

ORDINANCE NO. 2008-06-312

AN ORDINANCE AMENDING CHAPTER 91.00 OF THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN; AND FOR OTHER PURPOSES.

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 Section 91.01 by repealing the current Section 91.01 and adopting a new provision in its place;

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

(1) Section 91.01 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby repealed and replaced with the following:

Section 91.01. **LOUD NOISE PROHIBITED.**

(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 while such persons are within a dwelling or place of business with the doors and windows closed.

(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 9:00 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 from inside a dwelling or place of business with the doors and windows closed 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, or the Tontitown Grape Festival.


PASSED AND APPROVED this ____ day of _____, 2008.

APPROVED:



Mayor

ATTEST:



City Recorder/Treasurer

SPONSOR:

