

ORDINANCE NO. 259

**AN ORDINANCE TO DEFINE LOUD AND UNNECESSARY NOISE THAT
CONSTITUTES A PUBLIC NUISANCE TO THE CITIZENS OF CARLISLE,
ARKANSAS; ESTABLISHING PROHIBITIONS AND PENALTIES WITH RESPECT
THERETO; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

ARTICLE I. GENERAL PROVISIONS

Section 1-1. Scope

This ordinance shall apply to the control of all noise within the city limits, as they exist now or may thereafter be established.

Section 1-2. Definitions

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

MOTOR VEHICLE: Any vehicle powered by a mechanical engine, and designed to be driven or used on any public or private property. Such definition shall include, but not be limited to: automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, all-terrain vehicles, go-carts, minibikes, and trail bikes.

PERSON: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

Section 1-3. Loud and Unnecessary Noise Prohibited

- (A) It shall be a violation of this chapter for a person to make any loud, raucous, improper, unreasonable, offensive or unusual noise, disorder or tumult, which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city, or to permit such noise, disorder or tumult to be made in or about his/her house or premises, and the same is hereby declared to be a public nuisance.
- (B) Further, it shall be the duty of every owner, occupant, manager, agent or operator of any property, structure, vehicle, or business in the city, to prevent persons using property under their control from violating this ordinance.

Section 1-4. Enumeration of Certain Prohibited Acts

The following acts, uses or noises, among others, subject to specific exemptions, are declared to be loud, raucous or disturbing noises in violation of this ordinance. Such enumeration shall not be deemed to be exclusive:

- (A) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and

comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or property in which such machine or device is operated and who is a voluntary listener.

- (B) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing of sound which is cast upon other properties including the public right-of-way for the purposes of commercial advertising or to attract attention to any activity, performance, sale, place or structure.
- (C) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing any sound on any public transportation vehicle.
- (D) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any medical clinic or nursing home which unreasonably interferes with the working of such institution, or which unduly disturbs patients in said facilities.

Section 1-5. Prohibited Noise

No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

- (A) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is clearly audible at a distance of 100 feet from its source;
- (B) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 100 feet from the device producing the sound.

ARTICLE II. MOTOR VEHICULAR NOISE

Section 2-1. Certain Acts Constitute Public Nuisance

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this ordinance, or limiting the offense hereunder to the particular offense hereinafter enumerated:

- (A) The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined to include unnecessary or unreasonable periods of time.
- (B) The use of any motor vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.
- (C) The use of any motor vehicle with or without the attachment of various appurtenances thereto so as to create loud or unnecessary grating, grinding, rattling or other noise or noises. This shall include the use of any vehicle said use of which causes excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine, or tire squeal.

Section 2-2. Exemptions

Exemptions shall not be permitted within any duly established *QUIET ZONE* when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this chapter:

- (A) Sound emitted from sirens of authorized emergency vehicles.
- (B) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 9:00 p.m.
- (C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.
- (D) Celebrations on Halloween and legal holidays.

- (E) Fireworks may only be discharged during July 1st through July 8th, and December 30th through January 2nd. Fireworks may only be discharged between the hours of 8:00 a.m. and 10:00 p.m. with the following exceptions: From 8:00 a.m. on July 4th until 12:00 a.m. on July 5th, and from 8:00 a.m. on December 31st until 1:00 a.m. on January 1st. Fireworks may not be discharged from public streets, and all debris which lands on public property or the private property of another must be promptly removed.
- (F) Permitted parades or festivals, between the hours of 8:00 a.m. and 12:00 midnight, Sunday through Thursday; and between 8:00 a.m. and 1:00 a.m. Friday through Saturday.
- (G) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.
- (H) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.
- (I) Sounds associated with the normal conduct of a legally established non-transient business when such sounds are customary, incidental and within the normal range appropriate for such use.
- (J) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.

Section 2-3. Penalty

Any person violating any provision of this ordinance, upon conviction thereof, shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense. Each day any violation shall continue shall constitute a separate offense.

ARTICLE III. REPEALING CLAUSE

Section 3-1.

All ordinances of the City of Carlisle, Lonoke County, Arkansas and/or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

ARTICLE IV. EMERGENCY CLAUSE

Section 4-1.

That it is hereby ascertained and declared that loud and unnecessary noises constitute a nuisance within the City of Carlisle, Lonoke County, Arkansas, and that their regulation is necessary for the public welfare, safety, comfort, and convenience of the inhabitants of the City of Carlisle, Lonoke County, Arkansas, an emergency is hereby declared, and this Ordinance shall take effect immediately upon its passage and approval.

PASSED THIS _____ DAY OF _____, 2005.

Bob McCallie, Mayor

ATTEST:

Trudy Drye, Clerk-Treasurer