

ORDINANCE NO. 2104
AN ORDINANCE AMENDING CHAPTER 7 OF THE EUREKA SPRINGS
MUNICIPAL CODE AND DECLARING AN EMERGENCY TO EXIST

Whereas the City Council of Eureka Springs AR, believes it to be in the best interest of the City,

And whereas conflicts appear in the plain language of the Code as now written;

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

Section 1. That Chapter 7 of the Municipal Code of the City of Eureka Springs, Arkansas, is hereby amended.

Section 2. That Section 7.16.04A is hereby amended in its entirety to read:

No person shall operate or allow to be operated any loudspeaker, sound amplifier or similar device from which sound emanates out-of-doors in a commercially zoned area, with the exception of those businesses having a restaurant license, permitted outdoor seating and an amplified sound permit, or be an officially recognized festival or special event with a permit as authorized by Section 7.16.07. However, amplified sound emanating from permitted businesses will not exceed 65 dB and 85 dB for officially recognized festivals or special events as measured by an SLM.

Section 3. That Section 7.16.06 shall be amended by the addition of the phrase "unless otherwise permitted by this Chapter" at the end of the sentence.

Section 4. That Section 7.16.07E is hereby amended by the addition of the phrase "or special events" after the word "festivals" and the removal of the phrase "sponsored by the city".

Section 5. That provisions of this ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this ordinance.

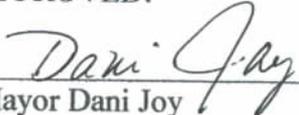
Section 6. All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE

Section 7. Whereas time is of the essence due to the pending festivals and special events in order to protect the economic health, safety and welfare of the people of the City of Eureka Springs, Arkansas, and emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the City Council of Eureka Springs, Arkansas, and upon affixing the signature of the City Clerk and the Mayor of the City of Eureka Springs, Arkansas.

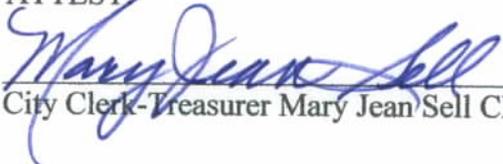
PASSED AND APPROVED THIS 18TH DAY OF MAY, 2009.

APPROVED:



Mayor Dani Joy

ATTEST:



City Clerk-Treasurer Mary Jean Sell CMC