

CITY OF CEDARVILLE, ARKANSAS
ORDINANCE NO.: 2018-08-21-1

AN ORDINANCE MAKING IT UNLAWFUL TO USE AN UN-MUFFLED ENGINE BRAKE WITHIN THE CITY LIMITS OF CEDARVILLE, ARKANSAS, REPEALING CONFLICTING ORDINANCES, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, there have been numerous complaints to the council and mayor about the loud noises caused by large trucks using their un-muffled engine exhaust brakes; and

WHEREAS, the city has looked at how other municipalities have addressed this type of noise problem and determined that an ordinance was the solution;

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

SECTION 1: It shall be unlawful for the driver of any large truck to use or operate or cause to be used to operate within the city limits of Cedarville, Arkansas, any un-muffled mechanical exhaust device, or un-muffled motor brake, designed to aid in the braking or deceleration of any large truck which results in the excessive, loud, unusual or explosive noise from such vehicle.

SECTION 2: Any person, firm, or corporation violating this ordinance shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding \$500.00 for each offense.

SECTION 3: The mayor or his representative is authorized to procure and post signs necessary to notify the public of the prohibitions contained in this ordinance.

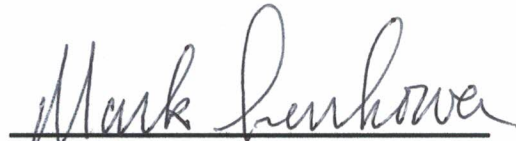
SECTION 4: Ordinance 002-2008 is hereby repealed as well as any other conflicting ordinances or provisions of ordinances.

SECTION 5: Should any court of competent jurisdiction determine or otherwise hold any provision hereof invalid, unenforceable, or otherwise prohibited, the remaining provisions shall remain in full force and effect.

SECTION 6: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Cedarville, Arkansas, because this ordinance abates the public nuisance created by the use of un-muffled engine brakes that previously disrupted the public peace and damaged the health of residents living by highways and streets traversed by large trucks. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 21ST DAY OF AUGUST IN THE YEAR 2018.

APPROVED:



MAYOR

ATTESTED:



RECORDER/TREASURER