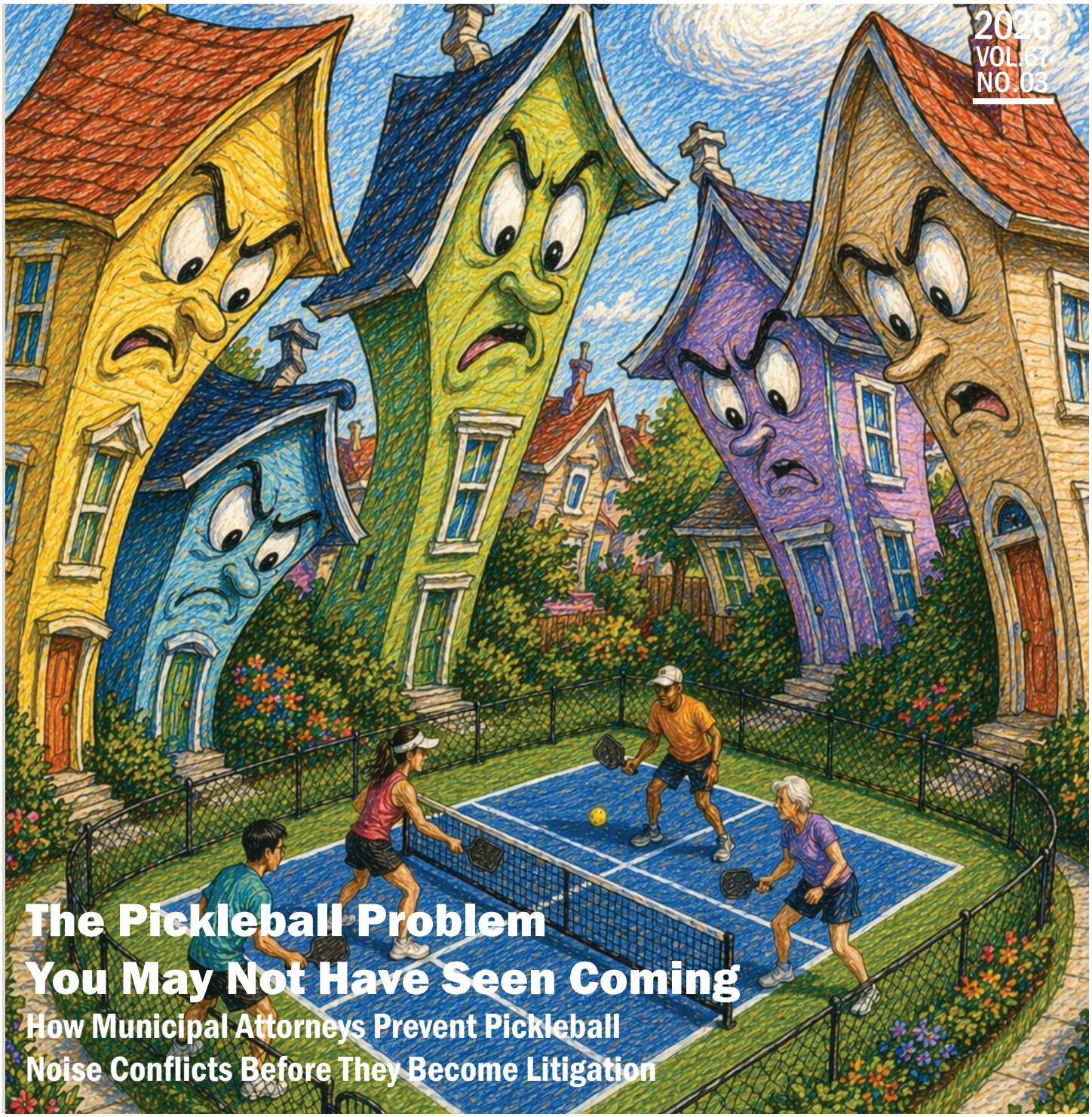
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How Municipal Attorneys Prevent Pickleball Noise Conflicts Before They Become Litigation

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THE PUBLIC MEETING

It usually begins the same way. A public meeting that was expected to be routine suddenly fills with residents. Though not on the agenda, the item is a park improvement project—two tennis courts were converted to eight pickleball courts.

A neighbor approaches the microphone first. She describes the noise coming through her bedroom window at 7:00 a.m. She says she cannot use her patio anymore. She says the sound continues all day.

Next come the pickleball players. They explain that the sport is enormously popular and that the courts are full every day. They describe the health benefits and the growing social community.

The room divides. Residents demand quiet in their homes. Players demand access to courts. Elected officials struggle to reconcile the two. Within weeks the controversy spreads to social media, local newspapers, and possibly attorneys. Across North America, municipal governments are discovering that pickleball can create unexpected legal and political challenges when courts are placed near residential areas.

For municipal attorneys, the central lesson is simple: This is a problem that must be prevented, not merely defended.

WHY PICKLEBALL NOISE IS DIFFERENT

At first glance, pickleball appears similar to tennis. Both sports use a net court and involve players striking a ball back and forth. Acoustically, however, the two sports are dramatically different. Tennis uses a soft felt ball and a flexible stringed racquet. The resulting sound is relatively muted. Pickleball uses a hard plastic ball and a solid paddle. Each paddle strike produces a sharp impulse sound with a fast onset and short duration.

Normal pickleball play produces approximately 15 paddle impacts per minute per court, or roughly 900 impacts per hour. With multiple courts operating simultaneously, the number of noise events grows quickly. Four courts can generate more than 3,600 impulse sounds per hour, repeated continuously throughout the day. Residents describe the noise not simply as loud but as relentless.

The issue is not just the decibel sound pressure level. It is the combination of:

- high-frequency impulse sounds
- random timing between impacts
- thousands of repetitions
- and long daily hours of play, often 10-12 hours.

In one field study of four courts, the average daily count exceeded 16,000 distinct noise events spread over 10 hours of play each day. Together these characteristics produce a sound environment that nearby residents find intrusive and overwhelming.

THE NOISE THAT COMES INTO THE HOUSE

A critical point for municipal attorneys is that pickleball noise often enters nearby homes. Residents frequently report hearing the paddle impacts inside bedrooms and living rooms, even with windows closed. Outdoor spaces such as patios and gardens become unusable as the residents seek distance and escape from the noise.

When noise penetrates property lines and into the home environment, the issue shifts from recreational inconvenience to interference with the residential use and enjoyment of the property. That shift is significant from a legal perspective. Statewide nuisance law becomes the last hope, and the legal action moves from local ordinance enforcement to court.

Chronic Noise Is a Public Health Issue

Municipal attorneys evaluating pickleball disputes should recognize that the issue is not limited to recreation policy or neighborhood preference. Decades of research summarized by the American Public Health Association conclude that chronic noise—even at relatively low levels—can cause annoyance, sleep disruption, and stress, which are associated with:

- cardiovascular and cerebrovascular disease
- metabolic disturbances
- exacerbation of psychological disorders
- impaired cognition and learning
- reduced productivity
- and premature mortality

These general principles are directly relevant to pickleball noise. The sound has several characteristics associated with elevated human impact:

- impulsive (sharp, sudden onset)
- high frequency (within the range of greatest human sensitivity)
- repetitive and irregular (difficult for the brain to habituate)
- prolonged (often occurring for many hours per day)

Residents often report hearing the sound inside their homes, where expectations of quiet and recovery are highest. When intrusive noise repeatedly enters the home environment, the body's stress-response systems may remain activated over time. This can contribute to sleep disturbance, fatigue, irritability, and physiological stress, even where measured decibel levels appear modest.

For municipal decision-makers, the key point is not that every complaint reflects a diagnosable medical condition. Rather, chronic, repetitive noise exposure in residential settings is not a trivial concern.





Most municipal noise ordinances rely on A-weighted decibel measurements, which were designed primarily for continuous sounds such as traffic, HVAC systems, or amplified music.

WHY RESIDENTS FEEL BETRAYED

When residents experience intrusive noise from pickleball courts, their first instinct is to consult the local noise ordinance. Most municipal noise codes begin with language like "The purpose of this ordinance is to protect the public health, safety, and welfare by preventing excessive noise." Residents understandably assume that the ordinance will protect them.

However, when enforcement officers measure the sound and determine that it falls below the ordinance's decibel limits, residents often receive a different message: the noise ordinance does not apply.

At the same time, complaints directed to recreation departments are frequently rebuffed or minimized. Residents may be told "you'll get used to it" or "you chose to live next to a park."

When the issue reaches elected officials, public comment periods are dominated by the much larger presence of pickleball players. Nearby homeowners — who may number only a handful — can feel drowned out by the larger and more organized group of recreational users.

From the residents' perspective, the situation appears contradictory. The municipality has adopted an ordinance declaring its intent to protect residents from excessive noise, yet the noise source may be a government-operated recreational facility, and the institutions responsible for addressing complaints appear dismissive of the impact.

The result is a growing sense of betrayal. Residents who initially expected protection under the law often conclude that the municipality has failed to honor its own stated commitment to protect the health, safety, and welfare of its citizens.

Once that perception takes hold, disputes that might have been resolved administratively often escalate into political conflict, organized protest, and sometimes litigation.

HOW TRADITIONAL NOISE ORDINANCES FAIL

In practice, noise ordinances rarely resolve the problem. The limitations arise from three distinct factors:

1. Technical Limitations in Measuring Impulsive Noise

Most municipal noise ordinances rely on A-weighted decibel measurements, which were designed primarily for continuous sounds such as traffic, HVAC systems, or amplified music.

Pickleball noise behaves differently. Each paddle strike produces a short, impulsive sound lasting only a few milliseconds. These brief impulses may not raise average sound levels enough to violate ordinance limits, even though the repeated impacts remain clearly audible and disruptive.

A typical one-minute measurement near active courts might produce readings such as:

- LAeq: 54 dB
- Maximum level: 71 dB
- Peak level: 89 dB

Each of these measurements may be technically correct, yet each describes a different aspect of the sound environment. None fully captures the cumulative annoyance created by thousands of impulsive sounds occurring throughout the day.

Municipal enforcement personnel also face practical challenges. Measuring impulsive noise accurately often requires:

- Specialized training
- Careful selection of meter settings (A-weighting, C-weighting, or peak measurements)
- Equipment capable of capturing short impulse events

Most ordinances do not specify these measurement protocols, leaving enforcement officers without clear guidance.

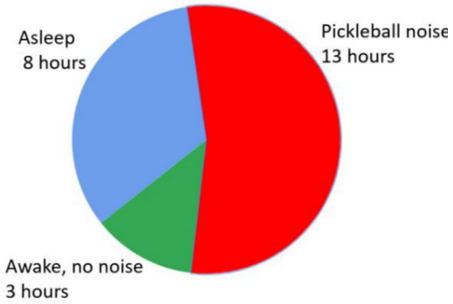
2. Noise Enforcement Is Reactive, Not Preventive

Even when measurement challenges can be overcome, noise ordinances operate after the problem has already occurred.

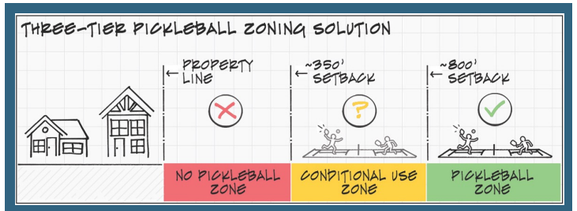
Decibel Limits Fall Short in CUPs

Decibels measure sound pressure level — not human annoyance. Relying solely on decibel thresholds in CUPs is inadequate for pickleball noise, which has unique acoustic traits: a sharp, high-frequency "pop" concentrated around 1250 Hertz, repeated randomly hundreds of times per hour, often for many hours a day. This creates a highly intrusive and chaotic soundscape that standard dBA limits fail to capture.

Annoyance is shaped not just by loudness, but by frequency, repetition, duration, time of day, and a person's loss of control over their home environment. Courts can meet decibel targets while still provoking substantial complaints. Non-acoustic factors critical to land use compatibility — such as perceived fairness and social conflict — remain unresolved when CUPs focus narrowly on sound pressure alone. More effective tools include setbacks, limited hours, quiet paddles, and planning that prevents conflict before it starts.



Graph Courtesy of: Kathleen Romito, M.D. and Daniel Fink, M.D., Pickleball noise: The physiological and psychological effects on nearby residents



THE ZONING ORDINANCE CREATES THREE ZONES:

The Prohibited Zone: Outdoor pickleball not allowed within approximately 350–500 feet of residential property.

Conditional Use Zone: Courts may be allowed through a conditional use permit (CUP), where mitigation measures such as noise barriers, hours restrictions, and quiet equipment can be imposed.

By-Right Zone: Courts permitted beyond approximately 800 feet, where sound impacts are significantly dissipated, and the risk of conflict is greatly reduced.

Residents must report disturbances, enforcement officers must respond, and measurements must be taken during active play. By that point, the land-use conflict already exists.

Noise ordinances, therefore, function primarily as reactive tools, attempting to manage an ongoing problem rather than preventing incompatible uses from being located near one another.

3. Institutional Constraints Within Government

A further complication arises when the noise source is a government operated facility. Code enforcement officers find themselves in the unusual position of investigating complaints against another department.

In practice, it is politically and institutionally difficult for a code enforcement department to issue citations to the recreation department operating a city park. As a result, enforcement efforts often stall before meaningful action occurs.

THE TWO MAJOR LITIGATION PATHWAYS

We see pickleball litigation arrive at the law department principally through two distinct pathways. Understanding these patterns can help municipal attorneys anticipate and avoid exposure.

1. Neighbor Lawsuits

The first pathway occurs when residents sue the municipality after courts are installed near homes, often through the conversion of tennis courts for pickleball use.

Plaintiffs allege that a noise nuisance has been created or maintained that interferes with residential enjoyment. Relief sought includes an injunction closing the courts and money damages.

2. Zoning Litigation With Private Operators

The second pathway occurs when private entities seek permits to construct pickleball facilities. Examples include country clubs, private sports clubs, commercial pickleball franchises, residential developments, and even individual homeowners wanting courts in their backyards.

When attempting to manage these projects through existing zoning and permitting practices, litigation quickly exposes that zoning and permitting ordinances are outdated and ill-suited to this new, surprisingly unexpected noise source.

THE MUNICIPAL ATTORNEY'S LEADERSHIP ROLE

Pickleball conflicts often arise because decisions are made in departmental silos. Recreation departments focus on meeting public demand for facilities. Planning departments focus on land-use compatibility. Code enforcement can only react after the fact. Attorneys often become involved only after controversy arises. Municipal attorneys are uniquely positioned to bridge these gaps.

By advising officials early — before courts are installed — attorneys can help ensure that recreational planning aligns with zoning principles and legal risk management.

In this role, legal counsel becomes the guardian of sound decision-making.

A ZONING SOLUTION IS EMERGING

As pickleball disputes have spread, leading jurisdictions are adopting zoning ordinances specifically tailored to pickleball courts, treating the sport as a distinct noise-generating land use rather than simply another form of recreation. These ordinances shift the focus from after-the-fact noise enforcement to preventing incompatible siting of courts near residential neighborhoods.

A common framework is a distance-based three-zone zoning structure. Under this approach, outdoor pickleball courts are prohibited within a defined setback from homes where conflict is most likely, allowed only through discretionary review in an intermediate zone where mitigation may succeed, and permitted by right at greater distances where sound impacts are substantially reduced. The zoning ordinance creates three zones:

The Prohibited Zone

Outdoor pickleball not allowed within approximately 350–500 feet of residential property.

Conditional Use Zone

Courts may be allowed through a conditional use permit (CUP), where mitigation measures such as noise barriers, hours restrictions, and quiet equipment can be imposed.

By-Right Zone

Courts permitted beyond approximately 800 feet, where sound impacts are significantly dissipated, and the risk of conflict is greatly reduced.

THE MOST RELIABLE MITIGATION TOOL: DISTANCE

Among the various strategies proposed for mitigating pickleball noise, one consistently proves the most reliable: distance.

Sound energy decreases naturally as distance increases. Unlike other mitigation measures, setbacks:

- requires no enforcement
- imposes no operational burden
- operates continuously

Municipalities are sometimes tempted to adopt a relatively small "No Pickleball" setback, such as 150 or 250 feet, in an effort to accommodate court placement within existing parks or recreational facilities. However, practical experience as well as emerging research on the health and annoyance impacts of impulsive noise suggests that these smaller distances often fail to prevent conflict, and the addition of mitigation measures such as barriers, limited hours, or quiet equipment is far less likely to resolve the dispute.

Selecting a larger distance of 350 feet or more allows sufficient natural dissipation of sound energy, making additional mitigation tools deployed through a conditional use permit (CUP) far more likely to succeed. In effect, the initial minimum setback provides the first layer of protection, while other measures serve as supplemental controls.

Communities that adopt larger setback distances therefore reduce the likelihood of persistent complaints, political controversy, and litigation.

ZONING ORDINANCE CHOICES FOR BEST CHANCE OF SUCCESS

- **Define Pickle Ball Play:** A distinct land use of permanent courts or portable nets.
- **Capture Public Uses :** Recreation Dept. applies to the Zoning Dept. for project approval.
- **List Protected Receptors:** Residential, schools, senior living, office, hospitals.
- **Retain Ongoing Review:** CUP can be modified if conditions change or complaints.
- **Choose Large Setbacks**
- **Prohibited Zone:** 350 or 500 feet because it is very difficult to cure noise at lesser setbacks
- **Conditional Use Zone:** Barriers, limited hours and quiet equipment can succeed.
- **By-Right Zone:** At 800+ feet, noise will be audible sometimes but less annoying.

WHY BARRIERS OFTEN FAIL

Sound walls are a common response once complaints arise Unfortunately, their effectiveness is often overestimated. Sound does not travel like a bullet that can be stopped by a wall. It radiates outward in a three-dimensional wave. As a result sound travels:

- Over barriers,
- Around barrier ends, and
- Reflects off nearby surfaces.

Municipalities have sometimes spent hundreds of thousands of dollars installing barriers only to discover that nearby residents still hear the impulsive paddle impacts clearly.

QUIET EQUIPMENT: PROMISING BUT DIFFICULT

Manufacturers have begun producing quieter paddles and balls designed to reduce vibration. These innovations can significantly reduce noise levels. However, enforcement presents challenges.

Players strongly prefer using their own equipment, and even a single player using conventional gear can negate the benefits of quiet equipment rules.

Facilities that successfully implement quiet equipment policies typically provide:

- equipment rental or checkout systems
- staff supervision
- controlled access to courts

ARE BARRIERS A SOLUTION?

Mass-loaded vinyl barriers—often marketed under brand names such as Acoustifence—have quickly become a popular choice for reducing pickleball noise. These flexible, dense, one-eighth inch-thick vinyl sheets easily attach to existing fences. The material performs well in lab tests that judge its ability to block noise from passing straight through.

Yet real-world effectiveness frequently falls short. Outdoor noise control is complicated by sound diffraction, the natural phenomenon where sound waves spread over or around barrier edges. Resident accounts often paint a critical picture, pointing out that each of the impulsive popping noises remains clearly audible, although the barrier advocates may be technically correct in saying that the measured decibels of loudness are somewhat lessened.

A prominent example arose at San Gorgonio Park in San Clemente, California. In 2018, the city converted two tennis courts to eight pickleball courts. City staff added 10-foot tall Acoustifence panels in 2021. A frustrated homeowner living about 350 feet away filed a 45-page lawsuit, representing herself and recounting the long history of interactions with city hall. In November 2024, the city council voted four to one to revert the courts to tennis play, thus ending the lawsuit.

This case underscores two critical lessons. One, barriers are often insufficient for noise mitigation at residences as far as 350 feet, and two the standard solution is to simply return the facility to tennis play.

Public parks without supervision often struggle to enforce such rules. Charging a $5.00 fee to play can fund on-site supervisors.

WHEN THE MISTAKE HAS ALREADY BEEN MADE

Some pickleball courts were installed before the scale of the issue was widely understood.

Once complaints begin, municipalities may consider relying on governmental immunity or ordinance compliance as legal defenses. While those defenses may have merit from a lawyer's perspective, relying solely on them can deepen community conflict.

Municipal attorneys can provide stronger leadership by guiding their electeds toward firm corrective solutions. In many cases, this has meant converting the courts back to tennis or hiring park rangers to enforce quiet equipment programs and an aggressive reduction in hours of play.

CONCLUSION: THE MUNICIPAL ATTORNEY AS GUARDIAN OF GOOD DECISIONS

Pickleball is one of the fastest-growing recreational sports in North America. Communities will continue to build courts to meet demand.

The challenge is not whether to allow the sport. The challenge is where and how to allow it without harming nearby neighborhoods. Municipal attorneys play a critical role in guiding these decisions.

By ensuring that recreation planning, zoning policy, and legal risk management work together, attorneys can help their communities avoid the cycle of protests, lawsuits, and expensive mitigation projects that many municipalities are now experiencing.

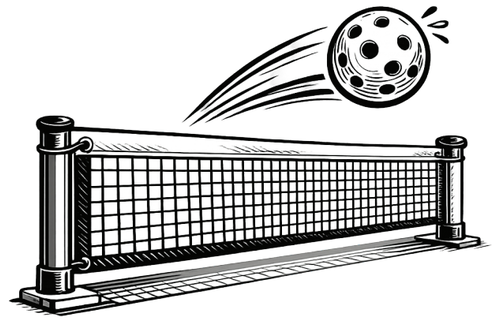
In short, the municipal lawyer's responsibility is not merely to defend after a mistake has been made. It is to ensure that the mistake never happens in the first place. **ML**

MORE INFORMATION

More About the Health Impact

• American Public Health Association, *Noise as a Public Health Hazard* (2021). A strong general source on the health effects of chronic noise and related public-health concerns. https://www.apha.org/policy-and-advocacy/public-health-policy-briefs/policy-database/2022/01/07/noise-as-a-public-health-hazard?utm_source=chatgpt.com

• Kathleen Romito, M.D. and Daniel Fink, M.D., *Pickleball Noise: The Physiological and Psychological Effects on Nearby Residents* (Acoustical Society of America, May 2025). For a plain-language summary visit: https://acoustics.org/



pickleball-noise-raises-health-concerns-for-neighbors-living-near-courts/?utm_source=chatgpt.com

• Kathleen Romito, M.D. and Jamie Banks, Ph.D., *A Survey of the Community Impact of Pickleball Noise: A Pilot Study* (Acoustical Society of America, Feb. 2026). Available at: https://acoustics.org/the-noise-nobody-planned-for-a-community-perspective-on-pickleball-noise/?utm_source=chatgpt.com

Learn More About Noise and Pickleball

• Quiet Communities, Inc.: a nonprofit organization focused on environmental noise and public health, has a multi-disciplinary task force (medical, acoustical, public health, public policy, legal) and developed a dedicated resource page addressing pickleball noise. The site includes research summaries, policy discussions, community case studies, and links to scientific papers and presentations on both acoustic and non-acoustic impacts. For more information: https://www.quietcommunities.org/news-resources

Charles Leahy is a retired mechanical engineer and attorney who became involved in a pickleball noise dispute while serving on the board of a California homeowners' association. Four tennis courts were converted into 13 pickleball courts, resulting in a nuisance lawsuit. Intrigued by the science and politics of noise, he researched and wrote the book, *Managing Pickleball Noise Through Zoning, Zoning Practice* (American Planning Association, Nov. 2025). and gives training on pickleball zoning and permitting for the International Municipal Lawyers Association.

Kathleen Romito, M.D., is a physician and pickleball player who became involved in pickleball noise research after courts were installed approximately 57 feet from her home. Observing the effects on nearby residents, she began studying the physiological and psychological impacts of chronic exposure to pickleball noise. She has co-authored research on community impacts and health effects and is affiliated with Quiet Communities, Inc., where she contributes research and public education on environmental noise and health.

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