

# ORDINANCE NO. 02-2022

## AN ORDINANCE AMENDING THE NOISE CONTROL ORDINANCE (ORD 08-2015) FOR THE CITY OF HASKELL, ARKANSAS

**WHEREAS**, excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and

**WHEREAS**, the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare, or safety, or degrade the quality of life; and

**NOW, THEREFORE**, it is the policy of the City of Haskell, Arkansas to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

### SECTION I: GENERAL

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued, any loud and raucous noise which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the city limits as defined below.

### SECTION II: PROHIBITED ACTS

The following acts, and the causing thereof, are declared to be in violation of this ordinance:

#### 1. Engine Exhaust

The discharge into the open air or the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and disturbing noises therefrom.

#### **Noise and smoke producing devices prohibited. ( Ark. Code Ann 27-37-601)**

- a. Every motor vehicle shall at all times, be equipped with factory-installed muffler or one duplicating factory specifications, in good working order and in constant operation, to prevent excessive or unusual noise and annoying smoke.
- b. No person shall use on a motor vehicle upon the public roads, highway, streets or alley of this state, nor shall any person sell for use on a motor vehicle upon the public roads, highways, streets or alleys of this state, a muffler, other than as defined in subsection (a) of this section, cutout, bypass, similar device, or any type device which produces excessive unusual noise or smoke.

**2. Jake Brakes**

The creation or emission of engine or exhaust noise through the use of "Jake Brake" or other similar engine compression retarding device so as to create a loud or disturbing noise, except when such devices are used as a safety device.

**3. Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices**

The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator (s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of the neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.

**4. Motor Vehicle Radios, Vehicle Horns, Signaling Devices, and Similar Sound Devices**

Using, operating or permitting to be played any radio, music player, or audio system in a motor vehicle which produces or reproduces sound in such a manner as to cause a loud and disturbing noise which is plainly audible to persons other than the occupants of said vehicle. Phrases need not be discernible and bass reverberations are included. Plainly audible means any sound produced by a sound amplification system from within the vehicle. The sounding of any horn, signaling device or other similar device on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the city for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from prohibition.

Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes from any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city for traffic control purposes are exempt from the operation of this provision.

**5. Building Construction and Repair**

The erection including excavating, demolition, alteration or repair of any building so as not to create a loud and disturbing noise between the hours of 10:00 p.m. until dawn on Monday through Sunday, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the city inspector/code enforcement, which permit may be granted

only while the emergency exists. If the city code enforcement should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation or repair of any building or the excavation of streets within the hours of 10:00 p.m. and dawn Monday through Saturday or on Sunday, he may grant permission for such work to be done within such hours or within time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.

**6. Animals, Birds, Livestock**

Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.

**7. Loading and Unloading**

Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and dawn the following day in such a manner as to cause a noise disturbance across a residential real property boundary.

**8. Domestic power tools**

Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and dawn the following day so as to cause a noise disturbance across a residential real property boundary.

**9. Loud speakers, amplifiers, public address systems and similar devices.**

The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

1. Within or adjacent to residential or noise-sensitive areas;

2. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

This shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city.

### **SECTION III: PERSON RESPONSIBLE FOR VIOLATION**

Any person, owner, agent or supervisor in charge of operating, ordering, directing or allowing the operation or activity creating noise shall be guilty of a violation of this article and subject to the penalties.

## **SECTIONS IV: EXCEPTIONS TO ORDINANCE**

### **Emergency Exception**

The provisions of this ordinance shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

The term "loud and disturbing noise" does not include noise or sound generated by the following:

1. Radios, sirens, horns, and bells on police, fire, and other emergency response vehicle.
2. The testing of emergency tornado warning systems (sirens, horns, and bells).
3. Public activities on or in municipal, city parks (July 4<sup>th</sup> activities, Fall Fest, National Night Out), school athletic facilities, sporting event(s), musical production or parades.
4. Excavation or emergency work, repairs of bridges, street, or highways by or on behalf of the City of Haskell, Saline County, or the State of Arkansas, during the nighttime when the public welfare and convenience renders it impossible to perform such work during the day.
5. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
6. Religious worship activities conducted in a permanent structure, including but not limited to bells, chimes, and organs.
7. The movement of aircraft which is in all respects conducted in accordance with , or pursuant to, applicable federal laws or regulations.
8. Locomotives and other railroad equipment.
9. Fireworks displays within such hours and conditions as may be imposed for discharging of fireworks as allowed by ordinances of the city.

### **SECTION V: Penalties:**

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor upon conviction by the District Court of Haskell, Arkansas and shall be subjected to a penalty of not less than one hundred dollars (\$100.00) plus court costs and not more than five hundred dollars (\$500.00) plus court costs.

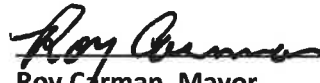
**SECTION VI: OTHER REMEDIES**

No provisions of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

**SECTION VII: SEVERABILITY**

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

APPROVED AND PASSED THIS 10<sup>th</sup> DAY OF January, 2022

  
\_\_\_\_\_  
Roy Carman, Mayor

ATTEST:

  
\_\_\_\_\_  
Jennifer Hill Clerk/Recorder/Treasurer

