

**ORDINANCE NO. 01-04**

**AN ORDINANCE REGULATING EXCESSIVE, UNNECESSARY, OR UNUSUALLY LOUD NOISES WITH IN THE CITY LIMITS OF THE CITY OF LAKEVIEW, ARKANSAS, BAXTER COUNTY, DECLARING A PENALTY FOR A VOIATION AND FOR OTHER PURPOSES**

**WHEREAS**, excessive noise within the City of Lakeview, Arkansas has become a problem of the public; and

**WHEREAS**, it is in the best interest of the City of Lakeview for such a problem to be regulated by Rules, Regulations and Standards adopted by the City Council of the City of Lakeview, Arkansas.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAKEVIEW, ARKANSAS:**

**Section 1:**

Excessive, unnecessary, or unusually loud noises within the limits of the city is a condition which has existed for some time and the extent and magnitude of such noises are increasing; and the making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use affects and is a detriment to public health, comfort, convenience, safety and welfare of the residents of the city, or may cause damage to property or business.

**Section 2:**

The necessity in the public interest for the provision and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of the city.

**Section 3:**

In general, it shall be unlawful for any person to disturb or tend to disturb the peace of others by violent, tumultuous or offensive conduct or by loud or unusual noises or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace or for any person to permit any such conduct in any house or upon any premises owned or possessed by such person or under their management or control, when within such person's power to prevent, so that others in the vicinity are or may be disturbed thereby.

**Section 4:**

It shall be unlawful for any device that produces or reproduces loud sound from a moving or park vehicle judged offensive by a police officer.

**Section 5:**

Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provision of this Ordinance.

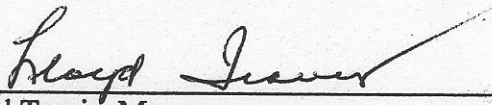
**Section 6:**

For the purposes of this section, the term "plainly audible" means that the information content of sound is ambiguously transferred to the auditor, such as but not limited to understanding of spoken comprehension of musical rhythms.

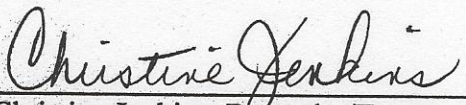
**Section 7:**

Any person violating any provision of the Ordinance shall be deemed guilty of a misdemeanor and punished by fine of not less than \$50.00 nor more than \$250.00 and if such violation continues, each day's violation shall be a separate offense.

**PASSED AND APPROVED THIS** 13, November, 2001

  
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Lloyd Travis, Mayor

**ATTEST:**

  
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Christine Jenkins, Recorder/Treasurer