

ORDINANCE No. 2209

AN ORDINANCE ADDING A SECTION TO CHAPTER 7.16, NOISE, OF THE EUREKA SPRINGS MUNICIPAL CODE TO ADDRESS VEHICLES, MACHINERY AND EQUIPMENT, AND SOUND PRODUCING DEVICES

WHEREAS, the City Council has determined that the Eureka Springs Municipal Code does not adequately address the issue of excessive noise from vehicles, machinery and equipment, and sound producing devices; and

WHEREAS, the City Council has determined to add a section to the Eureka Springs Municipal Code to address excessive noise from vehicles, machinery and equipment, and sound producing devices; and

WHEREAS, addressing excessive noise from vehicles, machinery and equipment, and sound producing devices will protect, preserve, and promote the health, safety, welfare, and peace and quiet of the residents and visitors of the City of Eureka Springs through the reduction, control, and prevention of unreasonably loud sounds and noises that unreasonably disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

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

Section 1. The Eureka Springs Municipal Code is hereby amended to add the following definitions to Section 7.16.01, Definitions:

Equipment or **Machinery** means any type of motorized power equipment, lawn mowers, leaf blowers, weed cutters, wood chippers, gas powered or electrical type motors, or motorized power tools.

Modified Exhaust System means any exhaust system in which the original noise abatement devices have been removed, altered or replaced to produce more noise.

Motor Vehicle means any vehicle which is self-propelled by mechanical power, such as passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mopeds, or any other vehicles regulated by state law.

Sound Producing Device means a radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any other machine or device for producing sound.

Section 2. The Eureka Springs Municipal Code is hereby amended to add the following section to Chapter 7.16, Noise:

7.16.14 Motor Vehicles, Machinery and Equipment, and Sound Producing Devices

A. It shall be unlawful:

1. To make, cause, or continue any loud, unnecessary, unnatural, or unusual noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, and safety of reasonable persons at any time, day or night; or
2. To intentionally create noise that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort or repose of reasonable persons after being requested to stop by a law enforcement officer; or
3. To operate any motor vehicle which causes noise as a result of a modified exhaust system or as a result of rapid acceleration, deceleration, engine revving, causing tire squeal, sliding or skidding, throttling, blipping, or racking of the throttle; or
4. Except as used for warning purposes, to use, operate, or sound any horn or signaling device on any motor vehicle for any unreasonable period of time; or
5. To operate any machinery or equipment outdoors so as to emit loud noise which is disturbing to the quiet, comfort, or repose of any reasonable person earlier than one (1) hour after sunrise or later than one (1) hour before sunset; or
6. In a residential district, to play, use, operate, or allow to be played, used, or operated a sound producing device in such a manner that the sound or noise produced can be heard outside the immediate premises where it is being produced and is an annoyance to a reasonable person or persons.

B. The following uses and activities shall be exempt from the provisions of this Section:

1. Non-amplified crowd noises resulting from legal activities; and
2. Noises of safety signals or warning devices used for warning purposes; and
3. Noises resulting from an authorized emergency, fire or police vehicle when responding to an emergency call, acting in a time of an emergency or in connection with official police or fire department business; and
4. Noises resulting from emergency work; and
5. Reasonable noises made by churches and schools; and
6. Noises resulting from burglar alarms and other warning devices when properly installed and maintained, provided that the cause for such alarm or warning device sound is investigated and the alarm or warning device is turned off within a reasonable period of time; and
7. Noises associated with equipment or animals lawfully utilized by persons with disabilities to accommodate their disability; and
8. Any other noise resulting from activities of a temporary duration permitted by law and for which a permit has been granted by the City, provided that the noise is produced within the conditions and limits stated in the permit.

Section 3. The Mayor or City Clerk may issue special permits allowing the production of amplified sound in commercially zoned districts to be extended to 2 a.m. and at a level not to exceed 85 dB for officially approved music festivals.

Section 4. 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 5. All ordinances and solutions and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ORDAINED THIS 9th DAY OF JUNE, 2014

APPROVED:


Mayor Morris Pate

ATTEST:


City Clerk/Treasurer Ann Armstrong

All present voted "Aye" – Joyce Zeller, David Mitchell, Dee Purkeypile, Terry McClung, James DeVito, and Mickey Schneider