

ORDINANCE NO. 475

ORDINANCE TO PROHIBIT PERSONS FROM CREATING EXCESSIVE NOISE DISTURBING THE CITIZENS OF THE CITY OF RECTOR; PROVIDING FOR A PENALTY THEREFORE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, there have been serious complaints as to loud, excessive noise in or around certain businesses and residences; and

WHEREAS, the police power of the City of Rector, Arkansas, authorizes the establishment of local legislation to eliminate the nuisance and damage caused by excessive noise.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RECTOR, ARKANSAS, as follows:

DEFINITIONS

A) Excessive Noise-The creation of a sound that is emitted by a person or persons from a vehicle, house, dwelling or curtilage that would cause an individual or person to hear the sound or noise while inside a commercial building, private residence or outside, or the vibration of a structure occupied by a person for business or personal use and the annoyance endured by that individual would be prima facie proof of violation of the ordinance.

B) Violator or Emitter- A person who is in control of a vehicle that emits a loud noise that would disturb the quiet comfort or repose of any person or individual would be deemed to be the violator or emitter. Or a person, while occupying a structure or curtilage, or as a pedestrian or occupant of a commercial building, to emit or permit others to emit the sound. No person, association, firm or corporation operating a restaurant, or other place of refreshment or entertainment, shall permit, nor shall any person in or about such restaurant, or other place of refreshment or entertainment engage in the playing or rendition of music of any kind, singing, loud talking, amplification of sound, or other noises in or about the premises, in such manner as to disturb the peace and quiet of the neighborhood, having due regard for the proximity of places of residence or business and to any other condition as affected by such noises.

C) Aggrieved Party- Any reasonable person or individual who by hearing the excessive loud noise is disturbed by such unnecessary noise to the extent that person cannot enjoy sleep, outside activities, or conversation, shall be deemed to be an aggrieved party under this ordinance

SECTION I: That Ordinance No. 475 be established to eliminate the creation of any unreasonably loud, disturbing and unnecessary noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

SECTION II: The playing of any radio, compact disc player, or tape player emitting from any motor vehicle in such a manner or with such volume to annoy or disturb the quiet, comfort or repose of persons in any office, business or in any dwelling, or other type of residence is prohibited. The emission of any noise caused by the act of any person or group of persons that would disturb the quiet comfort or repose of any person or individual.

SECTION III: The creation of any excessive noise on any street adjacent to or on any property in close proximity to any school, institution of learning, church or court while the same is in session, which unreasonably interferes with the working or session thereof is prohibited.

SECTION IV: The provisions of this section shall not apply to any person or corporation that is engaging in necessary work, construction or other activity of a legitimate and proper nature or in the cases of an emergency when the public health, safety or general welfare is in danger.

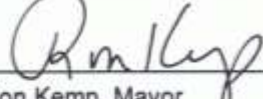
SECTION V: Any person, firm or corporation violating any of these provisions shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$25.00 nor more than \$100.00 for each offense. Each and every day that said violator or emitter creates excessive noise shall be deemed to be a violation and shall be a separate offense. A second violation within thirty (30) days of the first conviction shall carry a penalty of not less than \$100.00 and no more than \$500.00.

SECTION VI: That there is danger of excessive noise adversely affecting the operation of certain facilities in or about the City of Rector, Arkansas, requiring immediate attention. An emergency is, therefore, declared and this ordinance

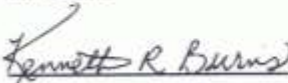
shall be in full force and effect from and after its passage, approval and publication as required by law.

DATED this 5th day of November, 2001.

CITY OF RECTOR, ARKANSAS

BY 
Ron Kemp, Mayor

ATTEST:


Ken Burns, City Recorder