

ORDINANCE # 1895

INSTRUMENT TYPE

CITY OF RUSSELLVILLE ARKANSAS

GRANTOR

ORDINANCE # 1895

GRANTEE

Corrections made and filed January __, 2008.



CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE
I, FERN TUCKER, Circuit Clerk and Recorder of
the County attested do hereby certify that this
instrument was filed for record the 01/28/2008 a
09:00:34 AM, and the same is now
duly recorded in Miscellaneous Book 2008-5 Page
158 - 164
Witness my hand and the seal of said court this
the 01/28/2008
Fern Tucker - Circuit Clerk and Recorder
By Jane Collins D.C.

08-5-158

This instrument prepared by

NAME See

ADDRESS next

page

CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE
I, FERN TUCKER, Circuit Clerk and Recorder of
the County attested do hereby certify that this
instrument was filed for record the 12/30/2005 a
03:28:11 PM, and the same is now
duly recorded in Miscellaneous Book 2005-84 Page
699 - 704

Witness my hand and the seal of said court this
the 12/30/2005

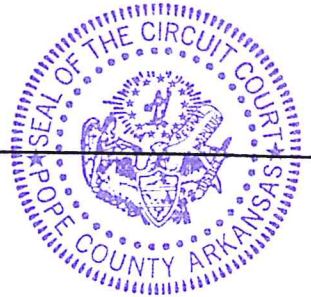
Fern Tucker - Circuit Clerk and Recorder
By Jam Lewis D.C.

Ordinance No 1895

INSTRUMENT TYPE

City of Russellville

GRANTOR



Ordinance No 1895

GRANTEE

Corrected
& filed 6/6/06

08-5-159

05-84-699

ORDINANCE NO. 1895

AN ORDINANCE TO PROHIBIT AND REGULATE
UNREASONABLY LOUD NOISES AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Russellville has determined that an ordinance is needed to prohibit unreasonably loud noises and to regulate loud noises in order to protect the health, safety, and welfare of the residents of the City of Russellville.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF RUSSELLVILLE, ARKANSAS:**

SECTION 1: This Ordinance shall be referred to as "The City of Russellville Noise Ordinance."

SECTION 2: This Ordinance is enacted pursuant to the authority grant to the City of Russellville by the State of Arkansas under Ark. Code Ann. §14-54-103, 14-54-104, 14-55-101 and 14-55-102.

SECTION 3: The creating of any unreasonably loud, disturbing, and unnecessary noise of such character, intensity, or duration as to be detrimental to the life, health, safety, welfare, comfort or convenience of any individual, or in disturbance of the public peace, health, safety and welfare is prohibited.

SECTION 4: In addition to Section 3, the following acts, among others, are declared to be loud, disturbing and unnecessary noises unlawful, but the enumeration shall not be deemed to be exclusive.

- (a) The sounding of any horn or signal device on any automobile, motorcycle, motor scooter, moped, bus, truck or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device is for an unnecessary and unreasonable period of time.
- (b) The playing of any radio, stereo, TV, CD player, cassette player, DVD, VCR, phonograph, musical instrument, jukebox, amplification device, loudspeakers or other similar devices in such a manner or with such volume particularly during the hours between 10:00 p.m. and 7:00 a.m. as to annoy or disturb the quietness, comfort or peace of any persons in or around any office, hospital or in any dwelling, hotel or other type of residence.
- (c) Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital,

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dwelling, hotel or any other type of residence, or of any person in the vicinity.

- (d) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
- (e) To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (f) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital which unreasonably interferes with the workings or sessions thereof; provided, however, that in case of emergencies when the public health, safety or general welfare is in danger, necessary work may be done. Where underground repair or construction work is necessary adjacent to or in the vicinity of a school, an institution of learning, a church, a court or a hospital, the work to be done at reasonable hours to be designated by the Director of Public Works.
- (g) The creation of loud and excessive noise in connection with unloading or loading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (h) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (i) The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (j) 1. At any hour of the day or night, the use, operation, or playing of any radio, stereo system, compact disc player, cassette tape player, or any other device capable of sound amplification on:
 - A. Any motor vehicle located in any public right-of-way, public street or public property, at such a volume as to be plainly audible from a distance of 30 feet or more from said motor vehicle; or
 - B. Any private property, at such a volume as to be plainly audible from a distance of 30 feet or more from said property's boundary line.

2. For purposes of subsection (j)(1), the term "plainly audible" means clearly capable of being heard by a person of normal sensibilities using unaided auditory senses, at a volume level above that of a normal conversation. Plainly audible shall not include sounds which are just barely audible, but shall include without limitation or exclusion, with regard to music, detection of a rhythmic bass reverberating-type sound, beat or cadence.

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- (k) The production of sound from the erection, excavation, construction, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the

operation of any tool or equipment used in any such activity conducted during the hours between 8:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance that is plainly audible and disruptive across a residential or commercial property line is hereby prohibited. Nothing in the subsection shall, however, be interpreted to prohibit such construction activities at any time, day or night, when such activities do not create a noise disturbance as described in this subsection.

SECTION 5: This section does not apply to:

- (a) Any vehicle of the city, county, state, or federal government while engaged upon necessary, emergency or hazardous public business.
- (b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, county, or state, when the public welfare and convenience renders it impossible to perform such work during the day.
- (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (d) Necessary warning signals given by an ambulance operator, paramedic, emergency medical technician or licensed physician while answering an emergency call for medical assistance.
- (e) Construction work between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and Saturdays in areas declared by resolution by the City Council to be disaster areas. For purposes of this subsection, construction work means the erection, including excavation, demolition, alteration or repair of any building in a residential district. Any resolution to declare an area a disaster area shall include a map of the area and a time period during which such designation shall be effective.
- (f) Cries for emergency assistance and warning calls.
- (g) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.
- (h) The emission of any sound for the purpose of alerting persons to the existence of an emergency, danger or attempted crime, including but not limited to premise and automobile security alarms and emergency warning systems provided such alarms and systems are maintained in proper working order and are reset within fifteen (15) minutes of activation. This exception shall also apply to the routine testing and activation of such alarms or emergency warning systems, provided such testing uses only the minimum cycle test time.
- (i) Religious worship activities conducted in a permanent structure, including but not limited to bells and organs. 08-5-162
105-84-702
- (j) Locomotives and other railroad equipment, and aircraft.

- (k) Fireworks displays within such hours and conditions as may be imposed by the issuance of the permit or discharging of fireworks as allowed by ordinances of the city.
- (l) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (m) Sound produced by the erection, excavation, construction, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operations or the permitting or causing the operation of any tools or equipment used in any such activity conducted between the hours of 7:00 a.m. and 8:00 p.m..
- (n) Any lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution.
- (o) Any sound generated from any public event which is sponsored, co-sponsored, permitted or otherwise approved by the City, including but not limited to parades, sporting events, activities of an accredited public or private pre-school, school, college, or university; community celebrations; community fireworks displays; or any similar outdoor events, festivals or concerts and any activity held at the Pope County Fairgrounds.

SECTION 6: The production of unreasonably loud noises as described in Sections 3 and 4 are hereby declared to be public nuisances and the City of Russellville shall take whatever steps are allowed by state law, civil and criminal, to abate such nuisances.

SECTION 7: (a) It is unlawful for any property owner or tenant, or person with control, occupancy or possession of residential property, to allow or permit to allow a person or group of persons to create a noise disturbance as defined in Sections 3 and 4.

(b) The property owner, tenant or other such person with control, occupancy or possession of property, shall be responsible for abatement of noise disturbances occurring on that property and failure to do so shall be a violation of this Ordinance

SECTION 8: Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$500.00 and not less than \$250.00 and if such violation continues, each day's violation shall be a separate offense by the appropriate court.

SECTION 9: The Russellville Police Department and the Code Enforcement Officer shall have the power to enforce this Ordinance and shall citations or apply for an arrest warrant with the City Attorney for a violation of this Ordinance.

SECTION 10: Should any part of this Ordinance be adjudged invalid by a court of law having competent jurisdiction, all other parts shall remain in full force and effect.

SECTION 11: Any ordinance or section of an ordinance in conflict with this Ordinance is hereby repealed.

08-5-163

ORDAINED, this 15 day of December, 2005.



Raye Turner
RAYE TURNER, MAYOR

ATTEST:

Kathy Collins
KATHY COLLINS, CITY CLERK

APPROVED AS TO FORM:

William F. Smith III
WILLIAM F. SMITH III, CITY ATTORNEY

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