

ORDINANCE NO. 2007-3

AN ORDINANCE CONCERNING EXCESSIVE NOISE IN THE CITY LIMITS OF THE CITY OF POTTSVILLE, ARKANSAS.

**THE CITY COUNCIL OF THE CITY OF POTTSVILLE DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: It shall be unlawful to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health peace or safety of others, within the city limits of the city of Pottsville.

SECTION 2: The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive. The City or District Court reserves the right to determine whether someone's behavior is in violation of this ordinance, separate and apart from the enumerated list of behavior which is deemed to be in violation of this Ordinance.

A. Horns, etc. The sounding of any horn or device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signaling device of any unreasonable period of time.

B. Radios, musical instruments, etc. The playing of any radio or musical instrument or other musical device for producing or reproducing of sound, in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 6:00 a.m. as to disturb the quiet or comfort of persons in any office, hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity. The operation of any such instrument, machine or device between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance. If the city of Pottsville has in the past or in the future does pass an ordinance that allows this type of behavior in certain circumstances, then that ordinance shall supersede this ordinance for those limited purposes.

C. Singing, shouting, etc. Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 6:00 a.m. or at any time or place so as to annoy or disturb the quiet or comfort of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity shall be prohibited. If the city of Pottsville has in the

past or in the future does pass an ordinance that allows this type of behavior in certain circumstances, then that ordinance shall supersede this ordinance for those limited purposes.

D. Animals and fowl, etc. The keeping of any animal or fowl which by causing frequent or long continued noise shall disturb the quiet or comfort of any person in the vicinity.

E. Vehicles. The use of any automobile, motorcycle, or other vehicle which creates loud and unnecessary grating, grinding, rattling or other noise shall be a violation of this Ordinance. This would include but not be limited to exhaust assisted braking, otherwise known as improper use of Jake brakes or engine retarder or braking.

F. Near schools, courts, churches, hospitals, etc. The creating of any excessive and unnecessary noise on any street adjacent to any school, church, court, while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of sessions thereof.

SECTION 3. Exemptions. None of the terms or prohibitions shall apply to or be enforced against:

a. Any vehicle of the city of Pottsville, Arkansas, while engaged upon necessary public business.

b. Excavations or repairs of bridges, streets or highways by or on behalf of the city of Pottsville, Arkansas, or the state of Arkansas, during the night time, when the public welfare and convenience renders it impossible to perform such work during the day. The city of Pottsville specifically states that state and local employees have the right to engage in conduct while acting in that capacity that could possibly be in violation of other provisions of this ordinance.

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 any vehicle.

SECTION 4: Penalty. Any person, firm and/or corporation violating any of the provisions of this ordinance shall, except as provided for, be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day that this conduct occurs is another separate violation of this ordinance.

SECTION 5: Emergency Clause. This ordinance being necessary for the health, safety, and

welfare of the citizens of Pottsville, Arkansas, based upon the reasons stated above, an emergency is declared to exist, and this Ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 26 DAY OF March, 2007.


JERRY DUVALL, MAYOR
CITY OF POTTSVILLE

ATTEST:


Recorder/Treasurer