

City of Fayetteville Staff Review Form

2020-0262

Legistar File ID

4/7/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Blake Pennington

3/18/2020

CITY ATTORNEY (021)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

AN ORDINANCE TO AMEND § 96.02 UNREASONABLE OR EXCESSIVE NOISE PROHIBITED; EXCEPTIONS TO EXTEND THE CITY'S NOISE REGULATIONS TO ALL VEHICLE-RELATED BUSINESSES

Budget Impact:

_____		_____	
Account Number		Fund	
_____		_____	
Project Number		Project Title	
Budgeted Item?	<u>NA</u>	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	<u>NA</u>	Item Cost	
Budget Adjustment Attached?	<u>NA</u>	Budget Adjustment	
		Remaining Budget	\$ -

Purchase Order Number: _____

Change Order Number: _____

Original Contract Number: _____

V20180321

Previous Ordinance or Resolution # _____

Approval Date: _____

Comments:



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

A blue ink handwritten signature, appearing to be "BP", written over the printed name of Blake Pennington.

DATE: **March 18, 2020**

RE: **Amendment to Noise Ordinance**

Police Chief Reynolds notified our office that, based on the state's definition of motor vehicle, the City's 30-foot noise ordinance, which is found at § 96.05 of the City Code, would not apply to pedal carriages.

To address this concern, we recommend amending § 96.02 **Unreasonable or Excessive Noise Prohibited; Exceptions** to address noise emanating from other vehicle-related businesses that are governed by Chapter 117 Vehicle-Related Businesses of the City Code. The practical effect of this would be a noise restriction on:

- Article VII - Nonmotorized Passenger Transport Vehicles - horse drawn carriages or similar vehicles pulled by horses or livestock
- Article VIII - Lights of the Ozarks - specifically the horse drawn carriages used at Lights of the Ozarks
- Article IX - Pedicabs
- Article X - Pedal Carriages (if approved by the City Council)