

consumption shall be required to post in a conspicuous place a notice stating:

NOTICE TO PERSONS UNDER 21 YEARS OF AGE

You are subject to a \$500.00 fine for:

- (1) Misrepresenting your age for the purpose of obtaining liquor, beer, or alcoholic beverage.
 - (2) Attempting to purchase or otherwise obtain liquor, beer, or alcoholic beverage.
- (B) The size of the notice shall not be less than 8½ inches by 11 inches. The lettering on the notice shall be clearly legible.
- (C) Any establishment which sells alcoholic beverages at a drive-in window shall post a separate notice at each drive-in window.

Reference – Ord. No. 6826, adopted 7-11-94.

2.4.4 Prohibited sales of mixed drinks, beer, wine or alcoholic beverages in private clubs.

It shall be unlawful for the owner, operator, employee or any agent of a private club, as defined and permitted by the laws and regulations of the state, to serve, sell, or permit the serving, sale or consumption of mixed drinks, beer, wine or any alcoholic beverages of any type or nature on the premises of such private club between the hours of 2:00 a.m. and 10:00 a.m. on any day. Violations of this section shall be punishable by the standard punishments contained within this Code, together with all other remedies available under state and federal law.

Reference – Ord. No. 7139, adopted 6-8-98.

**Section 5
NOISE CONTROL**

2.5.1 Policy Statement.

The generation of sound which crosses property boundaries necessarily occurs in society. Such sounds should not unreasonably interfere with the use and enjoyment of property *or* the daily affairs of citizens and visitors of the City of North Little Rock. The City of North Little Rock desires to limit sound in a manner that will permit the normal operation of society without unreasonably interfering with people and their property. This is accomplished by establishing measurable standards to limit sound based upon the source, the use of property, and the time of day.

2.5.2 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (PL92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance. Any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Plainly audible. Plainly audible means clearly capable of being heard by a person of normal sensitivities using unaided auditory senses, at a volume level above that of a normal conversation. Plainly audible shall not include sounds which are just barely audible, but shall include without limitation or exclusion, with regard to music, detection of a rhythmic bass reverberating-type sound, beat or cadence. Words or phrases need not be discernible.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

Public space. Any real property or structures thereon which are owned or controlled by a governmental entity.

Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in the American National Standards Institute's specifications for sound level meters. If the frequency weighing employed is not indicated, the A-weighing shall apply.

Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, or output meter, and weighing network used to measure sound pressure levels.

Sound pressure level. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to reference pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$).

Transient sound source. Noise, the source of which is lawn equipment, an implement of husbandry, a domestic power tool, or the repairing, rebuilding, modifying or testing of any motor vehicle or motorcycle.

2.5.3 Unreasonable or Excessive Noise Prohibited; Exceptions.

(A) Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue or cause or permit to be made or continued, any noise disturbance, including (but not limited to) the following:

- (1) The maintenance and operation of an outside loudspeaker or public address system transmitting music, advertising or speaking, *except* upon a permit issued by the City and notwithstanding any restrictions designated in said permit.
- (2) The sounding of any horn or signal device on any automobile, motorcycle, bus 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.
- (3) The playing of any radio, phonograph, musical instrument or any coin-operated music machine in such manner or in such volume between the hours of 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital or in any dwelling, hotel or motel or other type residence, or any person in the vicinity.
- (4) Yelling, shouting, hooting, whistling or singing, or unnecessary screeching of tires, or unnecessary use of a noisemaking device on the public streets between the hours of 11:00 p.m. and 7:00 a.m. at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling house, hotel, motel or other type of residence, or of any person in the vicinity.
- (5) 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; provided, however, that in case of emergencies when the public health, safety or general welfare is in danger, necessary work may be done immediately and followed by the issuance of a permit. 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 a hospital, a permit may be issued for the work with said work to be done at reasonable hours as designated on the permit.

- (6) Building construction or repair. The erection including excavating, demolition, alteration or repair of any building so as to create a loud and raucous noise other than between the hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public health and safety and then only with a permit from the North Little Rock Planning Department (“Planning Department”), which permit may be granted for a period not to exceed three (3) working days or less while the emergency continues and which permit may be renewed for successive periods of three days or less while the emergency continues. If the Planning Department should determine that the public health and safety necessitates the issuance of such a period and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 7:00 a.m., they may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.
- (7) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show, sale or display of merchandise, shall be only by permit, and at no time shall the noise thereby created be in such manner and such volume as to annoy or disturb the comfort or repose of persons in any office, hospital, dwelling house, hotel, motel or other type of residence, or any person in the vicinity.
- (8) At any hour of the day or night, the use, operation, or playing of any radio, stereo system, compact disc player, cassette tape player, or any other device capable of sound amplification on:
 - (a) Any motor vehicle located in any public right-of-way, public street or public property, at such a volume as to be plainly audible from a distance of 30 feet or more from said motor vehicle; or

- (b) Any private property, at such a volume as to be plainly audible from a distance of 30 feet or more from said property's boundary line.

(B) The provisions of this chapter shall *not* apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
- (2) The emission of sound in the performance of emergency work;
- (3) The movement of aircraft which is in all respects conducted in accordance with, or pursuant to applicable federal laws or regulations;
- (4) The use of bells or chimes in conjunction with places of religious worship;
- (5) 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;
- (6) Sounds celebrating the start of a new year occurring after 11:00 p.m. on New Year's Eve and before 12:30 a.m. on New Year's Day; and
- (7) Professional, amateur, or school-related athletic or sporting events.

(C) For the purpose of this section, the use of an amplification device, radio, television, compact disc player, phonograph, drum, musical instrument or similar device which produces, reproduces, or amplifies sound shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound is produced between the hours of 11:00 p.m. and 7:00 a.m., and is plainly audible a distance of 30 feet or more from the source of the sound.

2.5.4 Measurements.

Sound level measurements shall be made with a sound level meter Type II or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institution.

2.5.5 Limitations by Land Use.

- (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. A complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

Table 1

Use Districts	Time	Maximum Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	70 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	60 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)

All measurements shall be made at the source of the complaint and taken with a sound level meter in its fast or peak level setting. If taken outside, the sound shall be measured thirty (30) feet within the property boundary of the complainant.

- (B) *District boundaries.* When a noise source can be identified and its noise measured in more than one use district or a planned-unit development, the noise level limits of the most restrictive use district shall apply.
- (C) *Commercial source.* Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this chapter.
- (D) *Transient source.* For a transient sound emanating in any land use category, the peak noise level shall not exceed 30 decibels above the limit set in Table 1 above for the time period of 7:00 a.m. until 11:00 p.m. Transient source sounds are prohibited between the hours of 11:00 p.m. and 7:00 a.m., except in the case of emergency.
- (E) *Construction.* Construction projects shall be subject to the limitations specified for industrial zones for the period of time, and the hours, allowed by the building permit.

2.5.6 Motor Vehicle and Motorcycle Sound limit.

- (A) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way or private property at any time and in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table 2 below.

Table 2

Motor Vehicle and Motorcycle Sound Limit

(Measured at 30 Feet from the Near Side of the Nearest Lane Monitored)

Vehicle Class	Speed Limit 35 mph or less	Speed Limit Over 35 mph
Motor vehicle carrier engaged in interstate		

commerce of CVWR or GCWR of 10,000 lbs. or more	88 dB	90 dB
Any other motor vehicle or any combination of vehicles towed by any such motor vehicles	78 dB	78 dB
Motorcycles	88 dB	88 dB

- (B) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (C) Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of 30 feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, is prohibited and declared to be a noise disturbance in violation of this article.

2.5.7 Radios and Loudspeakers Used for Certain Purposes Prohibited.

It shall be unlawful for any person to use, operate or permit 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 or origin located on private property, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

2.5.8 Permit for Variance.

(A) *Application; issuance.*

- (1) The North Little Rock Community Planning Department (“Planning Department”) shall have the authority to issue a permit, upon a showing of undue hardship, for a variance from the provisions of this chapter upon a showing by the applicant that:
 - (i) Additional time is necessary for the applicant to alter or modify his/her activity or operations to comply with this chapter;
 - OR**
 - (ii) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with this chapter;
 - AND**

No reasonable alternative is available to the applicant.
- (2) An application for a variance permit shall be in writing on a form prescribed by the Planning Department. In issuing a variance permit, the Planning Department may impose reasonable conditions or

requirements necessary to minimize adverse effects upon the surrounding neighborhood. For events to be attended by the public, the written application for a variance shall be filed with the Planning Department a *minimum* of 14 days prior to the date on which a variance is requested.

- (B) *Denial; appeal.* An applicant who is denied a variance may appeal to the North Little Rock Building and Housing Board of Adjustment (“Board of Adjustment”) by filing written notice of appeal with the Board of Adjustments within ten (10) business days from the date of the Planning Department’s decision. The notice of appeal shall specifically state the reasons why the applicant considers the Planning Department’s findings and decision to be in error.

2.5.9 Order In Lieu of Notice of Violation.

- (A) In lieu of issuing a notice of violation, an officer responsible for enforcement of any provision of this section may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period. An abatement order shall not be issued when the officer has reason to believe that there will not be compliance with said order.
- (B) A violation of any provision of this section shall be cause for a notice of violation to be issued by the officer responsible for enforcement.

2.5.10 Penalty.

The violation of any provision of this section shall be punishable by a fine of not more than \$500.00 or double the sum for each repetition of such violation. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

Reference – Noise Control Ordinance No. 7965 adopted 7-23-07.

**Section 6
TRAFFIC**

2.6.1 State traffic laws adopted.

There is hereby adopted by reference all laws of the state regulating traffic on the highways, except as modified in this chapter. It shall be unlawful for any person to violate any of such laws.

State law reference — State traffic laws, A.C.A. § 27-2-101 et seq.

2.6.2 Application to publicly owned vehicles.

The provisions of this section applicable to the drivers of vehicles upon the public streets, highways and alleyways shall apply to the drivers of all vehicles owned and operated by the United States, this state or any county, or the city, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.