

ORDINANCE NO. 25-217

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE IX GENERAL REGULATIONS, CHAPTER 93 NUISANCES; ENVIRONMENTAL AND SANITATION; CONTROL OF EXCESSIVE NOISE; BY AMENDING SUBSECTION § 93.03 GENERAL REGULATIONS (C) CONSTRUCTION ACTIVITY.

WHEREAS the Arizona Legislature adopted S.B. 1182, codified as Ariz. Rev. Stat. § 9-500.52, which mandates that a municipality may not enact or enforce any noise ordinance, rule or regulation that prohibits any general construction activities between May 1 and October 15 of each year between the hours of 5:00 a.m. and 7:00 p.m. each business day and between the hours of 7:00 a.m. and 7:00 p.m. on Saturday if the construction work is being performed pursuant to a validly issued building permit issued by the municipality. The municipality shall allow concrete to be poured at least one hour before the time that general construction activities are regularly scheduled to begin.

WHEREAS this Ordinance is being adopted by the Town of Dewey-Humboldt Council to comply with S.B. 1182;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Dewey-Humboldt, as follows:

Section I. Amendments.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX - General Regulations, Chapter 93 - Nuisances; Environment and Sanitation; Control of Excessive Noise, is hereby amending Subsection 93.03 General Regulations (C) under Construction Activity. (additions in underlined ALL CAPS; deletions in strikeout):

§ 93.03 GENERAL REGULATIONS.

(C) Construction activity. GENERAL CONSTRUCTION ACTIVITIES BETWEEN MAY 1 AND OCTOBER 15 OF EACH YEAR CAN COMMENCE BETWEEN THE HOURS OF 5:00 A.M. AND 7:00 P.M. EACH BUSINESS DAY AND BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. ON SATURDAY IF THE CONSTRUCTION WORK IS BEING PERFORMED PURSUANT TO A VALIDLY ISSUED BUILDING PERMIT ISSUED BY THE MUNICIPALITY. CONCRETE MAY BE POURED AT LEAST ONE HOUR BEFORE THE TIME THAT GENERAL CONSTRUCTION ACTIVITIES ARE REGULARLY SCHEDULED TO BEGIN. It is unlawful to engage in any construction activity between the hours of 8:00 p.m. and 7:00 a.m. BETWEEN OCTOBER 16 AND APRIL 30 OF EACH YEAR in such a manner that a reasonable person of normal sensory perception would be caused annoyance or discomfort.

Section II. Effective Date.

This Ordinance is to be effective upon the expiration of thirty (30) following the adoption of this Ordinance and when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section III. Severability.

All ordinances, or parts of ordinances, adopted by the Town of Dewey-Humboldt in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 17th day of JUNE, 2025, by the following vote:

AYES: 6 NAYS: 0 ABSENT: 1 EXCUSED: 0 ABSTAINED: 0


APPROVED this 17th day of JUNE, 2025.


Matthew Fenn, Mayor


ATTEST:


Beth Evans, Town Clerk

APPROVED AS TO FORM:


Sims Mackin, Ltd
Town Attorney
By: William J. Sims III

I, BETH EVANS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 25-217 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 17th DAY OF JUNE, 2025, WAS POSTED IN THREE PLACES ON THE 18th DAY OF JUNE, 2025.


Beth Evans, Town Clerk