

## **ORDINANCE 16-10**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE "TOWN OF FOUNTAIN HILLS NOISE REGULATIONS" BY REFERENCE AND AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 11, SECTION 11-1-7, BY REVISING PROVISIONS RELATED TO NOISE VIOLATIONS.

**WHEREAS**, the Town of Fountain Hills Town Code (the "Town Code") contains provisions pertaining to noise violations; and

**WHEREAS**, it is in the best interests of the community for the Town of Fountain Hills (the "Town") to have standards by which authorized individuals may objectively determine whether a noise violation has occurred; and

**WHEREAS**, the Town desires to clarify the provisions relating to noise violations to provide its citizens with a clear statement of the noise violation provisions applicable to activities within the corporate limits of the Town.

**NOW, THEREFORE, BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The document known as the "Town of Fountain Hills Noise Regulations" (the "Noise Regulations"), of which one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk, which document was made a public record by Resolution 2016-17 of the Town of Fountain Hills, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 3. The Fountain Hills Town Code, Chapter 11 (Offenses), Article 11-1 (Offenses), is hereby amended by deleting Section 11-1-7 (Noise), in its entirety and replacing it with the Noise Regulations.

SECTION 4. Any person who fails to comply with any provision of the Noise Regulations shall be subject to civil and criminal penalties as set forth in Section 1-8-1 of the Fountain Hills Town Code, including civil penalties of not more than \$250 base fine. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion 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 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, December 15, 2016.

**FOR THE TOWN OF FOUNTAIN HILLS:**

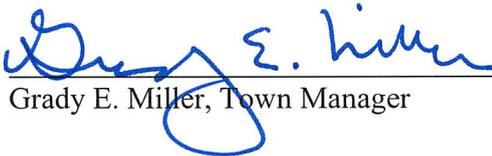
**ATTESTED TO:**

  
\_\_\_\_\_  
Linda M. Kavanaugh, Mayor

  
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Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Grady E. Miller, Town Manager

  
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Andrew J. McGuire, Town Attorney