

ORDINANCE # 1057

AN ORDINANCE TO AMEND THE CITY OF AVA, MISSOURI CODE OF ORDINANCES BY REMOVING CHAPTER 42 ENVIRONMENT SECTION 81 AND PLACING IT IN RESERVE AND AMENDING CHAPTER 94 TRAFFIC AND VEHICLES SECTION 84.1-NOISE ADDING A NEW CHAPTER 94 TRAFFIC AND VEHICLES SECTION 84.1-NOISE.

WHEREAS, The City of Ava is a city of the fourth class in the State of Missouri, and

WHEREAS, RSMo 71.940 gives jurisdiction and power to fourth-class cities of the revision of the general ordinances of the municipality,

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF AVA, MISSOURI,

Section 1. That Chapter 42 Section 81 shall be placed in reserve.

Section 2. That Chapter 94 Section 84.1- Noise. Read as follows:

Section 94-84.1. – Noise.

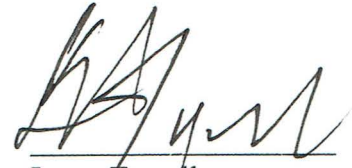
- (a) The creation of any unreasonably loud, disturbing or unnecessary noise within the city through the use of motor vehicles as to be in disturbance of the public peace and welfare is hereby prohibited.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - (1) *Vehicle horns or other signal devices.* The sounding of any horn or signal device on any motorbus, motorcycle, automobile or other vehicle while not in motion on a public street or highway. The creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding device for an unnecessary or unreasonable period of time.
 - (2) *Compression release braking system.* It shall be unlawful to operate or use a compression release type braking system without a muffler or with a mal-functioning muffler upon any public street, road or highway within the limits of the city for the peace, health, and comfort of the citizens of Ava and the public. Notice of this subsection shall be posted at prominent locations in the city by an appropriate sign notifying motorists of the passage of this section.
 - (3) *Loud and offensive noises.* The cause of a screeching noise with the tires of a motor vehicle in the act of placing such motor vehicle in motion. The playing of any radio in such a manner or with such a volume, particularly during the hours between 10 PM and 8 AM, as to tend to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence; provided, however, than any such noise that can be distinctly heard at a distance of more than 50 feet from its source shall be deemed excessive and from 8 AM to 10 PM

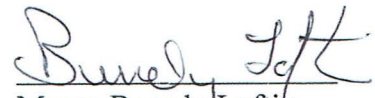
any such noise that can be disturbing, heard at a distance of more than 100 feet, shall be deemed excessive.

Section 3. This ordinance shall take effect and be in force from and after its passage and approved by the Board of Aldermen of the City of Ava, Missouri. All ordinances or parts of ordinances in conflict with the terms hereof are void and of no effect.

Passed and Approved on August 13, 2019.

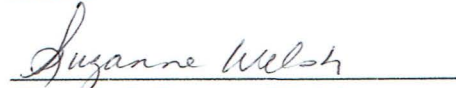
Reviewed and approved as to form by City Attorney:


Larry Tyrrell


Mayor Burrely Loftin



Attest:


City Clerk Suzanne Welsh