

ORDINANCE NO. 128

AN ORDINANCE TO PROHIBIT THE DRIVER OF A MOTOR VEHICLE FROM OPERATING THE VEHICLE'S RADIO OR SOUND SYSTEM SO IT IS AUDIBLE FROM FIFTY (50) OR MORE FEET AWAY WHEN OPERATING ON THE PUBLIC STREETS OR HIGHWAYS; TO PROVIDE FOR EXCEPTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, excessive noise from radios and sound systems of motor vehicles operated on the streets of Cherry Valley, Arkansas is a serious threat to the health safety of motorists and pedestrians and interferes with the effectiveness of warning signals of emergency vehicles; and

WHEREAS, it is necessary to regulate the volume of radios and sound systems of motor vehicles in order to protect the health and safety of motorists and pedestrians;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHERRY VALLEY, ARKNASAS:

SECTION 1:

It shall be unlawful for any driver of a motor vehicle to operate, or permit the operation of, any radio, audio tape player, or other sound amplification system of the vehicle so it can be heard outside the vehicle from fifty (50) feet or more when the motor vehicle is being operated on the public streets and highways of the City of Cherry Valley, Arkansas.

SECTION 2:

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof shall be fined not more than one hundred (\$100.00) for any one specified offense, or double that sum for each repetition of such offense.

SECTION 3:

The prohibitions of this ordinance shall not apply to:

- (a) Situations where the sound system is being used to request assistance or to warn of a hazardous condition;**
- (b) Emergency vehicles or vehicles operated by gas, electric, communication, or water utilities; or**
- (c) vehicles with sound systems used for advertising, or used in parades, political rallies, or other special events.**

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SECTION 4:

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other portions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 5:

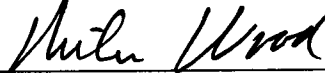
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6:

EMERGENCY CLAUSE: It having been found and determined by the City Council of the City of Cherry Valley, Arkansas, that there is an urgent need by the City of Cherry Valley to regulate excessive noise from radios and sound systems of motor vehicles operated on the streets of Cherry Valley in order to prevent accidents and to protect other emergency is hereby declared to exist, and this ordinance being necessary for preservation of the public peace, health, safety, and welfare of the citizens of Cherry Valley, Arkansas, shall be in full force and effect from and after the date of passage and approval.

PASSED AND APPROVED: this 9 day of September, 2008.

APPROVED:



Mayor

ATTEST:


Recorder-Treasurer

(Seal)