

Sec. 18-52. - Noises prohibited generally.

- (a) The creating of any unreasonably loud, disturbing and unnecessary noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises unlawful, but this enumeration shall not be deemed to be exclusive:
 - (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar 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 unreasonably loud or harsh sound; and the sounding of such devices for an unnecessary and unreasonable period of time.
 - (2) The playing of any radio, phonograph, any type of audio equipment, or any musical instrument in such a manner or with such volume, particularly during the hours between 10:30 p.m. and 7:00 a.m. as to annoy or disturb the quietness, comfort or peace of any persons in or around any office, hospital, or in any dwelling, hotel or other type of residence.
 - (3) Any group yelling, hooting, shouting out or the playing of any type of audio equipment on the public streets, at any time or place, in such a manner as to annoy or disturb the quiet, comfort or peace of persons in any hospital, dwelling, hotel or other type of residence or otherwise creates an annoyance or problem.
 - (4) The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
 - (5) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
 - (6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
 - (7) To discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Cross reference— Muffler cutouts prohibited, § 32-9(b)(4).

- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof or adjacent to or near any residence; provided, however, that in case of emergencies when the public health, safety or general welfare is in danger, necessary work may be done immediately by first securing a permit from the building inspector, if this is obtainable, or if it is not first obtainable, the necessary work may be done and at the first opportunity reported to the building inspector, who shall issue a permit effectively retroactively to the beginning of the emergency, provided also that where underground repair or construction work is necessary adjacent to or in the vicinity of a school, an institution of learning, a church, a court, or hospital, the building inspector may issue a permit for same, the work to be done at reasonable hours to be designated by the building inspector.
- (9) The creation of loud and excessive noise in connection with unloading or loading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (11)

The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

- (12) 1. *[Construction allowed.]* Commercial and residential exterior and interior construction work including erection, excavation, demolition, or repair of any building and its components shall be allowed between the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday and 1:00 p.m. to 6:00 p.m. on Sunday. Additional interior construction work shall be allowed to be performed between the hours of 6:00 p.m. to 10 p.m., Monday through Saturday provided that all exterior openings are completely covered. These construction hours shall be adhered to except in the case of urgent emergency in the interest of public health and safety and then only with written permission from the building codes division, which permission may be granted for a period not to exceed (30) thirty days while the emergency continues. If an emergency arises when permission is not obtainable, the necessary work may be done and reported to the building codes division at the earliest date that the office is open after the emergency arises and may grant permission retroactively to the beginning of the emergency. If the building codes division should determine that the public health and safety will not be impaired by the erection, demolition, excavation, alteration or repair of any building within the designated hours and if they shall further determine that loss of inconvenience would result to any party in interest, they may grant permission for such work to be done within such hours upon application being made at the time permit for the work is obtained. The building codes division may stop construction work at anytime when the work disrupts or causes excessive disruptions of adjoining businesses or residential occupancies or is found to be detrimental to the health, safety and welfare of citizens.
2. *Working hours permit.* In cases where construction-related work can only be performed other than the hours listed in 8-4(1) and 18-52(b)(12)1., a temporary work permit may be issued by the building codes division. Applicant must obtain permit prior to commencement of work and all referenced job construction permits must be obtained. If approved the permit may be issued from one (1) to seven (7) days. Applicant must take all precautions to avoid disturbing other adjacent occupancies. The building codes division reserves the right to revoke any temporary work permit if work disrupts or causes excessive disruptions of adjoining businesses or residential occupancies or is found to be detrimental to the health, safety and welfare of citizens.

(c) This section does not apply to:

- (1) Any vehicle of the city while engaged upon necessary public business.
- (2) Excavations or repairs of bridges, streets or highways by or on behalf of the city, county, or state, when the public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (4) Necessary warning signals given by an ambulance operator or licensed physician while answering an emergency call for medical assistance.
- (5) Construction work between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and Saturdays in areas declared by resolution of the board of directors to be disaster areas. For purposes of this subsection, construction work means the erection, including excavation, demolition, alteration or repair of any building in a residential district. Any resolution to declare an area a disaster area shall include a map of the area and a time period during which such designation shall be effective.

(Code 1961, §§ 25-71—25-73; Ord. No. 18,070, § 1, 7-20-99; Ord. No. 18,867, § 2, 5-20-03)

Editor's note— At the request of the city, § 25-72(h) of the 1961 Code has been included herein with the publication of Supplement No. 10 as having been inadvertently omitted from this Code. Designation as § 18-52(b)(12) was at the discretion of the editor.

State Law reference— Municipal authority to prevent noise, A.C.A. § 14-54-103.