

AN ORDINANCE TO REPEAL ORDINANCE 4156 AND REPLACE WITH THIS ORDINANCE, TO CONTROL NOISE LEVELS EMITTED FROM INTOXICATING LIQUOR ESTABLISHMENTS.

WHEREAS, it appears to the Council of the City of West Plains there is a need to further define and control noise levels emitted from establishments licensed to sell intoxicating liquor in the City of West Plains; and

WHEREAS, the Council desires to repeal Ordinance 4156 and replace with Ordinance 4230 to the Code of Ordinances for the City of West Plains;

THEREFORE, be it ordained by the Council of the City of West Plains, as follows:

Section 1. Section 4-35 is repealed and replaced with the following, which will be a new Section 4-35:

(a) A licensee having a license to sell intoxicating liquor under this article may not allow or permit the operating or playing of any radio, television, phonograph, live band, drum, musical instrument, sound amplifier, loudspeaker, public address system or similar device which either produces, reproduces, or amplifies the sound of said noise:

1. To a level exceeding the noise level of 45 decibels at the boundary of any zoned residential property. Said noise level to be measured by a hand held decibel meter rented, leased, owned, or under the control of the City of West Plains Police Department. If said noise, at the boundary of any zoned residential property, exceeds the noise level of 45 decibels it shall be deemed a peace disturbance and prima facie evidence of a violation of this section; or,

2. To a volume which is audible at a distance greater than 250 feet from the source of the sound, said distance to be measured from the exterior walls of the establishment. Any such sound or noise shall be deemed a peace disturbance and prima facie evidence of a violation of this section.

(b) Any person violating this section of this article shall be subject to the penalty provided for in section 1-10. Each day this section is violated shall be a separate offense. At the discretion of the court, upon conviction the court may suspend the licensee's license for a period not to exceed thirty (30) days.

(c) In addition, any licensee violating this section of this article shall also be subject to license revocation by the city council pursuant to section 6-90 of this article.

(d) Exceptions, an exception may be granted twice a year for special events at a legally licensed establishment. Any person requesting an exception shall apply for a Special Events Permit with the Police department and be approved by the City Administrator. The applicant shall pay the required application fee per the City fee schedule and any cost occurred by the City.

Section 2. This Ordinance shall be in full force and in effect after the date of passage and approval.

PASSED AND APPROVED THIS 21ST DAY OF MAY 2018.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MAYOR JACK PAHLMANN

ATTEST:

CITY CLERK MALLORY SNODGRAS