

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR09-119

SHARON L. BRADLEY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 3, 2009

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. CR-08-265-IV]

HONORABLE MARCIA
HEARNSBERGER, JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Judge

This is an appeal from a conviction of violating Garland County ordinance 2005-19, which, appellant asserts, prohibits loud and unreasonable noise. Appellant argues that the ordinance is unconstitutionally vague. Because the record is deficient, we cannot reach the merits of this argument, and we therefore affirm.

Appellant's argument contains purported portions of the ordinance at issue. However, the ordinance was not introduced into evidence and appears nowhere in the transcript of the proceeding, either as text or in testimony. Nor is it clear that the entire ordinance was handed to the judge to be read without formal introduction, as in *Bolstad v. Pergeson*, 305 Ark. 163, 806 S.W.2d 377 (1991). Here the trial judge, upon hearing argument regarding the constitutionality of the ordinance in question, remarked that she had found the ordinance to be constitutionally valid in a previous case and was not inclined to rule differently. As a result, there is nothing in the record to show what the Garland County noise ordinance specifically

provides. *See id.* Because we do not take judicial notice of county or municipal ordinances, we are unable to determine whether the ordinance questioned herein is, in fact, invalid. *See Blount v. Hughes*, 292 Ark. 166, 728 S.W.2d 519 (1987); *Smith v. City of Springdale*, 291 Ark. 63, 722 S.W.2d 569 (1987).

Affirmed.

MARSHALL and HENRY, JJ., agree.