

WHEREAS, excessive noise can and has unreasonably interfered with the ability of the citizens of the Town of Hot Springs to enjoy peace upon their own property; and

WHEREAS, such excessive noise should be controlled and eliminated;

WHEREFORE, the Town of Hot Springs Board of Alderman does hereby adopt the following ordinance:

NOISE

Section One

It shall be unlawful for any individual to cause to emit from the property where they are located or to allow to be emitted from property which they own or control any sound which goes beyond the boundaries of the property where they are located or property which they own or control onto the property of another if that sound level would result in interference with reasonable use of adjoining properties. If the noise emitting is of such a nature that it would offend and interfere with a reasonable individual's use and enjoyment of the adjoining properties, causing or allowing such an emission to occur is a violation of this ordinance.

Section Two

Discharging a firearm or shooting off fireworks within 300 feet of an occupied residential structure without that occupant's expressed approval is a per se violation of this ordinance.

Section Three

The following uses and activities shall be exempt from this ordinance:

1. Noises of safety signals and warning devices.
2. Noises resulting from an authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
3. Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from any imminent exposure to danger.
4. Noises resulting from the normal operations of any commercial or industrial enterprise, except electronically amplified sound.
5. Noises resulting from the normal operations of any governmental facility.

Section Four

In any proceeding based upon this ordinance, the person who would benefit from an exception being established has the burden of proving that the exception applies and that the terms of the exception have been met.

Section Five

Any person, business owner, or property owner who violates any provision of this ordinance shall be fined in the amount of \$100.00 for the first offense, \$300.00 for the second offense, and \$500 for the third offense within a permitted year.

Each day of a continuing violation shall constitute a separate violation under this ordinance.

When responding to a complaint, the responding Law Enforcement Officer has the right to shut down violators. Owners of businesses and residential property owners are required to self-monitor noise levels. Music permits will be revoked after 3rd violation for a period of 120 days, within a permitted year.

Section Six

- I **Commercial District C1** will be allowed amplified music Monday through Thursday from 5pm to 8pm; Friday & Saturday from 12pm to 10pm; Sunday 1pm to 6pm. Yearly permit is required and must be approved by the Board of Aldermen. Businesses and Property Owners are required to self-monitor and will be held accountable as stated in Section 5.
- II **Commercial District C2** will be allowed amplified music only with a special permit at the cost of \$100 per each event. Permits must be approved by the Board of Aldermen. Permitted hours are the same as for Commercial District C1. Businesses and Property Owners are required to self-monitor and will be held accountable as stated in Section 5.
- III No outdoor amplified music in Residential areas. Existing Wedding and Event Centers, as of the date of this approved amended ordinance, will be grandfathered in; a special permit is required at the cost of \$100 per each event. Permits must be approved by the Board of Aldermen. Permitted Hours are the same as for Commercial District C1. Businesses and Property Owners are required to self-monitor and will be held accountable as stated in Section 5.
- IV Extensions for special events must be requested and approved by the Board of Aldermen at the Town Board meeting the month before the event.
- V Amplified music constitutes any music that is amplified by electronic means. Amplified music may be used indoors at any time during a business' normal operating hours with windows and doors closed.

This, the 7 day of August, 2023.

Town of Hot Springs

By: Abigail Norton
Abigail Norton, Mayor

Attest:

Nancy Thomas