

ORDINANCE NO. 2005-08

AN ORDINANCE PROHIBITING UNREASONABLY LOUD, DISTURBING AND UNNECESSARY NOISES INCLUDING THE UNNECESSARY USE OF "JAKE BRAKES" WITHIN THE CITY OF POCAHONTAS, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, there has been an increase in unreasonably loud, disturbing and unnecessary noises in the City of Pocahontas;

WHEREAS, this noise is of such character, intensity and duration is detrimental to the life, health or safety of any individual and disturbs the public peace and welfare of the City of Pocahontas;

WHEREAS, the City of Pocahontas, Arkansas desires to prohibit the unreasonably loud, disturbing and unnecessary noises in the City of Pocahontas;

NOW, therefore, be it ordained by the City Council of the City of Pocahontas, Arkansas:

SECTION I: That the creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the city, including noise of such character, intensity or duration as to be detrimental to the life, health or safety of any individual or in disturbance of the public peace and welfare is prohibited.

SECTION II: The following acts, among others, are declared to be noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely.

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus, taxicab, 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 unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and

unreasonable period of time.

- (b) The sounding of any ^{"jake"} ~~air~~ brakes also known "jake brakes" on any automobile, motorcycle, bus, taxicab, tractor trailer or other vehicle for the purpose of creating an unnecessary, disturbing or unreasonably loud noise except when used for emergency purposes.
- (c) The playing of any radio, "juke box" or similar device, phonograph or any other kind of musical instrument or loudspeaker device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling hotel or other type of residence or of any persons in the vicinity.
- (d) Yelling, shouting, hooting, whistling or singing on the public streets at any time, or place so as to annoy or disturb the quiet comfort or repose of any persons in any hospital, dwelling, hotel or any other type of residence or of any person in the vicinity.
- (e) The use of any automobile, truck, motorcycle, motor bicycle, bus, tractor, motor propelled vehicle of whatsoever kind, design or name or any other vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
- (f) To discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine automobile, truck, motorcycle, motor bicycle, bus, tractor, motor propelled vehicle of whatsoever kind, design or name or any other vehicle or motorboat engine, including outboard motors, except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (g) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session or adjacent to any hospital which unreasonably interferes with the workings of sessions thereof.

SECTION III: Provided that none of the terms or prohibitions hereof shall apply to or be enforced against any vehicle of the city while engaged upon necessary public business or any ambulance while being operated in cases of emergency.

SECTION IV: That any person violating this ordinance shall be fined \$150.00 for each

violation

SECTION V: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION VI: An emergency is hereby declared to exist and this Ordinance, being necessary for the preservation of the public peace, health, and safety shall be in full force and take effect immediately from and after its passage.

PASSED AND APPROVED THIS 11th DAY OF October, 2005

Gary Crocker
Mayor Gary Crocker

ATTEST: Shelia Rose, CMC
Shelia Rose
City Clerk/Treasurer