



# Staff Report

---

**Agenda Item:**           **ORDINANCE CHANGING ARTICLE 7-14 (A) HOURS OF CONSTRUCTION** – Discussion and possible approval of an ordinance changing Article 7-14 (A), to amend the hours of construction which are currently sunrise to 9:00 PM.

**Staff Contact:**           Sherry Bailey, Community Development Director

**Meeting Date:**           October 14, 2008

**Background:**           The current ordinance allows construction work to start at sunrise. Residents have complained that during the summer months, especially during the month of June, sunrise is at 5:15 AM on some days and that is too early to start work.

Enforcement is much easier (as is scheduling) if a consistent time is used as a starting point for projects. 6:00 AM is currently being used as a starting time by most contractors in the area.

## **Article 7-14 PROPERTY MAINTENANCE DURING CONSTRUCTION**

A.     No work shall commence before sunrise nor continue past 9:00 P.M. Any contractor, subcontractor, tradesman, materials supplier, owner, or bona fide representative or employee of any of the above who is present at the job site at the time of a violation will be held responsible.

**Recommendation:**   Approval of Ordinance # \_\_\_\_\_ amending Article 7-14 (A), to the hours of construction being from 6:00 AM to 9:00 PM.

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING CHAPTER 7, ARTICLE 7-14 (A), PROPERTY MAINTENANCE DURING CONSTRUCTION, OF THE TOWN CODE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA THAT:**

**SECTION 1: Article 7-14 (A) Property Maintenance During Construction be amended to read:**

- A. No work shall commence before 6:00 A.M. nor continue past 9:00 P.M. Any contractor, subcontractor, tradesman, materials supplier, owner, or bona fide representative or employee of any of the above who is present at the job site at the time of a violation will be held responsible.**

**SECTION 2: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.**

**SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein 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 take effect and be in force thirty (30) days after passage by the Council and approval by the Mayor.**

**PASSED AND ADOPTED by the Mayor and Common Council of the Town of Clarkdale, Arizona, this 14<sup>th</sup> day of October, 2008.**

\_\_\_\_\_  
Doug Von Gausig, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy Bainbridge, Town Clerk

\_\_\_\_\_  
Robert Pecharich, Town Attorney