

ORDINANCE NO. 1772

AN ORDINANCE AMENDING CHAPTER 7.26, NOISE POLLUTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1. Chapter 7.26 of the Code of Eureka Springs is hereby amended by deleting 7.26.01 and 7.26.02 and substituting the following:

7.26.01 Restrictions on Noise Pollution. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was emanating. A complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

Table 1

<u>Use Districts</u>	<u>Time</u>	<u>Maximum Noise Levels</u>
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
	7:00 a.m. to 11:00 p.m.	60 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
	7:00 a.m. to 11:00 p.m.	75 dB(A)
All industrial Zones	11:00 p.m. to 7:00 a.m.	75 dB(A)
	7:00 a.m. to 11:00 p.m.	80 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

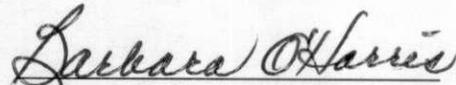
7.26.02 Penalties for Violation. Any person who violates this chapter shall be fined not less than \$50.00 for the first offense; and \$200.00 for the second and subsequent offenses. A person may have one or more violations during a 24 hour period.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

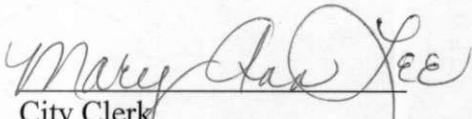
SECTION 3. That the City Council hereby determines that the immediate enforcement by city police of the noise violations is necessary for the city to protect residents currently disturbed by noise disturbances to rest and retire without interruption by noise potentially harmful to their health and well being, and to protect reasonable persons of normal sensitivity from annoyances or disturbances. Therefore, an emergency is declared to exist and this ordinance being necessary for the public health, safety and welfare shall be fully in force and effect and after its passage, approval and public notification according to law.

PASSED this 12th day of December 1997.

APPROVED:


Barbara O'Harris, Mayor

ATTEST:


City Clerk