

ORDINANCE NO. 2000-3

AN ORDINANCE REGULATING EXCESSIVE, UNNECESSARY, OR UNUSUALLY LOUD NOISES WITHIN THE CITY LIMITS OF THE CITY OF MOUNTAIN HOME, ARKANSAS, DECLARING A PENALTY FOR A VIOLATION AND FOR OTHER PURPOSES.

WHEREAS, excessive noise within the City of Mountain Home, Arkansas has become a problem of the public; and

WHEREAS, it is in the best interest of the City of Mountain Home for such a problem to be regulated by Rules, Regulations and Standard adopted by the City Council of the City of Mountain Home, Arkansas.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

Section 1:

Excessive, unnecessary, or unusually loud noises within the limits of the city is a condition which has existed for some time and the extent and magnitude of such noises are increasing; and the making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use affects and is a detriment to public health, comfort, convenience, safety and welfare of the residents of the city, or may cause damage to property or business.

Section 2:

The necessity in the public interest for the provision and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of the city.

Section 3:

In general, it shall be unlawful for any person to disturb or tend to disturb the peace of others by violent, tumultuous or offensive conduct or by loud or unusual noises or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace or for any person to permit any such conduct in any house or upon any premises owned or possessed by such person or under their management or control, when within such person's power to prevent, so that others in the vicinity are or may be disturbed thereby.

Section 4:

It shall be unlawful for any person to use, operate, or permit to be played, any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device that produces or reproduces sound in such a manner as to be plainly audible at either the property boundary of the source of sound or through a party wall, ceiling, or floor within a building or plainly audible at 25 feet from such device when operated within a moving or parked vehicle. The provisions of this section shall apply unless a permit has been issued by the Mayor, or Mayor's designated agent, pursuant to Section 8 of this Ordinance which allows such amplification.

Section 5:

It shall be unlawful to sound any horn or signaling device on any truck, automobile, emergency vehicle or other vehicle on any street or public place except as a danger warning signal or as allowed under the traffic laws of the State of Arkansas. EXCEPT: The provisions of this section shall not apply to the sounding of horns in the customary practice of celebrating weddings or in celebrating a victory of a sporting event in

Mountain Home, so long as the sounding of horns is within two hours of the completion of such event.

Section 6:

The provisions of this Ordinance shall not apply to sound made or controlled by the City, Federal, State or County governments, the Mountain Home School District or to any branch, subdivision, institution, agency or agent of said governmental units or school district.

Section 7:

Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provision of this Ordinance.

Section 8:

Applications for a permit for relief from the provisions of this Ordinance may be made to the Mayor or Mayor's designated agent for noise which, if prohibited, would cause undue hardship to the person responsible for the noise. In granting relief, consideration shall be made of the time of day, duration, loudness relative to the required limits, the extensiveness, and the continuous or intermittent nature of the noise, and the technical and economic feasibility of bringing the noise into conformance with this Ordinance.

Section 9:

No person shall use or operate or allow to be used or operated, any vehicle in such a manner as to be plainly audible at 25 feet from the motor vehicle. The provisions of this Ordinance shall apply unless a permit has been issued by the Mayor, or Mayor's designated agent, pursuant to Section 8 of this Ordinance.

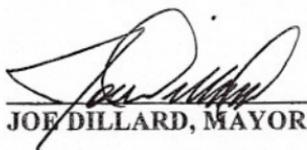
Section 10:

For the purposes of this section, the term "plainly audible" means that the information content of sound is ambiguously transferred to the auditor, such as but not limited to understanding of spoken comprehension of musical rhythms.

Section 11:

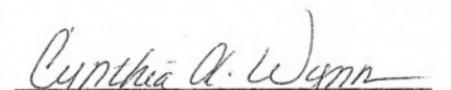
Any person violating any provision of the Ordinance shall be deemed guilty of a misdemeanor and punished by fine of not less than \$50.00 nor more than \$250.00 and if such violation continues, each day's violation shall be a separate offense.

PASSED AND APPROVED THIS 3RD DAY OF FEBRUARY, 2000.



JOE DILLARD, MAYOR

ATTEST:



CYNTHIA A. WYNN, CITY CLERK