

ORDINANCE NO. 790

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 130.20 (NOISE) OF THE CODE OF THE TOWN OF PAYSON AND MAKING CONFORMING CHANGES TO SECTIONS 73.05, 90.04, 111.09, 130.18, AND 130.99 OF THE CODE OF THE TOWN OF PAYSON AND SECTIONS 15-02-013 AND 15-11-002 OF THE UNIFIED DEVELOPMENT CODE. (NOISE AMENDMENTS)

WHEREAS, the citizens of Payson have a right to an environment free from excessive sound and vibration that may jeopardize their health and welfare or degrade the quality of life; and

WHEREAS, it is the policy of the Town of Payson to protect the health, safety, and welfare of its citizens and to promote an environment free from sound and noise disruptive of peace and quiet enjoyment; and

WHEREAS, it is the policy of the Town of Payson to prevent excessive noise that may jeopardize the health or welfare of its citizens or degrade the quality of life; and

WHEREAS, the Town of Payson regulates various types and kinds of noise through the current provisions within the Town Code and the Unified Development Code to promote these policies; and

WHEREAS, on August 5, 2010, the Town Council directed staff to prepare a consolidated noise ordinance that incorporated a general prohibition on unreasonable noise, as well as specific per se violations; and

WHEREAS, the Town of Payson now desires to adopt amendments to Section 130.20 (Noise) and conforming changes to other Town Code provisions,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

- Section 1. Amendments to Section 130.20 (NOISE) of the Code of the Town of Payson set forth in Resolution 2575 were heretofore declared to be a public record, and the provisions thereof are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 790.
- Section 2. Amendments to Sections 73.05, 90.04, 111.09, and 130.18 of the Code of the Town of Payson and Sections 15-02-013 and 15-11-002 of the Unified Development Code set forth in Resolution 2575 were heretofore declared to be a public record, and the provisions thereof are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 790.

Section 2. At least three copies of the amendments adopted by Sections 1 and 2 above, shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. Section 130.99(B) (PENALTY) of the Code of the Town of Payson is hereby amended and shall read as follows:

~~(B) Any person who violates § 130.20(E) shall be guilty of a civil infraction punishable by imposition of a civil sanction not to exceed \$1,000.~~

(B) Any person who violates a provision of this chapter that is a civil violation is subject to a civil penalty not to exceed \$250 and any penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council declares that it would have adopted this Ordinance and each section, subsection, or portion despite the fact that any one or more sections, subsections, or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of October, 2010, by the following vote:

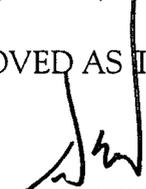
AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

ATTEST:

Silvia Smith, Town Clerk

Kenny J. Evans, Mayor

APPROVED AS TO FORM:



Timothy M. Wright, Town Attorney