

AN ORDINANCE ESTABLISHING DEFINITION OF OFFENSIVE NOISE; SETTING THE PENALTY FOR OFFENSIVE NOISE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, there is deemed to be a need to protect the citizens of the City of Conway from excessive and offensive noise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. It shall be unlawful for any person 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 limits of the city.

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 namely:

1. **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.
2. **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 11:00 p.m. and 7:00 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 11:00 p.m. and 7:00 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.
3. **Singing, shouting, etc.** Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 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.

4. **Animals and Fowl, etc.** The keeping of any animal or fowl which by causing frequent or long continued noise shall disurb the quiet or comfort of any person in the vicinity.
5. **Unrepaired vehicle.** The use of any automobile, motorcycle, or other vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
6. **Near schools, courts, churches, hospitals, etc.** The creating of any excessive an 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 or sessions thereof.

SECTION 2. EXEMPTIONS: None of the terms or prohibitions shall apply to, or be enforced against:

- a. Any vehicle of the City of Conway while engaged upon necessary public business.
- b. Excavations or repairs of bridges, streets or highways by or on behalf of the City, Faulkner County, or the State of Arkansas, during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the day.
- 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 3. VIOLATIONS - PENALTY: Any person, firm and/or corporation violating any of the provisions of this ordinance shall, except as provided for, be guilty of 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.

SECTION 4. That all ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 5. That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 22nd day of September, 1992.

APPROVED:

William A. Finley
MAYOR

ATTEST:

Martha Hartwick
CITY CLERK