement:

This is a chance for the business community to speak to the Council and for Council to gain a better understanding of the current environment. It is driven by community participation.

Attachments: F-Bomb Foods
 NPPC



FAT is
SMART
FUEL



NOT
Low-Fat!
(Not even a little!)

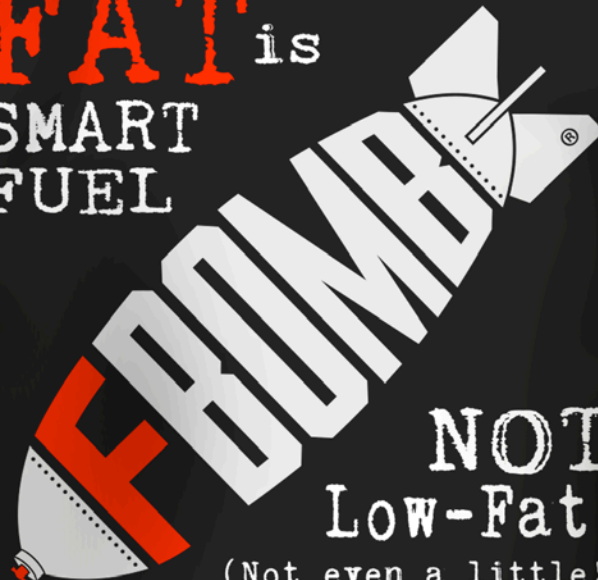
FBomb Fuel

Macadamia Nut Butter

unsalted
high energy & NO added sugar

1.25 fl oz / 37 ml

FAT is
SMART
FUEL



NOT
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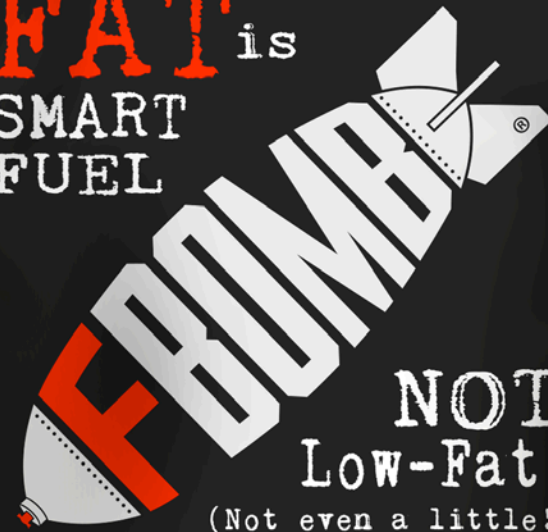
FBomb Fuel

**Coconut & Macadamia
Nut Butter Blend**

with sea salt
high energy & NO added sugar

1.25 fl oz / 37 ml

FAT is
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NOT
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(Not even a little!)

FBomb Fuel

Macadamia Nut Butter

with sea salt
high energy & NO added sugar

1.25 fl oz / 37 ml





HUMPHREYS PEAK

12,633 FT.

Fuel your race with an FBOMB!



Look for KETO1
coming to a
race near you!



FATBOMB.COM





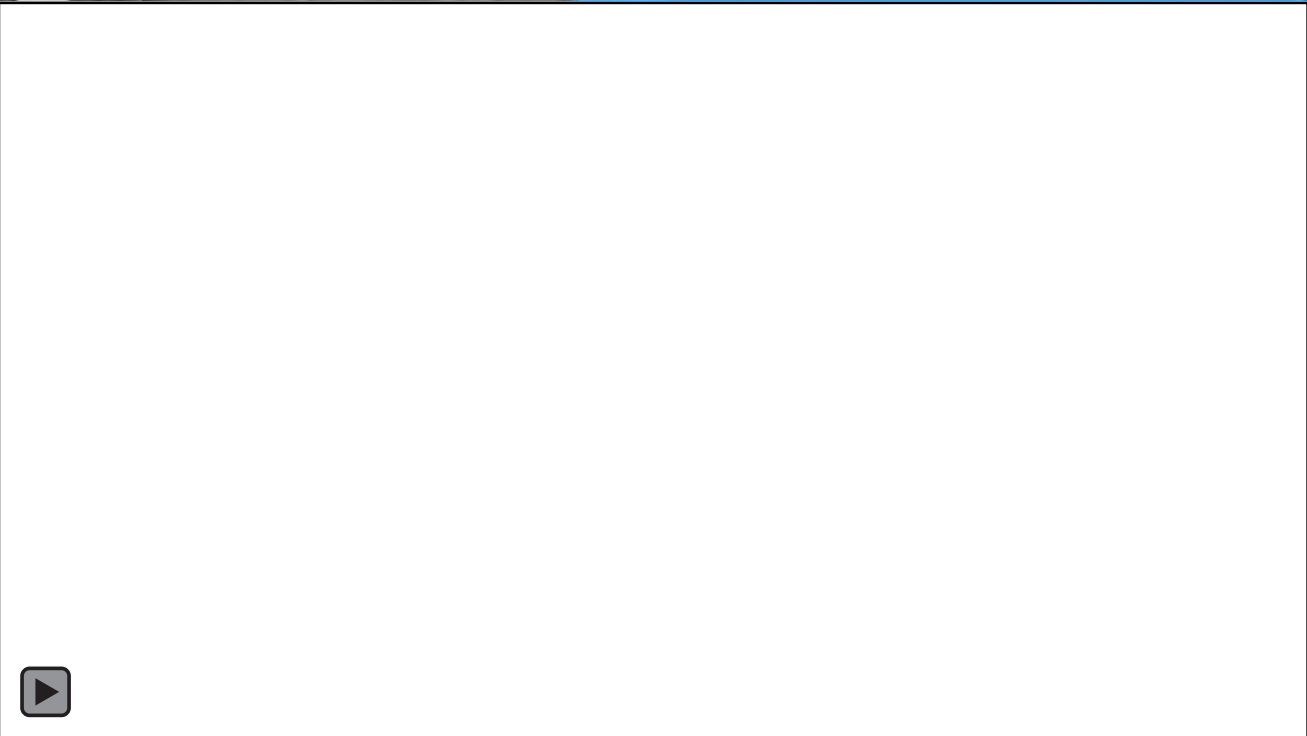
An aerial photograph of the Flagstaff Factory, a large industrial complex. The main building is highlighted with a semi-transparent red overlay. To the left of the main building is a tall, narrow tower with a cross-like symbol on its upper section. The factory is situated in a flat, open area with scattered trees. In the background, a dense forest covers a hillside. The foreground shows a paved area with some vehicles and a road.

Flagstaff Factory

Flagstaff City Council 2022



PRODUCTION _____
DIRECTOR _____
CAMERA _____
DATE _____ SCENE _____ TAKE _____



Welcome to Flagstaff!

FLG Mission & Purpose

 Nestlé PURINA.

Protect
Provide
Persevere



To safely provide with pride, a high quality and technologically advanced Pet Food, distributed through Purina's Southwest Gateway facility.

FLAGSTAFF, ARIZONA

NPPC Flagstaff Factory – Site Overview

Strategic Importance

- ❑ Produces Dry Dog (77%) and Dry Cat (23%)
 - 44 PFGs
 - 180 SKUs
- ❑ Volume of 293,717 US Tons
- ❑ Services Southwest, Hawaii, and New Zealand

Physical Plant & Assets

- ❑ 1975 operations initiated
- ❑ 5 independent Production Lines
- ❑ 75.89 acres / 56,829 m² footprint
- ❑ 45,500 Warehouse Capacity (includes 9,000 at outside storage)

Flagstaff Factory Facts



❑ 320 Employees

- 220 Hourly
- 100 Salaried

❑ 900 tons/day capacity

- (36,000 50lb Bags)

❑ Shipping Annually:

- 24,000 Trucks or 65 Trucks a day in and out.
- 307,000 tons shipped

❑ Zero Waste to Landfill achieved in 2018



CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Jenna Ortega, Sustainability Coordinator
Date: 11/15/2022
Meeting Date: 11/29/2022



TITLE:

Youth Climate Advisory Group Introduction and Update

DESIRED OUTCOME:

This is an informational update on the Flagstaff Youth Climate Advisory Group.

EXECUTIVE SUMMARY:

The Sustainability Office established a Youth Climate Advisory Group to support opportunities for youth leadership, involvement, and input in decision-making. Youth advisors have a seat at the table alongside Sustainability staff to offer recommendations on existing climate programs and to create new youth-led climate action opportunities.

At this meeting, members of the first Flagstaff Youth Climate Advisory group will introduce themselves and present their accomplishments, current projects, and future objectives. This work session is an opportunity for Council to meet our youth advisors, learn about their work, and provide feedback.

Background:

Climate Advisory Groups were identified as a high priority need during the Carbon Neutrality Plan development process. These groups help us better connect with residents, understand needs, and serve our community. Advisory members are essential as we work to achieve Flagstaff's climate and carbon neutrality goals. Members work alongside staff to improve the ways the City takes climate action.

The first Youth Advisory cohort launched in March 2022 and will continue for a 15-month term, ending in May 2023. Throughout the academic year, students meet every other week. Youth Advisory members are in grades 8th - 12th and come from three schools. Youth members are currently working to expand membership to include broader representation of Flagstaff schools.

INFORMATION:

Connection to Council Goal, Regional Plan, and Carbon Neutrality Plan:

Council Goals:

Take meaningful climate change action.

PPB Objectives

Safe & Healthy Community

- Enhance community engagement & strengthen relationships between the community & public safety services

Inclusive & Engaged Community

- Foster community pride & civic engagement by increasing opportunities for public involvement, in line with best practices & legal requirements

Regional Plan

Goal E&C.2. Achieve carbon neutrality for the Flagstaff community by 2030.

Goal E&C.3. Prepare Flagstaff's community systems and resources to be more resilient to climate change impacts, and address climate change in a manner that prioritizes those most impacted and ensures the costs and benefits of climate adaptation and mitigation are equitably distributed.

CNP

ES-2: Proactively engage community members on an ongoing basis.

Attachments: Youth Advisory Update

Youth Climate Advisory Group

Introduction and Update

November 29, 2022



Agenda

- What is the Youth Climate Advisory Group (YCAG)?
 - Meet YCAG members throughout
- Accomplishments
- Current projects
- Future plans
- Closing



Meet our team: Jess Roberts

“I am so excited to work with the community and make a difference.”

She loves hiking, skiing, graphic design and looking through her telescope.



What is the Youth Climate Advisory Group?

- Advise on climate programs.
- Build youth power.
- Increase youth engagement in local climate action.
- A space for learning, dialogue, networking, and developing youth-led climate solutions.





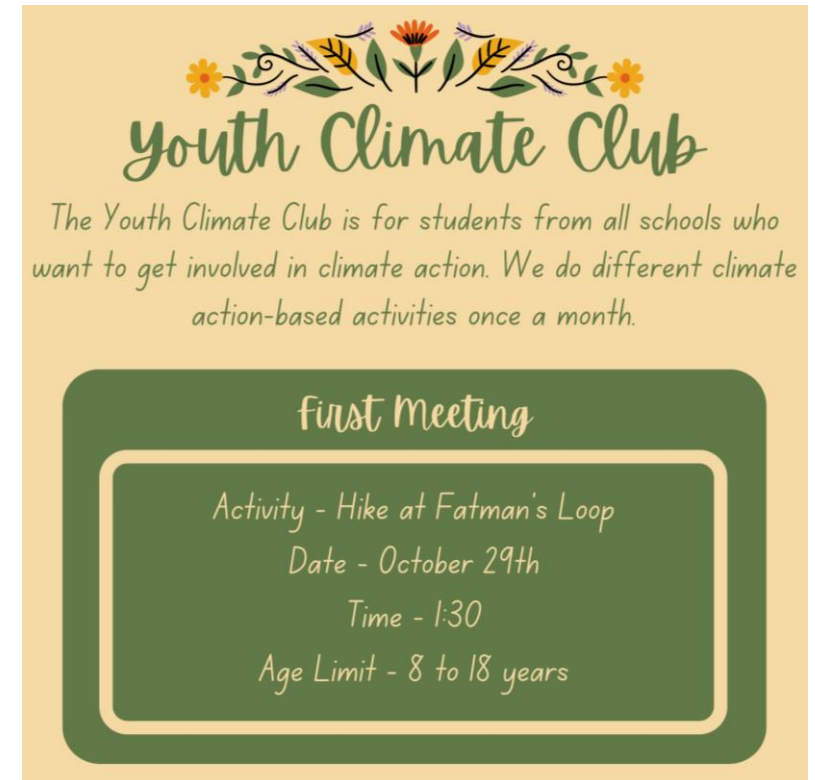
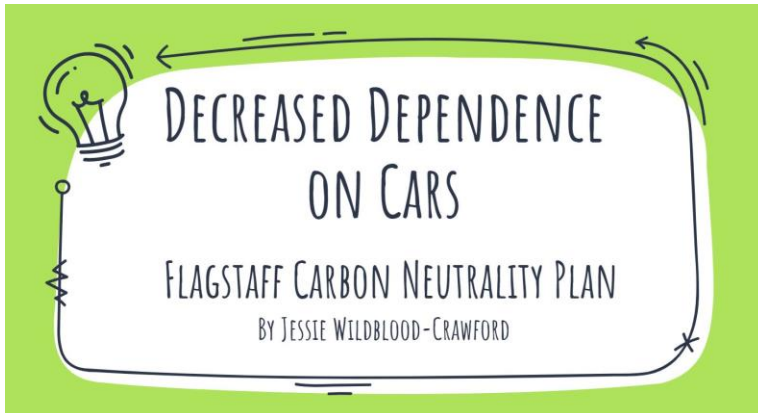
Meet our team: Samantha Gallegos

“Ever since elementary school I’ve enjoyed using my writing to create billions of worlds, and I hope to share my works with others someday, as well as inspire them to create too. I believe that writing can be a powerful tool, and I’d like to use it to make a change in the world.”



Accomplishments

- Carbon Neutrality Plan presentations
- Earth Day 2022
- Youth Climate Club
- Events



Meet our team: Madison Crozier

“I really enjoy being in nature and admiring the beauty of it. I hope that as part of this group we can help the youth community of Flagstaff create a sustainable environment.”

She enjoys planting trees and butterfly gardens.



Current Projects

- FUSD Climate Action Report
- Cookies and Climate
- Capacity building
- Recruitment
- Online presence



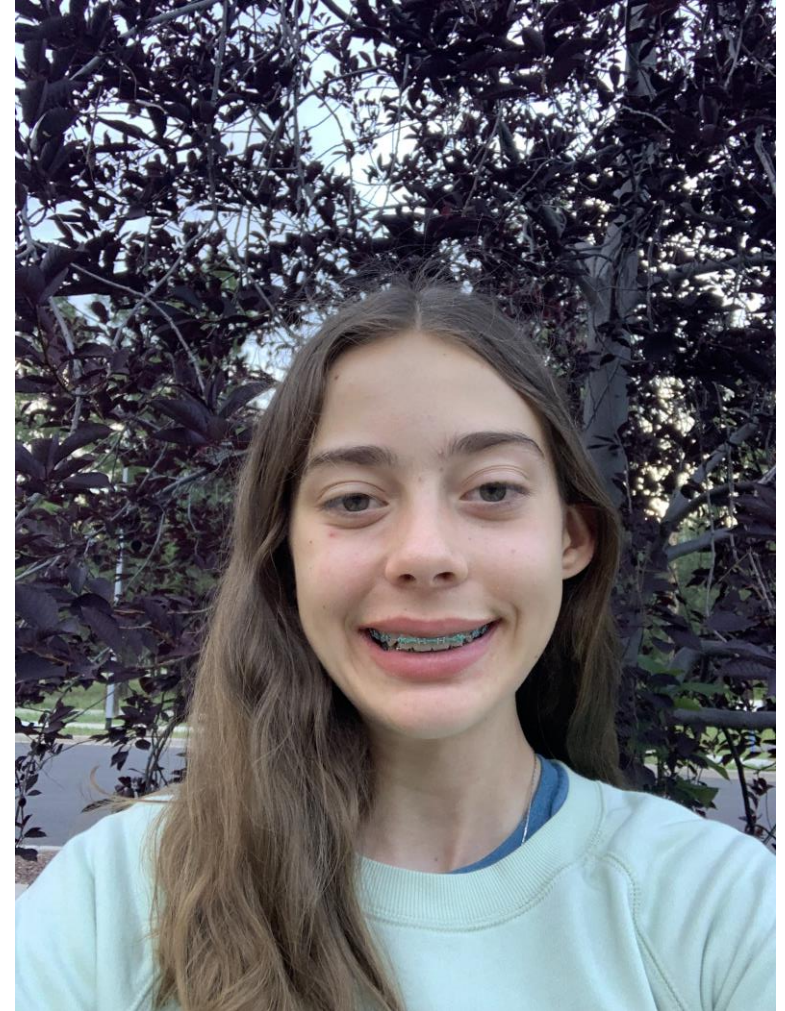


Meet our team: Scarlett Morales

“I love exploring nature and being outdoors.”

Favorite Climate Action: Riding my bike.

She enjoys reading fantasy books and drawing dragons.



Future Projects

- Youth Climate Summit
- Climate Action Day
- Climate action and education in schools



Meet our team: Lillian Woody

“I wanted to be apart of the YCAG so I could immerse myself into a group that has environmentally passionate people. I am looking forward to being proactive in the group as well as the community.”

My favorite climate action is education on sustainability.



Gratitude to our 2022 Spring Cohort Members

Jessie



I hope to be able to make a difference so future generations can continue to appreciate our world!

Elizabeth



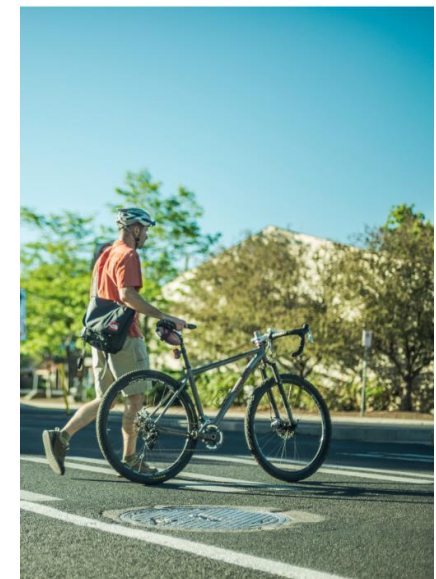
I am a dancer and write, record, and produce my own music. I want to reduce the damage already caused and prevent future contribution by raising awareness.

Indie



I am passionate about political activism, speaking at public events, and conversations on environmental justice.

McKenna



I am very passionate about climate action, especially the education and transportation aspects.

Closing

- Thank you to those who have supported youth climate action
- Our ask...
 - Support youth in reaching goals
 - Build a stronger foundation for youth voices in the climate action space



Thank you

Jess Roberts

Samantha Gallegos

Madison Crozier

Scarlett Morales

Lillian Woody

www.flagstaff.az/climate



We welcome your questions,
comments, and suggestions.



CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Paul Lasiewicki, Deputy Police Chief
Co-Submitter: Dan Musselman
Date: 11/21/2022
Meeting Date: 11/29/2022



TITLE:

Vehicle Nuisance Noise Ordinance Discussion

STAFF RECOMMENDED ACTION:

Receive direction on City of Flagstaff Vehicle Nuisance Noise Ordinance

Executive Summary:

In October of 2019, a Flagstaff resident emailed the Mayor and Council to express his concerns about unnecessary noise pollution. The resident specifically pointed out a concern about vehicles equipped with “intentionally loud automobile mufflers” and went on to say “I can’t count the number of times that I have been assaulted by blasts of noise from cars spewing their deep and threatening engine vibrato. Their abuse can be heard, even felt, from blocks away”.

This email was followed up by a petition to the Flagstaff City Council containing 29 signatures titled “Intentional Noise Pollution”. This petition requested the City Council consider the effects of noise pollution on the quality of life in Flagstaff. It asks the Council to address the unnecessary noise created when drivers intentionally modify a vehicle for the sole purpose of increasing their noise footprint.

These concerns were presented to Council during the June 1, 2021, regular council meeting. After the presentation the Council voted to have an ordinance drafted to address nuisance noise.

An ordinance was presented to Council on September 21, 2021. At the conclusion of that discussion Council requested a work session to further discuss a possible ordinance.

On January 25 of this year, Police Department staff presented the proposed noise ordinance with different options for enforceable sound levels and qualities to Council for their consideration. At that time, Council directed the City to hire a consultant to conduct a sound study and provide recommendations for noise enforcement. On June 22 MD Acoustics, the hired consultant, provided Police Department staff with a report detailing their findings and recommendations.

The Flagstaff Police Department has facilitated several community outreach efforts, including two Coffee with a Cop events at local coffee shops, a neighborhood meeting at the Murdoch Center, and a town hall meeting at City Hall in an effort to solicit input on the ordinance from Flagstaff citizens most impacted by the elements of the proposed ordinance.

On October 18 City Council provided guidance to create two separate Nuisance Noise Ordinances: one

regulating vehicle noise and one regulating noise from fixed sources. Additional direction was given to staff on the Nuisance Vehicle Noise ordinance. We are here today for any further discussion on the attached Draft Nuisance Vehicle Noise ordinance.

Financial Impact:

The proposed ordinance being presented will apply to nuisance vehicle noise only.

With regards to any financial impact this ordinance will bear on the City of Flagstaff if passed: If the council approves the amendments to City Code 6-08-01-02, there will be a need to purchase the proper sound level meters necessary for enforcement. In addition, enforcement personnel will need to attend the necessary training to become certified in the meter's use. Certification and continued recertification in the use of a class 2 decibel meter would be necessary for the Police Officer or Code Enforcement Officer to testify in court.

Each person operating the sound level meter for enforcement would need to receive initial training/certification and continued recertification prior to its use. Currently, a five-day Community Noise Enforcement Certification Course is offered by Rutgers at the Rutgers Noise Technical Assistance Center (RNTAC). This training is offered in a Webex (online) format. The cost for attending the certification training is \$625. The recertification class, which is required every 24 months, is \$325.

Additional information can be found at: <https://envsci.rutgers.edu/rntac/schedule.html>.

The plan is to train one Patrol Lieutenants, all five Police Officers who are assigned to the traffic enforcement squad, and two Police Officers from each of the eight patrol squads for a total of 22 personnel out of 118 authorized sworn officers. The training currently costs \$625 per person.

For the above planned 22 officers to attend the training, the training cost will be \$13,750.

We will need to purchase 22 sound level meter kits (containing a meter, wind screen and calibrator) at \$930 per unit for a material cost of \$20,460.

The officers are required to re-cert every 2 years at accost of \$325 per re-certification.

Due to officer attrition, we will be asking for line item to conduct re-certifications and additional certifications (for new officers) as we replace officers who leave. The best estimate is that this yearly cost will be \$5,000 - \$10,000.

These costs have been approved as a part of the COF FY2022-2023 budget.

Policy Impact:

This will provide a tool for officers to educate the public and take enforcement action on vehicles that are excessively loud.

Connection to PBB Key Community Priorities/Objectives & Regional Plan:Safe and Healthy Community:

Foster a safe, secure, and healthy community.

Provide public safety with the resources, staff and training to respond to community needs.

Previous Council Decision on This:

No.

Attachments:

Draft Ordinance

Vehicle Nuisance Noise Ordinance Presentation

Vehicle Noise Ordinance

A. Definitions

The following words and phrases, when used in this section shall have the following meanings:

A-WEIGHTING: The sound level of noise as measured with a meter using the A-weighting network, this unit is dB(A)

C-WEIGHTING: The sound level of noise as measured with a meter using the C-weighting network, this unit is dB(C)

CLEARLY AUDIBLE: Can be plainly heard by any person.

DECIBEL (dB): means a sound pressure that is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, two times 10^{-5} newton/meter².

FREQUENCY: of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the hertz and shall be specified.

IMPULSE NOISE: means a noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

LMAX: means the loudest sound level over a sample period. Lmax is fast-weighted for impulse noises and slow-weighted for continuous noise.

MOTOR VEHICLES: means any self-propelled vehicle operated within the City, including but not limited to licensed or unlicensed vehicles, automobiles, minibikes, go-carts and motorcycles.

NOISE: Any sound, whether naturally or artificially produced.

PERIOD: of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

PERSON: Any individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.

PUBLIC SAFETY WORK: Work immediately necessary to restore property to safe condition, or work required to protect persons or property from potential danger or damage, including snowplowing or work by a public or private utility when restoring utility service.

PURE TONE NOISE: means any noise that is distinctly audible as a single pitch (frequency) or set of pitches as determined by the enforcement officer.

SOUND AMPLIFICATION SYSTEM: Any device, instrument or system, whether electrical or mechanical or otherwise for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

SOUND LEVEL OR NOISE LEVEL: is the sound intensity measured with a sound level meter set to A-weighting with the unit of measurement dB(A), or C-weighting with a unit of measurement dB(C).

SOUND LEVEL METER: means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American Standard Specifications for Sound Level Meters S1.4-1971 or the most recent revision thereof for Type I or Type II equipment.

B. Vehicle Noise Limits

The following noise restrictions are hereby established for any area within the City for vehicle noise:

No person shall operate either a motor vehicle or combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit of the category of motor vehicle measured from outside of the traffic lane:

Location of Vehicle	Posted Speed limit of 35 mph or less	Posted Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 26,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motor-cycle other than an electric bicycle	88 dB(A)	92 dB(A)
(2) Any other motor vehicle and any combination of vehicles towed by such motor vehicles	82 dB(A)	86 B(A)

C. Measurement Criteria

For the purpose of enforcement of the provisions of this section, noise level shall be measured on the A-weighted scale with a Type I or Type II sound level meter. The meter shall be set for slow response speed, except for impulse noises or rapidly varying sound levels, fast response speed may be used. Prior to

measurement, the meter shall be calibrated, and adjusted according to the manufacturer's specifications by means of an acoustical calibrator. Measurement shall be taken outside of the lane of travel of the vehicle.

D. Civil Penalties

The civil fees for a responsible person(s) are as follows:

1. For a first vehicle noise violation a warning shall be issued.
2. For a second vehicle noise violation within one hundred twenty (120) days of the first vehicle noise violation the fee is one hundred and fifty dollars (\$150.00), inclusive of any State or City fines, fees, assessments, or surcharges.
3. For a third or subsequent vehicle noise violation within one hundred twenty (120) days of the second nuisance noise violation the fee is two hundred and fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments, or surcharges.
4. Each day that a violation of this ordinance is permitted to continue or occur by the defendant shall constitute a separate offense subject to separate citation pursuant to the provisions of this ordinance.

F. Other Remedies

Nothing in this ordinance shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any person for any violations of the provisions of the City code or State law arising out of the circumstances necessitating the application of this ordinance.

G. Hearing Procedures

1. A person liable for the civil fee under this section may, within ten (10) days of receipt of notice of the violation, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.
2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the civil fee. The rules of evidence shall not apply; provided, that the decision of the Hearing Officer shall in all cases be based upon substantial

and reliable evidence. All parties to the hearing shall have the right to present evidence. The City shall have the burden of establishing by a preponderance of the evidence that a violation has occurred.

4. The decision of the Hearing Officer is final. A failure of the person notified of the violation to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity of the notice or violation.

Nuisance Vehicle Noise Ordinance





Background

- January 2020: “Intentional Noise Pollution” Petition Presented to Council
- June 2021: Council Requested a Draft of a Nuisance Noise Ordinance
- September 2021: Initial Draft of Ordinance Presented to Council
- January 2022: Council Requested Sound Study
- June 2022: Sound Study Completed
- June 2022: Two Coffee with a Cop Events Focusing on the Sound Study
- August 2022: Southside Neighborhood Sound Study Discussion Meeting
- October 2022: Press Release and Townhall Meeting to Solicit Community Input
- October 2022: Council work session to share the sound study results and get direction



Direction

- Split Vehicle Noise Ordinance from Nuisance Noise Ordinance
- Have good neighbor group work on Nuisance Noise Ordinance (residential/commercial/mixed use)
- Move forward with Vehicle Noise Ordinance



Vehicle Noise Regulations

Location of Vehicle	Posted Speed limit of 35 mph or less	Posted Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 26,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motor-cycle other than an electric bicycle	88 dB(A)	92 dB(A)
(2) Any other motor vehicle and any combination of vehicles towed by such motor vehicles	82 dB(A)	86. B(A)



Fines Schedule

- For a **first** vehicle noise violation a warning shall be issued
- For a **second** vehicle noise violation within one hundred twenty (120) days of the first vehicle noise violation the fee is one hundred and fifty dollars (\$150.00), inclusive of any State or City fines, fees, assessments, or surcharges
- For a **third** or subsequent vehicle noise violation within one hundred twenty (120) days of the second nuisance noise violation the fee is two hundred and fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments, or surcharges
- Each day that a violation of this ordinance is permitted to continue or occur by the defendant shall constitute a separate offense subject to separate citation pursuant to the provisions of this ordinance

Comments

