

ORDINANCE NO. 2007-08-297

**AN ORDINANCE AMENDING CHAPTER 91.00 OF THE CODE OF ORDINANCES  
FOR THE CITY OF TONTITOWN**

WHEREAS, Chapter 91 of the Code of Ordinances of the City of Tontitown, Arkansas, contains the City's noise regulations; and

WHEREAS, it is in the best interest of the City of Tontitown, Arkansas, to amend the noise regulations;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:**

Chapter 91 of the Tontitown Code of Ordinances is hereby amended as follows:

(1) Section 91.01 is hereby amended to read as follows:

(A) It shall be unlawful for any person or persons to willfully make, continue, or cause to be made or continued, any loud and raucous noise. For purposes of this chapter, the term **LOUD AND RAUCOUS NOISE** shall mean any sound which, because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the city limits of Tontitown.

(B) For the purpose of this chapter, the use of an amplification device, radio, television, phonograph, drum, musical instrument or similar device which produces, reproduces, or amplifies sound shall be deemed a **LOUD AND RAUCOUS NOISE**, and to disturb the comfort, health and peace of a person of ordinary sensibilities, if the sound is produced between the hours of 11:00 p.m. and 7:00 a. m., and is plainly audible a distance of 150 feet or more from any boundary of the property upon which the source of the sound is located.

(1) Plainly audible means any sound produced as set forth above which clearly can be heard at a distance of 150 or more feet from any boundary of the property upon which the source of the sound is located. The measurement standard shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included.

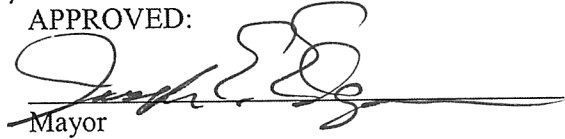
(2) This provision shall not apply to athletic or school related events.

(2) Section 91.03 is hereby amended to add subparagraph (I), which shall read as follows:

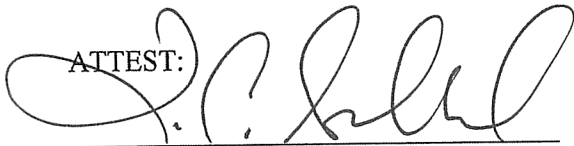
(I) Any "Agricultural operation" or "farming operation" as defined by Arkansas Code Annotated § 2-4-102.

PASSED AND APPROVED this 7<sup>th</sup> day of August, 2007.

APPROVED:

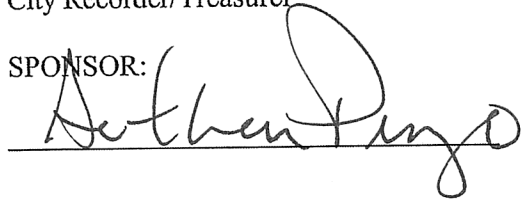
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_

City Recorder/Treasurer

SPONSOR:

  
\_\_\_\_\_

**ROLL CALL**

SHALL THE ORDINANCE PASS:

	Yea	Nay
Alderman Sunny Hinshaw	<u>✓</u>	___ (Ward 1, Position 1)
Alderman Henry Piazza	<u>✓</u>	___ (Ward 1, Position 2)
Alderman Arthur Penzo	<u>✓</u>	___ (Ward 2, Position 1)
Alderman David Sbanotto	<u>✓</u>	___ (Ward 2, Position 2)
Alderman Becky Alston	<u>✓</u>	___ (Ward 3, Position 1)
Alderman Scott McNair	<u>✓</u>	___ (Ward 3, Position 2)
Mayor Joseph Edgmon	___	___
TOTALS:	<u>6</u>	<u>0</u>

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**ROLL CALL**

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay
Alderman Sunny Hinshaw	___	___ (Ward 1, Position 1)
Alderman Henry Piazza	___	___ (Ward 1, Position 2)
Alderman Arthur Penzo	___	___ (Ward 2, Position 1)
Alderman David Sbanotto	___	___ (Ward 2, Position 2)
Alderman Becky Alston	___	___ (Ward 3, Position 1)
Alderman Scott McNair	___	___ (Ward 3, Position 2)
Mayor Joseph Edgmon	___	___
TOTALS:	___	___