

ORDINANCE NO. 05-18

RELATING TO THE CONTROL OF EXCESSIVE NOISE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

SECTION 1. DEFINITIONS

“Construction Activity” means any activity that occurs as part of the building, demolishing, alteration or repair of any structure, facility, street, utility or improvement.

“Enforcement Officer” means any person responsible for the enforcement of this Ordinance and the regulations promulgated hereunder.

“Motor Vehicle” means any car, truck, motorcycle, all terrain vehicle or motorized boat.

“Person” means 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 singular number.

“Plainly Audible” means any sound that can be detected by a person using his or her unaided hearing faculties.

“Sound Amplification System” is any device, instrument or system, whether electrical or mechanical or otherwise designed for amplifying sound or for producing or reproducing sound, including (but not limited to) any radio, stereo, musical instrument, compact disc, tape, phonograph, loudspeaker or public address system.

SECTION 2. POLICY

- A. It is hereby declared to be the policy of the Town of Dewey-Humboldt that creating, permitting or allowing any unreasonably loud and disturbing noise within the Town limits is hereby prohibited. At and above certain levels, noises are detrimental to the health and welfare of the citizens and occupants of the Town.**
- B. It is hereby declared to be a public nuisance, and it unlawful for any person owning or operating or in control of any residence, business, restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any Sound Amplification System in such a loud or unusual manner as to be offensive to the senses.**

SECTION 3. GENERAL PROVISIONS

- A. Sound Amplification Systems.** It shall be unlawful for any person to operate a sound amplification system within the Town at any time in such a manner or with such volume that it is plainly audible or causes a person to be aware of vibration accompanying the sound at a distance of seventy five (75) feet or more in any direction from the operator or from any property line where the system is being used.

If the sound amplification system is used in the normal course of business for a commercial establishment, the sound from such system may exceed limits set forth above between the hours of 8:00 a.m. and 10:00 p.m.

- B. Motor Vehicles.** It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise.

It shall be unlawful for any person within the limits of the Town of Dewey-Humboldt to repair, rebuild or test any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. in such a manner that a reasonable person of normal sensory perception is caused discomfort or annoyance.

It shall be unlawful for any person within the Town of Dewey-Humboldt to use compression braking (e.g. 'Jake' brakes) at any time. It shall also be unlawful to operate a motor vehicle in such a manner as to cause the tires to squeal or screech upon acceleration.

- C. Construction Activity.** It is unlawful to engage in any construction activity between the hours of 8:00 p.m. and 7:00 a.m. in such a manner that a reasonable person of normal sensory perception would be caused annoyance or discomfort.

SECTION 4. EXCEPTIONS

- A.** Cases of emergency (in the interest of public health, safety and welfare) with the written permission of the Mayor and Town Manager which permission may be granted for a period not to exceed thirty days or the period of the emergency.
- B.** Cases where the Town Council determines that the public health, safety and welfare will not be impaired and that loss or inconvenience will not result to any party-in-interest, which permission may be granted prior to application for a building permit or other permit issued by the Town;
- C.** Cases of public works construction of all kinds, repair or alteration of public streets, utilities or other facilities, snow plowing, emergency responses of every kind, or other public business or activities by any public agency including its employees, officers, contractors or agents.

- D. Operation of any and all emergency vehicles in the normal course of their operations.

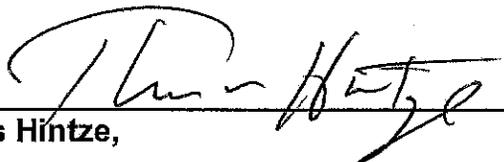
SECTION 5. PENALTIES

A. Any person found to be in violation of any section of this ordinance, shall be deemed guilty as follows:

1. A first offense shall be deemed a civil infraction punishable by a fine of not more than fifty dollars (\$50.00) which may be suspended at the discretion of the Magistrate
2. A second offense or first offense which is especially obnoxious, shall be deemed a civil infraction, punishable by a fine of not more than three hundred fifty dollars (\$350.00)
3. A third offense committed within twelve months shall be deemed a Class 1 misdemeanor, punishable by a fine of not more than two thousand five-hundred dollars (\$2,500), imprisonment for up to one hundred eight days (180) or any combination of both.

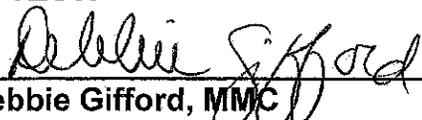
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 18 day of October, 2005.

This Ordinance shall be effective November 17, 2005.



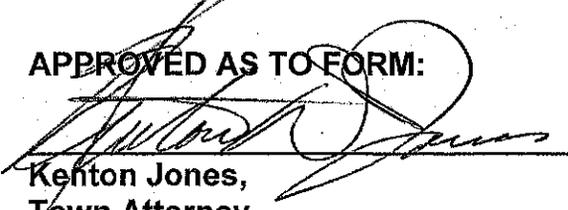
 Thomas Hintze,
 Mayor

ATTEST:



 Debbie Gifford, MMC
 Town Clerk

APPROVED AS TO FORM:



 Kenton Jones,
 Town Attorney
 Attorney