

## SAHUARITA ORDINANCE NO. 2025-184

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AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING TITLE 8 HEALTH AND SANITATION, CHAPTER 8.30 NOISE, SECTION 8.30.020 CONSTRUCTION NOISE PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Sahuarita Town Code Title 8 Health and Sanitation, Chapter 8.30 Noise, Section 8.30.020 Construction Noise pertaining to regulations of construction noise and permits construction activity only between the hours of 6:00 a.m. and 6:00 p.m. year-round, and the pouring of concrete from April 15th to October 15th inclusive, each day between the hours of 5:00 a.m. and 7:00 p.m. and from October 16th to April 14th inclusive, each day between the hours of 6:00 a.m. to 7:00 p.m.; and

WHEREAS, Arizona legislature's SB 1182 signed by the Governor, adopted by emergency clause and thus immediately effective, requires a city or town to allow general construction activities between May 1 and October 15 between the hours of 5:00 a.m. and 7:00 p.m. each business day and between the hours of 7:00 a.m. and 7:00 p.m. on Saturday and allows concrete to be poured at least one hour before the time that general construction activities are regularly scheduled to begin; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town of Sahuarita and its residents to preserve the health, safety and general welfare by adopting this Ordinance by emergency clause to effectuate the immediate implementation of this amendment to Sahuarita Town Code Title 8 Health and Sanitation, Chapter 8.30 Noise, Section 8.30.020 Construction Noise, as provided herein to be consistent with Arizona state law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Sahuarita, Arizona, as follows:

**Section 1.** The Town of Sahuarita Municipal Code is hereby amended by amending Title 8 Health and Sanitation, Chapter 8.30 Noise, Section 8.30.020 Construction Noise to read as follows (new text shown by **underlined/bold** text; deletions in ~~strikethrough~~)

### **8.30.020 Construction Noise**

A. **General construction activities, including** ~~t~~The erection, ~~(including excavation)~~, demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, **shall be limited to the following hours:**

**1. Between May 1 and October 15, inclusive: from 5:00 a.m. to 7:00 p.m.**

**2. Between October 16 and April 30, inclusive: from 6:00 a.m. to 7:00 p.m.**

~~other than between the hours of 6:00 a.m. and 6:00 p.m., shall be unlawful; provided, however, the town manager or his/her designee shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 6:00 p.m. to 6:00 a.m.~~

**B. Pouring of concrete shall be limited to the following hours:**

~~1. From April 15<sup>th</sup> to October 15 inclusive, concrete may be poured each day between the hours of 5:00 a.m. and 7:00 p.m. or at such other times as authorized by permit.~~  
**1. From ~~April 15<sup>th</sup>~~ ~~Between May 1 and~~ ~~to~~ October 15 inclusive, concrete may be poured each day between the hours of 5:00 a.m. and ~~7:00~~ **From 4:00 a.m. to** 7:00 p.m. or at such other times as authorized by permit.**

~~2. From October 16 to April 30, inclusive, concrete may be poured each day between the hours of 6:00 a.m. to 7:00 p.m. or at such times as authorized by permit.~~  
**2. From ~~Between~~ October 16 ~~to~~ ~~and~~ April 30, inclusive, concrete may be poured each day between the hours of ~~6:00 a.m. to 7:00 p.m.~~ **From** 6:00 a.m. to 7:00 p.m. or at such times as authorized by permit.**

**C. Construction activities outside of these hours shall be unlawful unless authorized by permit. The town manager or his/her designee shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place outside of these hours.**

**Section 2.** The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance and sections of the Town Code.

**Section 3.** All ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the date of this ordinance. All internal reference within the Town Code to any affected provision are hereby updated.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, or any part of this amendment to the Town Code, 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 5.** The Town Clerk is hereby directed to publish this ordinance upon adoption as required by A.R.S. §§ 9-812 and 9-813.

**Section 6.** The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the Town of Sahuarita, and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Town Council of the Town of Sahuarita.

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 9th day of June 2025.

*Tom Murphy*

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Mayor Tom Murphy

ATTEST:

*Lisa Cole*

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Lisa Cole, MMC  
Town Clerk

APPROVED AS TO FORM:

*Jon M. Paladini*

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Jon Paladini  
Town Attorney

**CERTIFICATION OF RECORDING OFFICER**

State of Arizona        )  
County of Pima        ) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2025-184, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 9th day of June 2025, at which a quorum was present and by 6-0 vote, all voted in favor of the said ordinance.

Given under my hand and sealed this 9th day of June 2025.

SEAL:

*Lisa Cole*

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Lisa Cole, MMC  
Town Clerk

