

**ORDINANCE NO. 2001 - 02**

**AN ORDINANCE PROHIBITING  
DISTURBANCES AND UNNECESSARY NOISES**

**Whereas**, the City Council of the City of Elm Springs, Arkansas has determined that it is in the best interest of the City of Elm Springs and its citizens to establish an Ordinance Prohibiting Disturbances and Unnecessary Noises.

**NOW THEREFORE** be it ordained by the City Council of the City of Elm Springs, Arkansas:

- Section 1: Loud Noise Unlawful
- Section 2: Unnecessary Noise Standards
- Section 3: Violation
- Section 4: Repeated Violations
- Section 5: Injunction
- Section 6: Emergency Clause

**Section 1: Loud Noise Unlawful.** It shall be unlawful for any person to make, continue, or cause to be made or continue any excessive, unnecessary or unusually loud 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.

**Section 2: Unnecessary Noise Standards.** The following acts, among others, are declared to be excessive, loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive:

A. Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle or no vehicle on any street or public place of the city, except as a danger or theft warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

B. Radios, phonographs. The using, operating, or permitting to be played, used or operated any radio, stereo, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with loud volume than is necessary for convenient hearing for the person or persons who

are in the room, vehicle, area or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of ten o'clock p.m. (10:00 p.m.) and seven o'clock a.m. (7:00 a.m.) in such a manner as to be plainly audible (a) at a distance of one hundred (100) feet from the building, structure, vehicle or area in which it is located, or (b) at any distance within another's dwelling with windows closed, shall be a violation of this section.

C. Yelling, shouting. Yelling, shouting, hooting, whistling, singing, or using vulgar language on the public streets at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

D. Animals, birds. The keeping of dogs, cats or any animal or bird which causes frequent or continued noise shall disturb the comfort or repose of any persons in the vicinity.

**Section 3: Violation.** Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereon shall be fined an amount not less than One Hundred Dollars (\$100.00) and not exceeding Three Hundred Dollars (\$300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**Section 4: Repeated Violations.** Upon the second and subsequent conviction for violation of this ordinance within a twelve (12) month period of time from a conviction on a previous violation, the fine shall be increased to a minimum of Three Hundred Dollars (\$300.00) and a maximum of Five Hundred Dollars (\$500.00) and not more than ten (10) days in jail.

**Section 5: Injunction.** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issues by a Court of competent jurisdiction.

**Section 6: Emergency Clause.** It has been found and hereby is declared by the City Council that this ordinance is immediately required in order to facilitate the development inside the City of Elm Springs, and to promote the welfare of the City and

its citizens. Therefore, an emergency is hereby declared to exist in this ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 5<sup>th</sup> day of March, 2001.

Ed Thiesse  
Ed Thiesse, Mayor

Glenda Pettus  
Glenda Pettus, City Clerk