

ORDINANCE NO. 1177

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE, CHAPTER 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS, BY AMENDING SECTION 10-1-11 NOISE AND FUMES, SECTION D GENERAL EXEMPTIONS BY EXEMPTING HEATING, COOLING AND POOL EQUIPMENT OPERATING WITHIN MANUFACTURING SPECIFICATIONS AND IN PROPER OPERATING CONDITION; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

NOW THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 10 Offenses, Article 10-1 Unlawful Acts, is amended by amending Section 10-1-11 Noise and Fumes, Section D General Exemptions to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 10-1-11 Noise and Fumes

D. General exemptions. The following activities are exempted from the provisions of subsections A and B above:

1. ~~Air conditioning equipment when it is functioning in accord with manufacturer's specifications and is in proper operating condition provided that no unit may cause the noise level measured inside any sleeping or living room inside any dwelling unit to exceed forty-five (45) dB(A) between the hours of 10:00 p.m. And 7:00 a.m., nor fifty-five (55) dB(A) between the hours of 7:00 a.m. And 10:00 p.m.;~~
HEATING, COOLING AND POOL EQUIPMENT, WHEN FUNCTIONING IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND IS IN PROPER OPERATING CONDITION, SHALL BE EXEMPT FROM THE NOISE ORDINANCE REQUIREMENTS.

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Section II. Repeal of Conflicting Ordinance.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 16th day of October 2017.

By: Everett Sickles
Everett Sickles, Mayor

ATTEST:

By: Amy Brown
Amy Brown
Town Clerk

APPROVED AS TO FORM:

By: Susan Goodwin
Susan Goodwin, Town Attorney
Gust Rosenfeld, PLC

Number of Councilmembers Present: 7
Number of Votes For: 6
Number of Votes Against: 1
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1177 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 16th day of September 2017, and that a quorum was present at the meeting.

Amy Brown
Amy Brown
Town Clerk