

Special Meeting: July 27, 2023

ORDINANCE NO. 2023- 18

**AN ORDINANCE OF THE  
CITY OF FAIRFIELD BAY, ARKANSAS,  
TO AMEND THE MUNICIPAL CODE;  
AMENDING TITLE 7 OF THE MUNICIPAL CODE  
- PUBLIC PEACE, SAFETY, AND MORALS;  
AMENDING CHAPTER 7.24 –  
NOISE ATTENUATION FOR  
DATA CENTERS AND DIGITAL ASSET MINERS;  
DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES**

**WHEREAS**, The City on or about July 24, 2023, passed an Ordinance adopting Chapter 7.24 of the Municipal Code, Noise Attenuation for Data Centers and Digital Asset Miners; and

**WHEREAS**, the City has informally received notice that Van Buren County passed and adopted a similar provision, but with slightly lower decibel limits during daylight hours; and

**WHEREAS**, the City desires to harmonize its Noise Attenuation Ordinance and Code to conform to the Van Buren County Ordinance previously adopted (as amended during the Quorum Court meeting);

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS**, that the following amendment is made to TITLE 7 of the Municipal Code, by amending Chapter 7.24 of the Municipal Code (additions as set forth, below in *bold italics*, and deletions set forth as bold inter-lineated text as in this word: “**example**” below):

**SECTION 1: Municipal Code Section 7.24.07: Noise Limitations (DATA CENTERS)**, is amended as follows:

It shall be unlawful for any Data Center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from Data Centers shall be deemed disturbing to a person,

reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property, if the sound level is:

1. ~~65~~ **60** dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. (as determined by a third-party acoustic engineer) measured at the property line of the receiving property.

\* \* \* \*

**SECTION 2:** Municipal Code Section **7.24.11 Violations**, is amended as follows:

2. The following acts, and the causing thereof, are declared to be in violation of this Chapter of the Municipal Code:
  - a. The sound level emanating from the Data Center exceeds ~~65~~ **60** dBa or higher during the hours of 8 A.M. to 10 P.M.; or 55 dBa or higher during the hours of 10 P.M. to 8 A.M.; measured at the property line of the receiving property.

\* \* \* \*

**SECTION 3:** NOT TO BE CODIFIED: THE MUNICIPAL CODE OF THE CITY OF FAIRFIELD BAY BE, AND IT IS HEREBY, AMENDED ACCORDINGLY. Items set forth in the foregoing paragraphs in ***bold italics*** shall amend the Code. Items set forth in bold interlineated text like the word ~~example~~ shall be repealed.

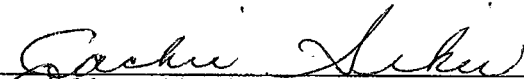
**SECTION 4:** NOT TO BE CODIFIED: SUPPLEMENTAL: This Ordinance, and the changes set forth herein, are meant to be supplemental to the Municipal Code, and the Ordinances of the City of Fairfield Bay, and do not repeal any part of the Municipal Code, unless specifically set forth herein by inter-lineation of a specific provision. No Ordinances are repealed by this Ordinance.

**SECTION 5:** NOT TO BE CODIFIED: **EMERGENCY CLAUSE:** Because of the potential danger to public peace, health, and safety, and in particular as a result of the need for implementation of changes to address changes to state law, in order to protect the residents, voters and taxpayers from diminution of property values, AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, taxpayers, residents, lenders, visitors, tenants, and other occupants, IT SHALL BE IN FULL FORCE AND EFFECT at 11:59 pm, on July 31, 2023, and thereafter.

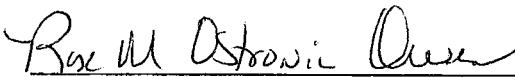
**SECTION 6:** NOT TO BE CODIFIED: **SEVERABILITY CLAUSE:** If any provision

of this Ordinance, or the application thereof, to any person or circumstance, is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance, are declared severable.

Dated this 27<sup>th</sup> Day of July, 2023.

  
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Honorable Jackie Sikes  
Mayor, City of Fairfield Bay, Arkansas

Attest:

  
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Rose O. Owen, Recorder-Treasurer

Drafted by:

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