

**ORDINANCE NUMBER 2006-2**

**AN ORDINANCE TO PROHIBIT AND REGULATE UNREASONABLY  
LOUD NOISES WITHIN THE CITY LIMITS OF THE CITY OF DOVER, ARKANSAS**

WHEREAS, the City Council of the City of Dover, Arkansas has determined that an ordinance is needed to prohibit unreasonably loud noises and to regulate loud noises in order to protect the health, safety, and welfare of the residents of the City of Dover, Arkansas.

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

SECTION 1: This Ordinance shall be referred to as "The City of Dover Noise Ordinance."

SECTION 2: This Ordinance is enacted pursuant the authority granted to the City of Dover by the State of Arkansas under Ark. Code Ann. §14-54-103, 14-54-104, 14-55-101 and 14-55-102.

SECTION 3: The creating of any unreasonably loud, disturbing, and unnecessary noise of such character, intensity, or duration as to be detrimental to the life, health, safety, welfare, comfort or convenience of any individual, or in disturbance of the public peace, health, safety and welfare is prohibited within the City limits of the City of Dover, Arkansas.

SECTION 4: In addition to Section 3, the following acts, among others, are declared to be loud, disturbing and unnecessary noises unlawful, but the enumeration herein shall not be deemed to be exclusive.

(a) The sounding of any horn or signal device on any automobile, motorcycle, motor scooter, moped, bus, truck, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any signal device of any unreasonably loud or harsh sound; and the sounding of such device is for an unnecessary and unreasonable period of time.

(b) The playing of any radio, stereo, TV, CD player, cassette player, DVD, VCR, phonograph, musical instrument, jukebox, amplification device, loudspeakers or other similar devices in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quietness, comfort or peace of any persons in or around any office, hospital, or in any dwelling, hotel or any other type of residence.

(c) Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person un any hospital, dwelling, hotel or any other type of residence, or of any person in the vicinity.

(d) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

(e) To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(f) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital which unreasonably interferes with the workings or sessions thereof, provided, however, that in case of emergencies when the public health, safety or general welfare is in danger, necessary work may be done. Where underground repair or construction work is necessary adjacent to or in the vicinity of a school, an institution of learning, a church, a court or a hospital, the work to be done at reasonable hours.

(g) The creation of loud and excessive noise in connection with unloading or loading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(h) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(i) The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(j) (1) At any hour of the day or night, the use, operation, or playing of any radio, stereo system, compact disc player, cassette tape player, or any other device capable of sound amplification on:

A. Any motor vehicle located in any public right-of-way, public street or public property, at such a volume as to be plainly audible from a distance of 30 feet or more from said motor vehicle; or

B. Any private property, at such a volume as to be plainly audible from a distance of 30 feet or more from said property's boundary line.

2. For purposes of subsection (j)(1), the term "plainly audible" means clearly capable of being heard by a person of normal sensibilities using unaided auditory senses, at a volume level above that of a normal conversation. Plainly audible shall not include sounds which are just barely audible, but shall include without limitation or exclusion, with regard to music, detection of a rhythmic bass reverberating-type sounds, beat or cadence.

(k) The production of sound from the erection, excavation, construction, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tool or equipment used in any such activity conducted during the hours between 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance that is plainly audible and disruptive across a residential or commercial property line is hereby prohibited. Nothing in the subsection shall, however, be interpreted to prohibit such construction activities at any time, day or night, when such activities do not create a noise disturbance as described in this subsection.

SECTION 5: This section does not apply to:

(a) Any vehicle of the city, county, state, or federal government while engaged upon necessary, emergency or hazardous public business.

(b) Excavations or repairs of bridges, streets or highways by or on behalf of the city, county, or state, 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 an ambulance operator, paramedic, emergency medical technician or licensed physician while answering an emergency call for medical assistance.

(e) Construction work between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and Saturdays in areas declared by resolution by the City Council to be disaster areas. For purposes of this subsection, construction work means the erection, including excavation, demolition, alteration or repair of any building in a residential district. Any resolution to declare an area a disaster area shall include a map of the area and a time period during which such designation shall be effective.

(f) Cries for emergency assistance and warning calls.

(g) Activities on or in municipal and school athletic 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 agent.

(g) The emission of any sound for the purpose of alerting person to the existence of any emergency danger, or attempted crime, including but not limiting to premised and auto mobile security alarms and systems are maintained in proper working order and are reset within fifteen (15) minutes of activation. This exception shall also apply to the routine warning systems, provided such testing uses only the minimum cycle test time.

(i) Religious worship activities conducted in a permanent structure, including but not limited to bells and organs.

(j) Locomotives and other railroad equipment, and aircraft.

(k) Fireworks displays within such hours and conditions in accordance with Ordinance 87-3 of the City of Dover, Arkansas.

(l) The emission of sound for the purpose of alerting persons to the existence of an emergency

(m) Sound produced by the erection, excavation, construction, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structures, or the operation of the permitting or causing the operation of any tools or equipment used in any such activity conducted between the hours of 7:00 a.m. and 10:00 p.m.

(n) Any lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution.

(o) Any sound generated from any public event which is sponsored, co-sponsored, permitted or otherwise approved by the City, including but not limited to parades, sporting event, activities of an accredited public or private preschool, school, college, or university; community celebration; community fireworks displays; or any similar outdoor events, festivals or concerts.

SECTION 6: The production of unreasonably loud noises as described in Section 3 and 4 are hereby declared to be public nuisances and the City of Dover shall take whatever steps are allowed by state law, civil and criminal, to abate such nuisances.

SECTION 7: (a) It is unlawful for any property owner or tenant, or person with control, to allow or permit to allow a person or group of persons to create a noise disturbance as defined in Sections 3 and 4.

(b) The property owner, tenant or other such person with control, occupancy or possessions of property, shall be responsible for abatement of noise disturbances occurring on that property and failure to do so shall be a violation of this Ordinance.

SECTION 8: Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$105.00 and not more than \$500.00 and if such violation continues, each day's violation shall be a separate offense by the appropriate court.

SECTION 9: The Dover Police Department shall have the power to enforce this Ordinance and shall issue citations or apply for an arrest warrant with the City Attorney for a violation of this Ordinance.

SECTION 10: Should any part of this Ordinance be adjudged invalid by a court of law having competent jurisdiction, all other parts shall remain in full force and effect.