

ORDINANCE NO. 64-2003

AN ORDINANCE TO PROHIBIT CERTAIN LOUD AND RAUCOUS NOISE  
WITHIN THE TOWN LIMITS OF THE TOWN OF OAK GROVE,  
ARKANSAS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, this noise ordinance is necessary to provide for the peace, safety and welfare of the citizens of the Town of Oak Grove, Arkansas.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OAK GROVE, ARKANSAS, TO WIT:

**Section 1. Loud Noise Prohibited.**

It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the Town limits. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon grounds thereof while in use, in any church or hospital or upon grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof.

**Section 2. Prohibited Acts.**

The following acts, as limited by Section 1, subject to the exceptions provided hereinafter in section 2, are declared to be public nuisances in violation of this ordinance.

A. Engine Exhaust. The discharge into open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and raucous noises therefrom.

B. Blowers, fans, etc. The operation of any blower or power fan or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.

C. Horns, signaling devices, etc. The sounding of any horn, whistle, or other audible signaling device so as to create loud and raucous noise.

D. Radios, amplifiers, phonographs, etc. Using, operating or permitting to be played, used or operated any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such a manner as to cause loud and raucous noise.

E. Sound trucks. No amplifier or loudspeaker in, upon or attached to a sound truck or other devices for amplifying sound shall be operated or permitted to operate within the Town for advertising purposes or to attract the attention of the public in such a manner as to cause loud and raucous noise.

F. Defect in vehicle or load. The use of any motor vehicle so out of repair, so loaded or loaded in such a manner as to create loud grating, grinding, rattling or other loud and raucous noise.

G. Noises heard within schools, public buildings, churches, and hospitals. The creation of any loud and raucous noise heard within any school, public building, church or hospital, or the grounds thereof, while in use, which interferes with the workings of such institution, or which disturbs or annoys patients in the hospital.

H. Jacob brakes. The creation or emission of engine exhaust noise through the use of "Jacob brakes" or other similar engine compression retarding devices so as to create a loud and raucous noise.

I. Motor vehicle radios and sound devices. Using, operating or permitting to be played any radio, music player, or audio system in a motor vehicle which produces or reproduces sound in such a manner as to cause a loud and raucous noise which is plainly audible to persons other than the occupants of the said vehicle.

### **Section 3. Person responsible for violation.**

Any person, owner, agent or supervisor in charge of operating, ordering, directing, or allowing the operation or maintenance of a device or machine creating noise as prohibited in section 1 shall be deemed guilty of a violation of this article and subject to the penalties set forth herein.

### **Section 4. Exceptions.**

The term "loud and raucous noise" does not include noise or sound generated by the following:

- A. Cries for emergency assistance and warning calls;
- B. Radios, sirens, horns and bells on police, fire and other emergency response vehicles;
- C. Firework displays and other special events and parades.
- D. Activities on or in municipal and school facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agents;
- E. Fire alarms and burglar alarms, prior to giving notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm;
- F. Religious worship activities conducted in a permanent structure, including but not limited to bells and organs;
- G. Locomotives and other railroad equipment, and aircraft;

**Section 5. Penalties**

Any person found guilty of a violation of this ordinance shall be punished by a fine of not less than \$25.00 nor more than \$200.00, plus court costs.

APPROVED:

  
JEAN MORGAN  
Mayor of Oak Grove

ATTESTED TO:

  
Clerk

12-2-03