

SECTION III
REQUEST FOR VARIANCE FROM
CITY OF FAYETTEVILLE NOISE ORDINANCE

Section I: Organizational and General Variance Information

1. Name and address of organization requesting variance:

2. Name and telephone number of contact person:

3. Variance is requested for (date and time):

4. The decibel level will not exceed:

5. Place of event:

6. Event will be held (*check one*):

Indoors _____ Outdoors _____

7. Number of people expected to attend:

8. Sound system to be used:

9. Description of entertainment planned:

10. Why do you **not** expect to be able to comply with normal requirements of the Noise Ordinance?

11. Actions planned by organization/applicant to assure compliance with the Noise Ordinance or with restrictions designated in Variance, if granted:

Section II: Contact Person(s)

1. Contact persons designated by applicant to be responsible for receiving complaints or requests **during event:**

Primary Contact:

Name

Phone No. During Event

Address

Position

Signature

Secondary Contact:

Name

Phone No. During Event

Address

Position

Signature

2. This request is submitted on behalf of organization/applicant by:

Name

Phone No.

Address

Position

Signature

Section III: Approvals

1. *(This Section applies only if prior approval from the University of Arkansas Student Services is required.)*

The foregoing request has been submitted and reviewed by the Office of Student Services and the Director of Arkansas Union.

Signature, Director of Campus Activities

Date

INSTRUCTIONS

CITY OF FAYETTEVILLE NOISE ORDINANCE VARIANCE REQUEST

In order for you request for a variance from the City of Fayetteville Noise Ordinance to be completed properly and meet your needs, please read the following directions:

1. The City needs to receive the completed Request for Variance application at least two (2) weeks before the date you are requesting your event to begin, but earlier if possible.
2. Carefully read Ordinance No. 3926 (the last two pages of this packet). If you do not fully understand any section, please call the Mayor's Office at 479-575-8330.
3. All requests for Variance from the Noise Ordinance must be submitted along with an Event Permit Application (Section I and II).

Once your request has been returned to the City of Fayetteville, it will follow these procedures before it is approved:

1. Your request will be sent to the Parking/Events Division, Police Department, Fire Department, and Transportation Division (respectively) for their review, comments, and approval.
2. After it has been reviewed by these departments, it is given to the Mayor or his designate for final approval.
3. **If the request is approved**, you will be contacted by phone to pick up your original request at the Parking Management Office. Please keep this approval request with you during the event in case the Police Department receives a complaint and they are sent to your event. You will need to show them the approved variance to avoid any confusion.
4. **If the Variance Request is not approved**, you will be notified immediately. However, Sections I and II of your Event Permit Application may still be approved for all other aspects of the event.

ORDINANCE NO.

AN ORDINANCE REPEALING §96.04 OF THE CODE OF FAYETTEVILLE AND SUBSTITUTING A NEW §96.04 LIMITING NOISE LEVELS WITHIN LAND USE CATEGORIES, ESTABLISHING NOISE LEVELS FOR TRANSIENT AND CONSTRUCTION SOUNDS AND PROVIDING FOR RELATED MATTER AND ADDING §96.05(D) TO THE CODE OF FAYETTEVILLE PROHIBITING OPERATION OF ANY SOUND AMPLIFICATION DEVICES WITHIN A VEHICLE PLAINLY AUDIBLE AT A DISTANCE OF 30 FEET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. Section 96.04 of the Code of Fayetteville is hereby repealed and the following is hereby substituted in its place:

§96.04 LIMITATIONS BY LAND USE CATEGORY.

A. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 as measured at any point on the boundary of the property from which the sound or noise is emanating. A complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

<u>Use Districts</u>	<u>Time</u>	<u>Maximum Noise Levels</u>
All Residential Zones	11:00 PM to 7:00 AM	55 dB(A)
	7:00 AM to 11:00 PM	60 dB(A)
All Commercial Zones	7:00 AM to 11:00 PM	75 dB(A)
	11:00 PM to 7:00 PM	70 dB(A)
All Industrial Zones	11:00 PM to 7:00 AM	75 dB(A)
	7:00 AM to 11:00 PM	80 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

B. District Boundaries. When a noise source can be identified and its noise measured in more than one use district, the noise limits of the most restrictive use district shall apply at that district boundary.

C. Commercial Source. Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this ordinance.

D. Transient Source. For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.

E. Construction. Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit.

Section 2. If any part of this ordinance or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

Section 3. §96.05(D) is hereby added to the Code of Fayetteville:

§96.05 Motor Vehicle and Motorcycle Sound Limit.

D. Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of thirty feet (30) feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property is prohibited and declared to be a noise disturbance in violation of this ordinance.

PASSED AND APPROVED this 3rd day of October, 1995.

APPROVED:

By: _____

Fred Hanna, Mayor

ATTEST:

By: _____

Traci Paul, City Clerk