

DYER, ARKANSAS

ORDINANCE NO. 2024-07-23-01

AN ORDINANCE PROHIBITING CERTAIN DETRIMENTAL OR DISTURBING NOISES WITHIN THE CITY; AND PROVIDING A PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, the City of Dyer has seen an increase in noises of such a character as to be detrimental to life and health and disturbing to the peace and welfare of its citizens;

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

Section 1. No person shall create unreasonably loud, disturbing, and unnecessary noises within the city. Furthermore, no person shall create noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or in the disturbance of the public peace and welfare.

Section 2. The following acts, among others, are declared to be loud, disturbing and unnecessary noises and nuisances and in violation of this article, but this enumeration shall not be deemed to be exclusive:

(1) The maintenance and operation of an outside loudspeaker or public address system transmitting music, advertising or speaking, except upon a permit issued by the Mayor or her designated representative; and notwithstanding the permit, any such loudspeaker or public address system shall not be operated in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling house, hotel, motel or other type of residence or any person in the vicinity. The aforesaid noise, when permitted, shall be restricted to the hours from 8:00 a.m. to:

a. 10:00 p.m. in residential areas.

b. 10:00 p.m. on all nights but Saturday and 11:59 p.m. on Saturday nights for commercial areas.

(2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or, if 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 such signal device of any unreasonably loud or harsh sound; and the sounding of such devices for an unnecessary and unreasonable period of time.

(3) The playing of any radio, phonograph, musical instrument or any coin-operated music machine in such manner or in such volume during the hours between midnight and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or motel or other type residence, or any person in the vicinity.

(4) Yelling, shouting, hooting, whistling or singing, or unnecessary screeching of tires, or unnecessary use of a noisemaking device or unnecessary engine or exhaust noise on or near the public streets between the hours of 10:00 p.m. and 7:00 a.m. at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling house, hotel, motel or other type of residence, or of any person in the vicinity.

(5) The keeping of any animal or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity unless kept in the course of the proper conduct of a legitimate business in a zone where such activity is permitted; and, notwithstanding such permitted exception, the keeping of animals, birds or fowl shall not be allowed to annoy or disturb the quiet, comfort or repose of persons in any dwelling house, hotel, motel or other type of residence, or of any person in the vicinity.

(6) 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 structure 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 immediately by first securing a permit from the Mayor or her designated representative if this is obtainable, or if it is not first obtainable, the necessary work may be done and at the first opportunity reported to the Mayor or her designated representative, who shall issue a permit effective retroactively to the beginning of the emergency. Where underground repair or construction work is necessary adjacent to or in the vicinity of a school, an institution of learning, a church, or a court, the Mayor or her designated representative may issue a permit for the work, the work to be done at reasonable hours to be designated by the Mayor or her designated representative.

(7) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show, sale or display of merchandise, shall be only by permit, and at no time shall the noise thereby created be in such manner and such volume as to annoy or disturb the comfort or repose of persons in any office, dwelling house, hotel, motel or other type of residence, or any person in the vicinity.

(8) 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 50 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 50 feet or more from said property's boundary line.

For purposes of subsection (8) of this section, 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. The term "plainly audible" does 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 sound, beat or cadence.

Section 3. Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than one hundred dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), and each subsequent offense may result in an increased fine imposed by the Court.

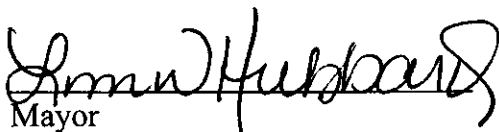
Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

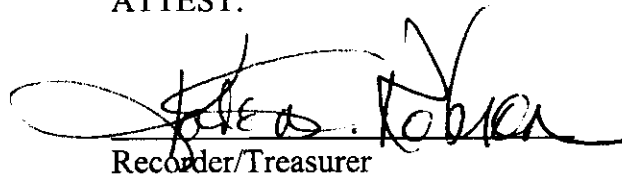
Section 5. This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because this ordinance strives to reduce damaging noises that are detrimental to health. Therefore, an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED ON THIS THE 13 DAY OF July, IN 2024.

APPROVED:

ATTEST:


Mayor


Recorder/Treasurer