

Ordinance #2023-4

AN ORDINANCE REGULATING NOISE POLLUTION OF TITLE 7 PUBLIC PEACE, SAFETY, AND MORALS IN THE CITY OF VILONIA:

WHEREAS, the City seeks to create general policies, procedures, rules and regulations for noise pollution in the City of Vilonia; creating a violation and penalty for failing to comply with these rules, policies and regulations:

WHEREAS, there is deemed to be a need to protect the citizens of the City of Vilonia from excessive and offensive noise:

WHEREAS, It is the intent of these regulations to provide citizens with an environment free from such excess sounds or noise as may jeopardize their health, welfare and safety, or degrade the quality of life;

WHEREAS, This ordinance shall apply to the control of all sound and vibration originating within the zoning districts of Mixed Use, Commercial, and Industrial.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILONIA, ARKANSAS

Section 1: Definitions

Construction: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

Decibel (dB): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-tailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

Motorcycle: An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

Noise: Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

Plainly Audible: Capable of being heard. It is not necessary to distinguish words or melodies. A plainly audible sound may consist of bass alone.

Real Property Boundary: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level: 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 American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A – weighting shall apply.

Sound Level Meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.

Vibration: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Section 2: Administration

- A. **Lead.** The noise control program established by this chapter shall be administered by the Vilonia Police Department.
- B. **Departmental Cooperation.** All Departments and agencies shall cooperate with the lead department to the fullest extent in enforcing these regulations.
- C. **Sound Level Meter.** Sound level measurements shall be made with a sound level meter Type II or better using A – weighted scale in conformance with the standards promulgated by the American National Standards Institution (ANSI). The Microphone shall be equipped with a wind screen.

D. Procedure for Measurement. All tests shall be conducted according to the following procedures:

1. *Complaint Driven.* When the measurement procedure is the result of a complaint, measurements will be taken at the property line of the receiving property.
2. *Normal Monitoring.* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line of the source of the sound.
3. *Outdoor Conditions.* No outdoor measurements shall be taken while winds exceed (including gusts) 15 miles per hour; under conditions that will allow the sound level meter to become wet; or when the ambient temperature is out of range of tolerance of the sound level meter.
4. *Calibration.* The sound level meter shall be verified and calibrated according to the manufacturer's specifications immediately prior to taking the measurements.
5. *Meter Placement.* The sound level meter shall be placed a minimum of four feet above the ground or from any reflective surface. The microphone shall be pointed at the sound source.
6. *Measurements.* Measurements shall include "high", "average" and "low" readings. If the sound level meter does not provide these multiple readings, a minimum of three separate measurements shall be taken at a single location at varying time intervals. The average sound level reading shall be used to determine whether there has been a violation of this ordinance.
7. *Monitoring Report.* The report for each measurement session shall include:
 - a) The day, date and time of the measurements,
 - b) Date and time of recent calibration,
 - c) Temperature and wind speed at time of measurement
 - d) Identification of the monitoring equipment,
 - e) Location, land use, zoning and description of the source,
 - f) Location, land use and zoning of the listener, and
 - g) Sound level measurements.
8. *Extraneous sounds.* If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the measurement shall be postponed until these noises subside.

Section 3: Unreasonable or Excessive Noise Prohibited. No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance, including noise of such character, intensity or duration as to be detrimental to the life, health or safety of an individual, or in disturbance of the public peace and welfare.

Section 4: Exceptions. The provisions of this charter shall not apply to:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- B. Any facility, vehicles or equipment of the city, county, state or federal government while engaged upon necessary public business.
- C. The use of bells or chimes in conjunction with places of religious worship.
- D. The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary or emergency signaling device for emergency purposes or for testing, provided such testing uses only the minimum cycle test time.
- E. Activities conducted on or in municipal facilities that are approved, sponsored, or sanctioned by the city.
- F. Any athletic or school related event or activity that occurs on or in school facilities and approved, sponsored, or sanctioned by the school.
- G. Firework displays authorized by the city.

Section 5: Limitations by Zoning Districts.

- A. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises of public or private property any identifiable source of sound level within the zoning districts in Table 1 below, which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was emanating. A complaint under this section must be brought by a property owner or leaseholder affected by the excessive noise on their property.

Table 1	
Mixed Use	
7:00 am to 10:00 pm	55 dB(A)
10:00 pm to 7:00 am	50 dB(A)
Commercial Zone – Sunday through Thursday	
7:00 am to 11:00 pm	65 dB(A)
11:00 pm to 7:00 am	60 dB(A)
Commercial Zone – Friday and Saturday	
7:00 am to 12:00 am	65 dB(A)
12:00 am to 7:00 am	60 dB(A)
Industrial Zone	
7:00 am to 10:00 pm	65 dB(A)
10:00 pm to 7:00 am	60 dB(A)

- B. **District Boundaries.** When a noise source can be identified and its noise measured in more than one zoning district, the noise level limits of the most restrictive zoning district shall apply at the district boundary.

Section 6: **Specific Prohibitions.** The following acts, and the causing thereof, are declared to be in violation of this chapter:

A. Radios, Loudspeakers and public address systems.

1. **Commercial Use.** Use, operation or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point of origin located on public or private property, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
2. **Non-Commercial Use.** The use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point of origin located on public or private property, for a non-commercial purpose 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.

B. Construction. Operation of construction, demolition, or excavation equipment; performance of any outside construction or repair work on buildings, structures, or projects; or operation of any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device in order to erect, demolish, alter, or repair any building, street, or highway within 500 feet of a residential zone on Sundays; legal holidays; Monday through Saturday between the hours of 7 pm and 6 am the following day in May, June, July, August and September, and Monday through Saturday between the hours of 6 pm and 6 am during the remainder months of the year. Construction work shall be subject to the maximum noise level limitations specified for industrial zones in Table 1.

Section 7: **Permit for conditional use.** Any person may apply to the Planning Commission for a conditional use permit to conduct activities that might otherwise violate this ordinance. The Planning Commission shall consider such factors as adequate police protection, interference with established businesses and impact to surrounding land uses. Such activities shall include, but not be limited to, functions advancing the arts, holiday festivals, parades, public functions protected by the first Amendment and election activities.

Section 8: RIGHTS OF THE CITY

The City of Vilonia, the City of Vilonia Police Department, or its duly appointed agent or employee shall have the power and authority to enforce all rules and regulations. The city further reserves the right, for cause shown, to revoke any permit or certificate of occupancy issued hereunder for violation of these rules.


Section 9: PENALTIES:

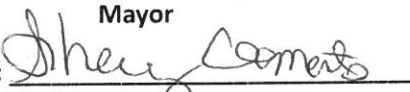
Failure to comply with these rules, policies and regulations can result in a penalty in conjunction of municipal code 1.32.01 General Penalty . Any person found in violation of this ordinance shall be accorded all the rights of an accused in the Court of Vilonia, Arkansas.

Section 10: That this ordinance shall be effective from and after its passage and publication.

Section 11: It is ascertained and declared that it is necessary for the protection and preservation of the public health and safety that the foregoing ordinance be passed and adopted; that an emergency exists; and that this ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED THIS 20 DAY OF June 2023.

APPROVED: 
Mayor

ATTEST: 
Recorder/Treasurer