

CHAPTER 4: OFFENSES AGAINST THE PEACE AND QUIET

Section

11-401 Disturbing the peace

11-402 Anti-noise regulations

Editor's note:

This chapter was amended during the June 6, 2009, "Change 2".

§ 11-401 DISTURBING THE PEACE.

No person shall disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit the conduct upon any premises owned or possessed by him or her or under his or her control.

(1989 Code, § 11-501)

§ 11-402 ANTI-NOISE REGULATIONS.

Subject to the provisions of this section, the creating of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise exceeding 87 decibels and of a character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(A) *Miscellaneous prohibited noises enumerated.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) *Blowing horns.* The sounding of any horn or other device on any automobile, motorcycle, bus, truck or 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 signal device of any unreasonably loud or harsh sound; and the sounding of the device for an unnecessary and unreasonable period of time;

(2) *Radios, phonographs and the like.* The playing of any radio, phonograph or any musical instrument or sound device, including, but not limited to, loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio or television, in a manner or with a volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any office or hospital, or in any dwelling, hotel or other type of residence, or of any person in the vicinity;

(3) *Yelling, shouting and the like.* Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity;

(4) *Pets.* The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity;

(5) *Use of vehicle.* The use of any automobile, motorcycle, truck or vehicle so out of repair, so loaded or in a manner as to cause loud and unnecessary grating, grinding, rattling or other noise;

(6) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities;

(7) *Exhaust discharge.* To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(8) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector granted for a period while the emergency continues not to exceed 30 days. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he or she shall further determine that loss or inconvenience would result to any party in interest through delay, he or she may grant permission for the work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the process of the work;

(9) *Noises near schools, hospitals, churches and the like.* The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church or court while the same is in session;

(10) *Loading and unloading operations.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and other containers;

(11) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show or sale or display of merchandise; and

(12) *Loudspeakers or amplifiers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(B) *Exceptions.* None of the terms or prohibitions hereof shall apply to or be enforced against:

(1) *City vehicles.* Any vehicle of the city while engaged upon necessary public business;

(2) *Repair of streets and the like.* Excavations or repairs of bridges, streets or highways at night, by or on behalf of the city, the county or the state, when the public welfare and convenience renders it impracticable to perform the work during the day; and

(3) *Non-commercial and non-profit use of loudspeakers or amplifiers.* The reasonable use of amplifiers or loudspeakers in the course of public addresses which are non-commercial in character and in the course of advertising functions sponsored by non-profit organizations. However, no such use shall be made until a permit therefor is secured from the City Council. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of the systems shall be restricted to the hours so designated in the permit.

(1989 Code, § 11-502) (Ord. 1200, passed 11-6-2008; Ord. 1456, passed 12-9-2014)

Cross-reference:

Causing unnecessary noise, see § 15-119