

ORDINANCE NO. 2023-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND AND REPLACE CHAPTER 91: NOISE REGULATIONS IN ITS ENTIRETY IN THE TONTITOWN MUNICIPAL CODE.

WHEREAS, as permitted by Ark. Code Ann. §14-54-103 and Ark. Code Ann. §5-71-207, the City of Tontitown has adopted regulations to prohibit unreasonable and excessive noise codified in Chapter 91: Noise Regulations of the Tontitown Municipal Code; and

WHEREAS, the City Council of Tontitown has determined that it is necessary to amend and replace Chapter 91: Noise Regulations in its entirety for the purpose of providing updated regulations in order to promote commerce, sleep and repose, quality of the environment, and the use, value, and enjoyment of property; and

WHEREAS, after thorough review of the proposed amendments, the City Council has determined that it is necessary and in the best interest and benefit of the community to amend and replace Chapter 91: Noise Regulations in its entirety, as set forth in the attached Exhibit “A”.

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Tontitown, Arkansas:

Section 1. Chapter 91: Noise Regulations of the Tontitown Municipal Code is hereby amended in its entirety, as set forth in the attached Exhibit “A”.

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Chapter 91: Noise Regulations, of the Tontitown Municipal Code should be immediately amended in order to provide clarification of terms for noise regulations within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this ____ day of March 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)