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ORDINANCE NUMBER 693

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY TOWN CODE, ARTICLE 10, SECTIONS 10-7-5 AND 10-7-7; PROVIDING FOR SEVERABILITY

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Article 10, Sections 10-7-5 and 10-7-7, are hereby amended, with deletions shown as ~~strikethroughs~~ and additions shown in **bold type** as follows.

Section 10-7-5 Construction and Related Activities

- A. It is unlawful for any person to operate or permit to be operated any pile driver, power shovel, rotary drill or auger, loader, pneumatic or hydraulic hammer, or bulldozer, in any building, construction, demolition, land clearing, excavation or similar outside construction, between sunset and sunrise on Monday through Friday, and at all times on Saturdays, Sundays and designated legal holidays.
- B. It shall be unlawful for any person to perform or cause to be performed the maintenance or servicing of construction vehicles or equipment or to deliver or cause to be delivered construction equipment or materials to a construction site between sunset and sunrise Monday through Saturday, and at all times on Sundays and designated legal holidays except that sprayed termite prevention material may be applied between sunset and sunrise.
- C. It is unlawful for any person to operate or permit to be operated any device in any building, construction, demolition, land clearing, excavation or similar outside construction, alteration, or repair work on any buildings, structures or projects, between sunset and sunrise Monday through Saturday, and at all times on Sundays and designated legal holidays, if the noise level created exceeds 45 db(a) measured at the nearest residential or commercial property line.

1 Section 10-7-7 Exemptions

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- A. Under unusual circumstances not specified in this ordinance, at the discretion of the Town Manager, **time and day restrictions may be waived, and** a noise level may exceed the ranges specified in Tables 1 and 2, supra.
- B. The following noise sources, activities and uses shall be exempt from the noise regulations specified in this Article:
 - 1. Noises of safety signals, warning devices, and emergency pressure relief valves.
 - 2. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 - 3. Noises resulting from work on essential services as defined in Section 10-7-2 (5), supra.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town 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.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this _____ day of _____ 2015.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney