

CITY OF AUSTIN ARKANSAS  
ORDINANCE NO. 05-2013

NOISE ORDINANCE.

WHEREAS, City officials have determined that new provisions are needed for additional reduction of noise problems encountered throughout the City; and,

WHEREAS, because of complaints from residents regarding noise problems, City officials wish to designate certain provisions to address, eliminate, and reduce such unnecessary noise levels;

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

**Section One.**

It shall be unlawful for any person to willfully make, continue allow to be made, or cause to be made or continued any loud and raucous noise, which 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 city limits of the City of Austin.

Application of these terms shall be limited to loud and raucous noise heard upon the public streets, public parks, any school, public buildings or grounds thereof, any church or parking lot open to members of the public, or any occupied residential unit or grounds not located at the source of the noise.

**Section Two: Acts Declared Loud and Raucous Noise.**

- a. **Horns and Warning Devices.** The sounding of any horn(s) or warning device(s) on any automobile, motorcycle, bus, motorized vehicle or other such device, except when used as a danger signal. The use of any such signaling device for any unreasonable period of time may also constitute a violation if not being utilized as a warning device during an emergency.
- b. **Radios, Stereos, and Musical Devices/Instruments.** The playing of any radio, stereo, musical instrument, or other musical device designed to produce or reproduce sound in such a manner or with such volume as to disturb the quiet or comfort of persons in any residence, office, dwelling, or of any person(s) in the vicinity. The operation of any such instrument, machine, or device between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, residence, or vehicle in which the sound originates shall be prima facie evidence of a violation of the terms of this Ordinance.
- c. **Animals.** Any noise being made by any animal in the possession of any individual for any unreasonable period of time. Such noise in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, residence, or vehicle in which the noise from the animal originates shall be prima facie evidence of a violation of the terms of this Ordinance.

d. Singing, Shouting, Speaking, Yelling, shouting, speaking, whistling, or singing on public streets, particularly between the hours of 10:00 p.m. and 6:00 a.m., or at any time or place so as to annoy or disturb the quiet or comfort of any persons in any residence, office, or dwelling, or of any person(s) in the vicinity shall be prima facie evidence of a violation of this Ordinance.

e. Vehicles. The use of any automobile, motorcycle, or other motor vehicle in such a condition or state as to create loud and unnecessary grating, grinding, rattling, or other extreme noise, particularly but not limited to the hours of 10:00 p.m. through 6:00 a.m., shall be prohibited.

### **Section Three: Prima Facie Evidence.**

Prima facie evidence of any violation of this Ordinance shall be provided through testimony from parties witnessing/hearing the emission of loud or raucous noises from above-described noise sources that said noises could be heard at a distance of over fifty (50) feet.

### **Section Five: Enforcement and Penalties.**

Any person who violates any provision of this Ordinance shall be cited by a law enforcement officer. Said individual upon a plea or conviction thereof, shall be fined no less than one hundred (\$100.00) dollars and no more than five hundred (\$500.00) dollars. Each time the terms of this Ordinance are violated shall constitute a separate offense.

In the event a person convicted of a violation of this Ordinance continues such conduct, said continuation shall constitute a nuisance. The Mayor, Chief of Police, or designated and authorized agent(s) thereof are authorized to take appropriate steps necessary to abate such a nuisance, to include but not limited to filing charges and seeking proper orders from a District Court or Circuit Court of proper jurisdiction to adequately ensure such violations do not occur in the future.

### **Section Six: Emergency Clause.**

Whereas, this Ordinance being necessary for the immediate protection of the public health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

### **Section 7: Conflicting Ordinances.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED and ADOPTED this 22 day of April, 2013.

**Passed:**

**Date:**

**Approved:**

Bernie Chamberlain  
Mayor Bernie Chamberlain

Approved as to Form:

GA  
Greg Crumpton, City Attorney

Laurel Carver for Shelia Baker  
Attest: City Clerk