

**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.**

**WHEREAS**, the City recognizes that noise that is excessive, unnecessary, disruptive or annoying is detrimental to the health and welfare of its residents; and

**WHEREAS**, the City seek to protect the public health and welfare of its residents by regulating noise through provisions enacted by ordinances; and

**WHEREAS**, the City has identified, and seek to remedy, conflicting provisions within this article and Title 6 of the Douglas Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Douglas, Arizona, as follows:

**SECTION 1. Chapter 8.28.020, paragraph (D) is stricken in its entirety and its provisions incorporated into Title 6.**

**SECTION 2. Chapter 8.28.020 shall be amended within the City of Douglas Health and Safety Code, and shall further read as follows:**

8.28.020 Prohibitions—General.

A. The following activities are prohibited if they produce:

1. Any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying; and
2. Are continuous or intermittent for a period of at least fifteen (15) minutes; or
3. Occur after 10:00 p.m. but before 6:00 a.m.; and
4. Are plainly audible beyond the property line of the property on which conducted; and
5. Disturbs the peace and quiet of a neighborhood or a reasonable person of normal sensibilities or special event.

B. Radios, televisions, musical instruments and similar devices. Operating, using, playing or permitting the operation, use or playing of any radio, television, phonograph, tape or CD player, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound:

C. Loading or unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner to cause an unreasonable noise across a residential real property boundary or within a noise sensitive zone.

~~D. Owning, possessing, harboring, or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds (see section 6.04.280, nuisance animal).~~

~~DE.~~ Allowing or causing any malicious or willful shouting, yelling, screaming or any other form of raucous vocalization by a person or group of people.

~~EF.~~ Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicles, motorcycle or motorboat in such a manner as to cause an unreasonable noise across a residential property boundary or within a noise sensitive zone.

~~FG.~~ Explosives, Firearms and Similar Devices. The use or firing of explosives, firearms or similar devices which create an impulsive sound so as to cause an unreasonable noise across a real property boundary or on a public right-of-way or other public property.

~~GH.~~ Emergency signaling devices.

1. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. In no event shall such testing occur between the hours of ten p.m. and six a.m. the following day; or

2. Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle alarm unless such alarm is terminated within six minutes of activation.

~~HI.~~ Tampering. The following acts or causing thereof are unlawful:

1. The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement of any noise control device; or

2. The use of a product which has had a noise control device removed or rendered inoperative, with knowledge that such action has occurred.

(Ord. 20-1121, § 1, 2020)

**SECTION 3. Severability.** If any chapter, section, subsection, sentence, clause or phrase of this Ordinance 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 of this Ordinance.

**SECTION 4.** This ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 8<sup>th</sup> day of February, 2023.

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Donald C. Huish, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Alma Andrade, City Clerk

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Denis Fitzgibbons, City Attorney

Prepared by:  
Kraig Fullen, Chief of Police