

ORDINANCE NO. 1776

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 increasing the maximum noise levels in 7.26.01, changing 7.26.02 to 7.26.03 and adding a new paragraph at 7.26.02.

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.	65 dB(A)
	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)
	7:00 a.m. to 11:00 p.m.	85 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.	85 dB(A)

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

7.26.02 Exceptions.

A. Persons involved in the repair or maintenance of vital public utilities and city streets shall be exempt from the maximum noise levels in Table 1 while repairing or maintaining vital public utilities and city streets.

B. A person who has been issued a building permit for construction, repair or maintenance is exempt from the maximum noise levels in Table 1 while performing construction, repair or maintenance in accordance with the building permit between the hours of 7:00 a.m. and 5 p.m., Monday through Friday.

C. The Eureka Springs City Council may, upon application from a citizen, group, commission or committee or an authorized representative of a citizen, group, commission or committee, grant an exception to the maximum noise levels as outlined in Table 1 for functions, festivals or celebrations as the City Council deems appropriate.

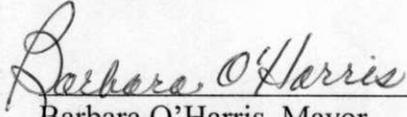
7.26.03 Penalties for Violation. Any person who violates this chapter shall be fined not less than \$50.00 for the first offense; and \$200.00 for the second and subsequent offenses. A person may have one or more violations during a 24 hour period.

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 That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

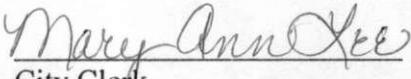
SECTION 3. That the City Council hereby determines that the immediate enforcement by city police of the noise violations is necessary for the city to protect residents currently disturbed by noise disturbances to rest and retire without interruption by noise potentially harmful to their health and well 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 10th day of March, 1998.

APPROVED:


Barbara O'Harris, Mayor

ATTEST:


City Clerk