Ordinance No. 2024-9

Amending Ordinance 98-5

AN ORDINANCE PROHIBITING UNREASONABLE OR EXCESSIVE NOISE IN THE CITY OF KENSETT, ARKANSAS.DECLARING ANDAND EMERGENCY; REPEALING ANY PART OR PARTS OF ANY FORMER ORDINANCE OR ORDINANCES IN CONFLICT THEREWITH AND FOR OTHER PURPOSES.

WHEREAS, unreasonable or excessive sound is a serious hazard to the public health, welfare and safety, as well as the quality of life of the citizens of Kensett, Arkansas and;

WHEREAS, the citizens of Kensett, Arkansas have a right to and should be ensured an environment free from unreasonable or excessive sound that may jeopardize their health, welfare, safety or quality of life and;

WHEREAS, the playing of music and television, often with bass reverberations, is especially harmful to those citizens desiring the sleep during normal sleeping hours and;

WHEREAS, the operation of motor vehicles and motorcycles at unreasonable or excessive sound levels is especially harmful to those citizens desiring to sleep during normal sleeping hours and those citizens participating in or connected with funeral services and/or church services and;

WHEREAS, the City has had numerous complaints from citizens desiring the sleep during normal sleeping hours, conduct funeral services, or conduct church services, or conduct church services, but are unable to do so due to the playing of unreasonably loud music and/or the operation of unreasonably loud motor vehicles and motorcycles and;

WHEREAS, it is the policy of the City to prevent unreasonably excessive sound which may jeopardize the health, welfare, safety and quality of life of its' citizens.

NOW THEREFORE, BE IT HEREBY ORDAINED AND AFFIRMED BY THE CITY COUNCIL OF THE CITY OF KENSETT, ARKANSAS, AMENDING NOTED SECTIONS OF ORDINANCE NO 98-5 AS FOLLOWS:

Section 1. It shall be unlawful for any person to make, cause or continue, or permit to be made, cause or continued, any unreasonable or excessive noise within City of Kensett, Arkansas. It shall also be unlawful for any person to make or permit such noise during the conduct of a funeral service, including the 30 minutes immediately preceding and immediately following said funeral service, regardless of the time of day.

Section 2. Any noise shall be deemed unreasonable or excessive to the public if the sound produced is plainly audible at a distance of 150 feet or more from the source of the sound. Plainly audible means any sound produced which clearly can be heard at a distance of 150 feet or more. The measurement standard shall be by the auditory senses based on direct line of sight. Words of phrases need not be discernable and base reverberation is included. The provisions of this ordinance shall not apply to athletics or school-related events.

Section 3. City events, church events or other events may be excused with prior approval through City Hall.

Section 4. Any violations of any provision of this ordinance shall be punishable by a fine of not more than $500.00, or double that sum for each repletion of such violation.

Emergency Clause. The need to prohibit unreasonable and excessive noise within the City of Kensett, Arkansas being necessary to the preservation of the public peace, health, safety and well fair, an emergency is herby declared, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS 20 DAY OF AUGUST 2024.

Allen Edge

Mayor Allen Edge

Julie Whitney

Recorder/Treasurer Julie Whitney