

SUBMITTED BY: Kraig Fullen, Chief of Police

MANAGEMENT TEAM REVIEW: Ana Urquijo, City Manager

FOCUS AREA: Community Enhancement

ORGANIZATIONAL IMPROVEMENTS: N/A

SUBJECT: **SECOND READING of ORDINANCE NO. 23-1158**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AMENDING** Article 8.28 of the **HEALTH AND SAFETY CODE**, relating to the regulation of **NOISE**; establishing severability of components of ordinance; and establishing an effective date thereof.

EXECUTIVE SUMMARY:

Staff has identified, and seek to remedy, conflicting provisions within Article 8.28.020 and Title 6 of the Douglas Municipal Code.

BACKGROUND:

Article 8.28.020 lists general prohibitions for any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying; are continuous or intermittent for a period of at least fifteen (15) minutes; or occur after 10:00 p.m. but before 6:00 a.m.; and are plainly audible beyond the property line of the property on which conducted; and disturbs the peace and quiet of a neighborhood or a reasonable person of normal sensibilities or special event.

Owning, possessing, harboring, or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds is listed under the general prohibitions under the parameters as noted.

A similar provision already exists under Title 6 – Animals, without the requisite parameters found in the Noise ordinance and the existence of both provisions in separate articles has created unintended confusion on how and which ordinance applies to a given circumstance.

DISCUSSION:

Staff recommends that Article 8.28.020, paragraph (D) be stricken in its entirety and its provisions incorporated into Title 6 as noticed in the ordinance.

FISCAL IMPACT:

None.

Fiscal Year: **Amount Requested:** \$ **Budgeted:** Y / N

Account (s):

The FY 2022-2023 Operating Budget establishes the revenues and expenditures for the City of Douglas for the upcoming fiscal year

“...I MOVE THAT THE MAYOR AND COUNCIL APPROVE THE SECOND READING OF ORDINANCE NO. 23-1158 BY NUMBER AND TITLE ONLY.”