



APPLICATION FOR TEMPORARY EXEMPTION TO NOISE ORDINANCE

Submit requests for a temporary exemption to:

- Via email for construction related requests: citymanager@tucsonaz.gov
- Via email for special event related requests: specialevents@tucsonaz.gov
- Via US Mail for either type: Tucson City Manager's Office
255 W Alameda
Tucson, AZ 85701

Temporary Exemption requests shall be submitted no less than 10 calendar days prior to the event.

Pursuant to Tucson Code Section 16-31(b)(5)(d), a temporary exemption from the maximum permissible sound levels permitted by Chapter 16, Article IV of the Tucson Code is requested for the following:

Project/event: _____

Address of project/event: _____

- Will public Right-of-Way (ROW) be used for the project/event? **Or will pedestrian access or vehicle access be impacted?** If yes, a ROW permit is required. For more information: <https://www.tucsonaz.gov/tdot/permits-and-codes-section>.
- Is the project/event along or adjacent to the Sun Link streetcar route or infrastructure? If yes, track access permits may be required. For more information: http://www.sunlinkstreetcar.com/documents/Sun_Link_SOP_Track_Access_Request.pdf.
- Will the project/event require off-duty TPD presence? If yes, please attach copy of contract for off-duty TPD officers to application. https://www.tucsonaz.gov/files/police/2019_Contract_Final_per_IT_TWO.pdf.

Name of Party requesting the exemption: _____

Submitted by: _____

Contact information: _____

Date submitted: _____

Onsite project/event representative contact name: _____

The individual listed shall be onsite and reachable during the period of the exemption; including the hours of authorized activity.

Onsite project/event representative's phone number: _____

Date(s) and time(s) during which the exemption is requested; unless express revocation or modification of the exemption is made within 24 hours of a specified date¹:

¹ Pursuant to Tucson Code Section 16-31 a Temporary Exemption in no case may exceed thirty (30) days.

This temporary exemption, if granted, authorizes the Party identified above to complete the following activity:

Planned noise levels:

Proposed mitigation (all proposed mitigation must remain compliant with all applicable regulations):

The following factors shall be considered by the city manager in determining whether to grant a temporary exemption:

- 1) The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance;
- 2) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article;
- 3) The level of the sound to be generated by the event or activity;
- 4) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested;
- 5) The density of population of the area in which the event or activity is to take place;
- 6) The time of day or night which the activity or event will take place;
- 7) The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.

Provide any additional information pertinent to the above listed considerations: _____

Authorized Noise:

This exemption applies only to the noise regulations included in Article IV, Chapter 16 of the Tucson Code, and is not an exemption from any other legal requirements that may apply to the above-described property or event.

Conditions:

Not later than three (3) business day of the exempted activity, the authorized Party shall notify all property owners within 150 feet of the point of origin of the dates, times and nature of the event or work to be performed pursuant to this exemption. In the notice the authorized Party shall include a copy of this exemption as well as provide the local phone number and name of an individual with onsite supervisory authority over the permitted activities and specify any steps that will be taken to monitor and mitigate the impact of noise levels. Notice shall also indicate that property owners may contact the City Manager's Office at 791-4204 to express concerns regarding noise levels.

This exemption shall be posted conspicuously at the location of the property subject to the exemption prior to commencement of and during all dates of the exempted activity.

This exemption does not waive requirements for standard permits.

Project/Event Representative:

Signature

Print Name

Date

.....

Reviewed by:

Zoning Examiner

Date

.....

Approved as to Form:

City Attorney

Date

.....

Approved by:

Denied by:

City Manager

Date

Cc: Tucson Police Department
Special Event Coordinator (if applicable)

TEMPORARY NOISE EXEMPTION SUBMITTAL REQUIREMENTS

Pursuant to Tucson Code Section 16-31 (d), a request for temporary exemption from the maximum permissible sound levels permitted by Chapter 16, Article IV of the Tucson Code is required to be submitted when: (a) noise from construction activities is proposed in excess of allowed dB(A) and/or (b) construction activity is proposed outside permitted hours of sunrise through 8:00pm, Monday through Saturday or on legal holidays. *Temporary Exemption requests shall be submitted no less than 10 calendar days prior to the event.*

A complete Temporary Noise Exemption (TNE) submittal must contain **all** of the items listed below. Please review this checklist to make sure your submittal is complete. Incomplete and poorly prepared submittals will be returned to the applicant.

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- Completed Application for Temporary Noise Exemption
- Letter outlining specific dates, times, action taking place during off hours (i.e. approximate yardage of concrete being moved, number of trucks, etc.)
- Copy of Notification made to surrounding property owners and tenants within 150' of property boundary
- Map or List of Surrounding Property Owners to be notified within 150' of property boundary
- Copy of TDOT Right of Way Permit or Application (if applicable)
- Copy of contract with TPD for off-duty officers (if applicable)
- Copy of Track Access permit submitted to SunLink (if applicable)

Tucson Code Section 16-31 (l) Penalty. Any person found responsible under this section for a violation of this article shall be guilty of a civil infraction and punished in accordance with minor section 1-8(2) and under the procedures outlined in Chapter 8 of this City Code. The court shall also enter an order of abatement against a party found responsible for a violation of this article pursuant to Chapter 8 of this City Code.