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Recorded - Benton County, AR

Brenda DeShields, Circuit Clerk

ORDINANCE NO.: 111

**AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING
UNREASONABLY LOUD, DISTURBING AND UNNECESSARY NOISE,
DETRIMENTAL NOISE, AND NOISE IN DISTURBANCE OF THE PUBLIC PEACE.**

WHEREAS, it is the desire of the Town of Avoca, Arkansas to prohibit unreasonably loud, disturbing and unnecessary noise, detrimental noise, and noise in disturbance of the public peace.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVOCA, ARKANSAS AS FOLLOWS:

1. **GENERAL PROHIBITION:** No person or business shall create any unreasonably loud, disturbing and unnecessary noise within the Town or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in the disturbance of the public peace and welfare.

2. **SPECIFIC PROHIBITION:** Without limiting the applicability of Section 1, the following acts are specifically declared to create loud, disturbing and unnecessary noise in violation of this Ordinance:

(a) The maintenance and operation of an outside loudspeaker or public address system transmitting music, advertising or speaking, except upon a permit; and notwithstanding the permit, any such loudspeaker or public address system shall not be operated in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

(b) The sounding of any horn or signal device on any automobile, motorcycle, bus 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 devices for an unnecessary and unreasonable period of time.

(c) The playing of any radio, musical instrument, coin-operated music machine, or other similar device in such manner or in such volume during the hours between 10:00 p.m. and 6:00 a.m. as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(d) Yelling, shouting, hooting, whistling or singing, or unnecessary screeching of tires, or unnecessary use of a noisemaking device on the public streets between the hours of 10:00 p.m. and 6:00 a.m. so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(e) The keeping of any animal or fowl which cause frequent or long continued noise unless kept in the course of the proper conduct of a legitimate business in a zone where such activity is permitted; and, notwithstanding such permitted exception, the keeping of animals, birds or fowl shall not be allowed to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(f) The creation of any excessive noise on or under any street adjacent to any school, institution of learning, hospital, church or court while the same is in session, 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 by first securing a permit, or if it is not first obtainable, the necessary work may be done and at the first opportunity a permit application shall be submitted to the Mayor's office whereupon a permit may be issued.

(g) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show, sale or display of merchandise, unless by permit, and at no time shall the noise thereby created be in such manner and such volume as to annoy or disturb the comfort or repose of any person in the vicinity.

(h) 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:

i. Any motor vehicle located in any public right-of-way, public street or public property, at such a volume as to be 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 from a distance of 30 feet or more from said motor vehicle; or

ii. Any private property, at such a volume as to be 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 from a distance of 50 feet or more from said property's boundary line.

3. PERMITS: Permits required under this Ordinance may be granted upon a written application submitted to the Mayor's office stating the type, time, and purpose of the intended noise. A special permit for the creation of noise at hours other than those prescribed or for the creation of any prohibited noise may be also granted upon a written application submitted to the Mayor's office stating the type, time, and purpose of the special permit, provided however that the special permit shall be reserved for special occasions and for periods of limited duration.

4. EXEMPTIONS: None of the provisions of this article shall apply to or be enforced against:


- (a) Any facility of the Town while engaged upon necessary public business.
- (b) The necessary warning signals given by operators of police cars, fire trucks or by an ambulance operator while answering an emergency call for medical assistance.
- (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (d) Any athletic or school related event or activity which occurs on or in school facilities and has been approved, sponsored, or sanctioned by the school.
- (e) Any commercial facility whose primary business is the production, display, and promotion of musical events and whose permanent facility and primary structure has been designed and built with such inherent architectural, design, landscape, and topography measures as to reduce sound to minimally intrusive levels.

5. EMERGENCY: This Ordinance is necessary in order to provide for the continued health, safety, and welfare of the Town's citizens; therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 14th day of November 2017.


JORDAN SULLIVAN, Mayor

Attest:


NANETTE BARNES, Recorder-Treasurer

User Name: JILL
CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
L201807956 2/15/2018 11:10:19 AM
Brenda DeShields, Circuit Clerk
BENTON CO, AR FEE \$25.00