



STATE OF ARKANSAS
City of Brookland

ORDINANCE 2023-20

AN ORDINANCE CONCERNING EXCESSIVE NOISE IN THE CITY LIMITS OF THE CITY OF BROOKLAND, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Brookland, Arkansas pursuant to Arkansas Code Annotated §14-55-102 shall have the power to make and publish ordinances, not inconsistent with the laws of this state, which, as to them, shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such inhabitants thereof; and

WHEREAS, the Brookland City Council finds that the public interest is served by the prevention of unreasonable noise and the provisions of this ordinance are necessary for the purpose of preserving and protecting the public health, safety and welfare and shall be liberally construed to effectuate that purpose; and

WHEREAS, nothing in this ordinance shall be construed to abridge the emergency powers of any City department or the right of such department to engage in any necessary or proper activity. Furthermore, nothing herein shall abridge or circumvent the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of any other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE BROOKLAND CITY COUNCIL as follows:

Section 1: It shall be unlawful to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the city limits of the city of Brookland.

Section 2. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive. The City or District Court reserves the right to determine whether someone's behavior is in violation of this ordinance, separate and apart from the enumerated list of behavior which is deemed to be in violation of this Ordinance.

a. Horns, etc. The sounding of any horn or device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signaling device of any unreasonable period of time.

b. Radios, musical instruments, etc. The playing of any radio or musical instrument or other musical device for producing or reproducing of sound, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to disturb the quiet or comfort of persons in any commercial structure or in any dwelling, hotel or other type of residence or of any persons in the vicinity. The operation of any such instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance. If the City of Brookland has in the past or in the future does pass an ordinance that allows this type of behavior in certain circumstances, then that ordinance shall supersede this ordinance for those limited purposes.

c. Singing, shouting, etc. Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet or comfort of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity shall be prohibited. If the City of Brookland has in the past or in the future does pass an ordinance that allows this type of behavior in certain circumstances, then that ordinance shall supersede this ordinance for those limited purposes.

d. Animals and fowl, etc. The keeping of any animal or fowl which by causing frequent or long continued noise shall disturb the quiet or comfort of any person in the vicinity.

e. Vehicles. The use of any automobile, motorcycle, or other vehicle which creates load and unnecessary grating, grinding, rattling or other noise shall be a violation of this Ordinance. This would include but not be limited to exhaust assisted braking, otherwise known as improper used jake brakes or engine retarder or braking.

f. Near schools, courts, churches, hospitals, etc. The creating of any excessive and unnecessary noise on any street adjacent to any school, church, court, while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of sessions thereof.

Section 3. Exemptions. None of the terms or prohibitions shall apply to or be enforced against:

- a. Any vehicle of the City of Brookland, Arkansas, while engaged upon necessary public business.
- b. Excavations or repairs of bridges, streets or highways by or on behalf of the City of Brookland, Arkansas, or the State of Arkansas, during the night time, when the public welfare and convenience renders it impossible to perform such work during the day. The City of Brookland specifically states that state and local employees have the right to engage in conduct while acting in that capacity that could possibly be in violation of other provisions of this ordinance.
- 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 any vehicle.
- e. The testing of emergency tornado warning systems (sirens, horns, and bells).
- f. ~~Public activities on or in municipal, city parks (July 4th activities, Fall Fest, National Night Out),~~ school athletic facilities, sporting event(s), musical productions or parades.
- g. Radios, sirens, horns, and bells on police, fire, and other emergency response vehicle.
- h. Fire alarms and burglar alarms, prior to the giving of 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.
- i. Religious worship activities conducted in a permanent structure, including but not limited to bells, chimes, and organs.
- j. The movement of aircraft which is in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.
- k. Locomotives and other railroad equipment.
- l. Fireworks displays within such hours and conditions as may be imposed for discharging of fireworks as allowed by ordinances of the city.

Section 4. Penalty. Any person, firm and/or corporation violating any of the provisions of this ordinance shall, except as provided for, be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day that this conduct occurs is another separate violation of this ordinance.

Section 5. Other Remedies. No provisions of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

Section 6. Severability. If any part of this Ordinance is held invalid, such invalidity shall not affect any other portion of this Ordinance.

Section 7. Repealed. All laws and parts of laws in conflict with this Ordinance are hereby repealed.

Section 8: EMERGENCY CLAUSE: Due to rapid city growth in population the City of Brookland is having increased number of residents that after 11:00 pm cause unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of the citizens of Brookland, Arkansas, an emergency is declared to exist, and this Ordinance shall take effect and be enforced from and after its passage and approval.

Approved and adopted this 9th day of October 2023.



Kenneth D. Jones, Mayor

ATTEST:



Julie Thomas, Clerk/Treasurer

