

ARTICLE 3-9-E OFFENSES AFFECTING PUBLIC PEACE, HEALTH AND SAFETY

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**Section 3-9-E-3 DISTURBING THE PEACE.**

A. Elements of Disturbing the Peace: It shall be unlawful for any person to:

1. Make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise in such manner as to annoy, offend, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal auditory sensitivity residing in the area.

2. Use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of any reasonable person of normal auditory sensitivity inhabiting the area.

3. Congregate because of, participate in or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of any reasonable person of normal auditory sensitivity residing in any residential area. No person shall visit or remain within any residential dwelling unit wherein such party or gathering is taking place except persons who have gone there for the sole purpose of abating said disturbance. A police officer may order all persons present in any group or gathering from the dwelling unit to immediately disperse in lieu of being charged under this Section. (1984 Code §13-501)

B. Prima Facie Violation: The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise- or sound-producing device at any time in such a manner as to be plainly audible across a property boundary line in a residential area, or for fifty feet (50') or more in the case of a multiple-family dwelling, between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. shall be prima facie evidence of a violation of this Section. (1984 Code §13-501; 1994 Code)

C. Exceptions: The following shall not be considered to be violations of this Section:

1. Sound from law enforcement motor vehicles and other emergency motor vehicles (as defined in Section 4-1-C-4-E-1) including, but not limited to, snow-clearing equipment;

2. Sound from vehicles or equipment belonging to the city, state, county, federal government, school or other governmental agencies or utilities employed by a governmental agency engaged in preparing for or remedying a potentially hazardous situation in which immediate physical trauma or property damage is occurring or threatened;

3. Sound that a person is making or causing to be made when said person has received and maintains a valid license or permit that specifically allows the sound from any department, board or commission of the City authorized to issue a license or permit; and

4. Sound from the operation of emergency generators used in emergency situations when electricity from the grid is unavailable. (1984 Code §13-501)

(Ord. 4468, Amended, 02/26/2002, Prior Text)