

ORDINANCE NO. 218

**AN ORDINANCE REGULATING NOISE IN THE CITY OF GARFIELD, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Garfield, Arkansas, has received numerous complaints from its citizens regarding excessive noise; and,

**WHEREAS**, the City of Garfield, Arkansas, has determined regulations are needed to promote the public peace, health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Garfield, Arkansas:

**Section 1:** Addition of Chapter 7.30 to Title 7 of the Garfield Municipal Code. Chapter 7.30 is hereby added to Title 7 of the Garfield Municipal Code and shall read as follows:

“CHAPTER 7.30  
NOISE

Sections:

- 7.30.01 Findings; general policy
- 7.30.02 Definitions
- 7.30.03 Unreasonable or excessive noise prohibited
- 7.30.04 Measurements
- 7.30.05 Limitations by land use category
- 7.30.06 Sounds from vehicles
- 7.30.07 Penalty for violation of this chapter
- 7.30.08 Exceptions to chapter
- 7.30.09 Injunction
- 7.30.10 Other remedies

7.30.01 Findings; general policy The city council finds that excessive sound is a serious hazard to the public health, welfare and safety, and the quality of life. It is the policy of the city to prevent excessive sound which may jeopardize the health, welfare or safety of its citizens or degrade the quality of life.

7.30.02 Definitions

As used in this chapter:

**Ambient Sound Level** means the total sound pressure in the area of interest including the source of interest.

**A-weighting** means the electronic filtering in Sound Level Meters that model human frequency sensitivity.

**dBA** means the A-weighted unit of Sound Pressure Level.

**Decibel (dB)** means the unit for measurement for Sound Pressure Level at a specified location.

**Emergency** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**Emergency Work** means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an Emergency.

**Noise Disturbance** means:

- (1) The creating of any unreasonably loud and disturbing sound of such character, intensity, or duration as to be detrimental to the life or health of an individual, or which annoys or disturbs a reasonable person of normal sensitivities.
- (2) Owning, keeping, possessing, or harboring any animal or animals that continuously, repeatedly, or persistently, without provocation by the complainant, creates a sound which unreasonably disturbs or interferes with the peace, comfort or repose of persons of ordinary sensibilities.
- (3) The creating of any unreasonably loud and disturbing sound by a Sound Amplification Device of such character, intensity, or duration as to be detrimental to the life or health of an individual, or which annoys or disturbs a reasonable person of normal sensitivities.

**Plainly Audible** means any sound that can be detected by a person using his or her unaided hearing faculties.

**Sound** means a temporal and spatial oscillation in pressure, or other physical quantity in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

**Sound Amplification Device** means radio, radio receiving set, television, stereo, tape player, cassette player, compact disc player, "boom box," loud speaker, musical instrument, sound amplifier or other device which produces, reproduces, or amplifies sound.

**Sound Level** means the weighted Sound Pressure Level obtained by the use of a Sound Level Meter and frequency weighting network, such as (a), (b), or (c) as specified in the American National Standards Institute's specification for Sound Level Meters.

**Sound Level Meter** means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, or output meter, and weighting network used to measure Sound Pressure Levels.

**Sound Pressure Level** measures the loudness of a sound, in decibels, via a logarithmic scale by comparing the sound pressure of a sound to a reference pressure (the threshold of human hearing). The equation follows:  $L_p = 20 \log_{10}(p/p_0)$  dB. P is the sound pressure of the sound wave and  $p_0$  is the reference sound pressure.

**7.30.03 Unreasonable or excessive noise prohibited** Notwithstanding any other provisions of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue to cause or permit to be made or continued, any Noise Disturbance.

**7.30.04 Measurements** Sound Level measurements, when taken, shall be made with a Sound Level Meter type-2 or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institute.

**7.30.05 Limitations by land use category**

(a) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a Sound Level within the use districts in table 1 below which exceeds the maximum noise levels as set forth in table 1, which shall be measured for violations at the property line from which the sound is emanating, as well as at the property line of the receiving property. When a sound source can be identified and measured in more than one use district, the Sound Level limits of the most restrictive use district shall apply at that district boundary.

TABLE 1

Use Districts	Time	Maximum Sound Levels
All residential zones	7:00 a.m. to 7:00 p.m.	65 dB(A)
All residential zones	7:00 p.m. to 7:00 a.m.	60 dB(A)
All commercial zones	7:00 a.m. to 7:00 p.m.	75 dB(A)
All commercial zones	7:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 7:00 p.m.	85 dB(A)
All industrial zones	7:00 p.m. to 7:00 a.m.	80 dB(A)

- (b) Construction sites will be considered as an industrial zone for purposes of this ordinance.
- (c) Nightclubs and restaurants will be considered as commercial zoning for purposes of this ordinance.
- (d) If the chief building official shall determine that the public health and safety necessitates the issuance of an emergency permit allowing the erection, demolition, alteration, or repair of any building or the excavation of any building when such work might exceed Sound Levels found in table 1, an emergency permit shall be issued. Such emergency permit shall not exceed 14 days' duration.

#### 7.30.06 Sounds from vehicles

- (a) It is unlawful to operate any Sound Amplification Device from within a vehicle so that the sound is Plainly Audible at a distance of 50 feet or more from the vehicle, whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, and such is declared to be a Noise Disturbance in violation of this chapter.
- (b) A compression release engine brake, or other hydraulically operated device that converts a power producing diesel or gas engine into a power absorbing retarding mechanism with a correspondingly increased amount of noise emission shall not be engaged or used within the city limits of Garfield, except in the case of failure of the service brake system, adverse weather conditions, or other emergency necessitating the compression release engine brake's use.

#### 7.30.07 Penalty for violation of chapter

- (a) A violation of this ordinance shall constitute a misdemeanor and any person convicted of a violation of any provision of this chapter shall be punished for that violation by a fine of not less than \$100.00 but not more than \$500.00.
- (b) Each day of violation of any provision of this chapter shall constitute a separate offense.

#### 7.30.08 Exceptions to chapter

The following are exceptions to this chapter and such sounds do not constitute a Noise Disturbance:

- (1) Cries for assistance and warning calls for any Emergency;
- (2) Emergency response vehicles and Emergency Work;
- (3) Parades;
- (4) Activities which are approved, sponsored or sanctioned by the city;
- (5) Activities conducted on or in school facilities which are approved, sponsored or sanctioned by the school;
- (6) Fire alarms and burglar alarms;
- (7) Religious worship activities or outdoor activities sponsored by religious organizations;
- (8) Fireworks displays authorized by the city;
- (9) Noise from agricultural machinery and equipment;
- (10) Noise from yard machinery and equipment during daylight hours;

#### 7.30.09 Injunction

The City Attorney or Prosecutor may, if he deems it necessary, institute an action in the name of the city in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

7.30.10 Other remedies

No provision of this chapter 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 chapter or from other law. (Ord. No. \_\_\_\_\_, Section 1)."

**Section 2:** Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

**Section 3:** Emergency Clause. Due to excessive noise occurring in the city, this ordinance is necessary to protect the public peace, health, welfare, and safety; therefore, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its approval.


**Section 4:** Repeal.

All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**PASSED AND APPROVED** this 10<sup>th</sup> day of June, in the year of our Lord, 2025.

  
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GARY BLACKBURN, Mayor

ATTEST:

  
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CHRISTAL ALLEN, City Recorder-Treasurer

