

## ORDINANCE NO. 51

### **AN ORDINANCE DEFINING THE TERM NOISE, SETTING FORTH THE PROHIBITED ACTS, THE ACTS CONSIDERED NOISES, THE EXEMPTIONS, PENALTIES, AND PERMITS, FOR THE CITY OF GOSHEN, WASHINGTON COUNTY, ARKANSAS AND FOR OTHER PURPOSES.**

WHEREAS, the City of Goshen, Washington County, Arkansas, does not have an ordinance controlling the noise or the noise level, and that the City Council has deemed it necessary to protect the citizens and their property to establish such an ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Goshen, Arkansas, that:

SECTION 1. Short title: This ordinance shall be known and may be cited as the Goshen, Washington County, AR noise ordinance.

SECTION 2. Prohibited: Unreasonable loud, disturbing and unnecessary noise within the limits of the city is prohibited. The 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 is prohibited.

SECTION 3. ACTS CONSIDERED NOISE: The following acts, among others, are declared to be loud disturbing, and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive, namely,

(a) The maintenance and operation of an outside loud speaker or public address system transmitting music, advertising or speaking is prohibited except upon permit issued by the Mayor and notwithstanding said permit, any such loud speaker or public address system shall not be operated in such a manner or at such a volume as to annoy or disturb the quiet, comfort or repose of persons in any office, business, residence, or of any person or persons in the vicinity.

SECTION 4. EXCEPTION: None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Necessary warning signals given by police vehicles, fire trucks, voluntary firemen or emergency medical technicians while any such person is responding to an emergency call for service.

(b) The reasonable use of amplifiers or loud speakers in the course of public addresses which are non-commercial in character.

SECTION 5. PENALTY: Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined

not less than (\$30.00) and not more than (\$250.00) for each offense.

SECTION 6. PERMITS: Permits for the operation, maintenance and use of amplifiers or loud speakers as hereinabove set forth shall be issued for the said amplifiers, loud speakers or public address systems to be operated only between the hours of 8:00 a.m. and 8:00 p.m. daily. Permits may be issued for operations at other hours, such permits to be special permits and for special occasions and are subject to review by the city council prior to approval by the Mayor.

SECTION 7. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval and publication.

PASSED AND APPROVED this 14<sup>th</sup> day of December, 2004.

  
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Andy Bethell, Mayor

Attest:

  
\_\_\_\_\_  
Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Names Of Those Voting NAY

- Joe Benson
- Chuck Huskey
- John Meek
- Dick Seddon
- Albert Skiles

Absent

- John Kauffman