

**CITY OF WARD
ORDINANCE O-2023-14**

**AN ORDINANCE TO DEFINE LOUD AND UNNECESSARY NOISE THAT CONSTITUTES A
PUBLIC NUISANCE TO THE CITIZEN OF WARD, ARKANSAS; ESTABLISHING PROHIBITION
AND PENALTIES WITH RESPECT THERETO; REPEALING AND REPLACING WARD
ORDINANCE 2001-04; AND FOR OTHER PURPOSES**

WHEREAS, ARKANSAS CODE ANNOTATED (A.C.A.) 14-54-103(8) gives cities and incorporated towns the power, among other items, prevent noise.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARD,
ARKANSAS THAT:**

ARTICLE 1 – GENERAL PROVISIONS

SECTION 1 - SCOPE: This Ordinance shall apply to the control of noise with the city limits, as they exist now or may thereafter be established.

SECTION 2 – QUIET HOURS:

- a. Residential/Public Areas:
 - i. Sunday (except as noted below) – Thursday: 11:00 pm to 5:00 am
 - ii. Friday – Saturday and Sundays when the next day is a National Holiday: 12 midnight to 5:00 am
- b. Commercial/Industrial: 10:00 pm to 5:00 am

SECTION 3 – DEFINITIONS:

- a. Motor Vehicle: Any vehicle power 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, moto scooters, dune buggies, all-terrain vehicles, go-carts, minibikes, trail bikes and the like.
- b. Person: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

SECTION 4 – LOUD AND UNNECESSARY NOISE PROHIBITED.

a. It shall be a violation of this Ordinance 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 5 – 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 a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person 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, institute 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 6 – 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 over one hundred (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 over fifty (50) feet from the device producing the sound.

ARTICLE II – MOTOR VEHICLE NOISE

SECTION 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 offence 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 cause excessive noise as a result of defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

SECTION 2 – EXEMPTIONS: The following shall be exempted from the provisions of this Ordinance:

- a. Sound emitted from sirens of authorized emergency vehicles.
- b. Lawn mower, garden tractors, and similar home power tools when properly muffled between official sunup to 9:00 pm.
- c. Burglar alarms and 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 or time.
- d. Celebrations on Halloween and legal holidays.
- e. Fireworks may only be discharged in accordance with Ward Ordinance O-2019-11.
- f. Permitted parades or festivals, between the hours of 8:00 am and 12 midnight, Sunday through Thursday; and between 8:00 am and 1:00 am Friday and 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. The emission of sound 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.

ARTICLE III – PRIMA FACIE EVIDENCE:

Prima facie of any violation of this Ordinance shall be provided through testimony from parties witnessing/hearing the emission of loud or raucous noises from above-described noise sources that said noises could be heard at a distance as noted in Section 6.

ARTICLE IV– 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 (\$50.00) nor more than five hundred dollars (\$500.00) for each offense plus any and all associated court costs. Each day any violation shall continue shall constitute a separate offense.

ARTICLE - V – REPEAL AND REPLACING ORDINANCE 0-2001-04

Ward Ordinance 2001-04 is hereby repealed and replaced effective with the date of this Ordinance.

ARTICLE V – SEVERABILITY


If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions.

SAID ORDINANCE WAS ADOPTED ON 9-18-23.

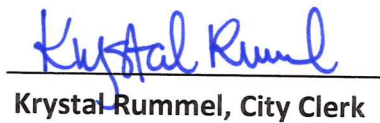
YEAS: 6 NAYS: 0

APPROVED:

ATTEST:



Charles Gastineau, Mayor



Krystal Rummel, City Clerk