

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 General Provisions**
- 9.12 Offenses Against Public Peace and Decency**
- 9.16 Offenses Against Property**
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Chapter 9.04

GENERAL PROVISIONS

Sections:

- 9.04.010 Definitions.**
- 9.04.020 Offenses.**
- 9.04.030 Violation—Penalty.**

9.04.010 Definitions

As used in this title:

“Person” means and includes any natural person, firm, co-partnership, association, or corporation, whether he or it is acting for himself or itself or as the clerk, servant, employee or agent of another. (Ord. 15 § 1(a), 1954)

9.04.020 Offenses

A. The doing of any act or thing prohibited or the failing to do any act or thing commanded to be done in this title within the corporate limits of the City is declared to be an offense against the public peace, safety, morals and general welfare of the people of the City.

B. Any person who shall attempt to commit any of the offenses mentioned in this title, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense. (Ord. 15 §§ 1(b), 75, 1954)

9.04.030 Violation—Penalty

A. Any person violating any of the provisions of this title commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code (Ord. 4-2006 § 12; Ord. 15 §§ 74, 77, 1954)

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.12.250 Unreasonable Noises

9.12.260 Exemptions

9.12.270 Violation-Penalty

Section 9.12.250 Unreasonable Noises:

The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

A. Vehicle Horns, Signaling Devices, and Similar Devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

B. Non-Emergency Signaling Devices: Sounding or permitting sounding any amplified signal from any

bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the City for traffic control purposes are exempt from the operation of this provision.

C. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (1) and (2), below

(1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate in compliance with Section 8.08.110 of the Code and further comply with all provisions of Chapter 8.08 of the Code.

D. Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices: The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that

produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.

E. Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices:

The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

(1) Within or adjacent to residential or noise-sensitive areas;

(2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous. This

shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City.

F. Yelling, Shouting, and Similar Activities: Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content.

G. Animals and Birds: Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.

H. Loading or Unloading Merchandise, Materials, Equipment: The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.

I. Construction or Repair of Buildings, Excavation of Streets and Highways: The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m., on weekdays. In cases of emergency, construction or

repair noises are exempt from this provision. In non-emergency situations, the City Administrator may issue a permit, upon application, if the City Administrator determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the City Administrator further determines that loss or inconvenience would otherwise result. The permit shall grant permission in non-emergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

J. Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, and Similar

Institutions: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

K. Blowers, and Similar

Devices: In residential or noise sensitive areas, between the hours of 10:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the

property from which it emanates. The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.

L. Commercial Establishments Adjacent to Residential Property:

Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from any residential property.

Section 9.12.260 Exemptions:

Sounds caused by the following are exempt from the prohibitions set out in Section 9.12.250 and are in addition to the exemptions specifically set forth in Section 9.12.250:

A. Motor vehicles on traffic ways of the City, provided that the prohibition of Section 9.12.250.A continues to apply.

B. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.

C. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 9.12.250.C continues to apply.

D. The emission of sound for the purpose of alerting persons to the

existence of an emergency or the emission of sound in the performance of emergency work.

E. Repairs or excavations of bridges, streets or highways by or on behalf of the City, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

F. Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

G. Other Outdoor Events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

Section 9.12.270 Violation-Penalty:

Violation of this chapter is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code.
(Ord. 10-2007)

Chapter 9.16

OFFENSES AGAINST PROPERTY

Sections:

- 9.16.020 Posted notices, defacement.**
- 9.16.030 Posters, unauthorized.**
- 9.16.060 Injurious substances, deposit on streets.**
- 9.16.090 Surface waters, drainage.**
- 9.16.100 Ice and snow, removal.**
- 9.16.110 Attractive nuisances.**
- 9.16.120 Sidewalks, obstructing.**
- 9.16.130 Streets and sidewalks, obstructing.**
- 9.16.160 Sidewalks, driving on.**

9.16.020 Posted notices, defacement

It is unlawful for any person willfully to deface or tear down any official notice or bulletin posted in conformity with law. (Ord. 15 § 58, 1954)

9.16.030 Posters, unauthorized

It is unlawful for any person to affix a placard, bill or poster upon any personal or real property, private or public, without first obtaining permission of the owner or proper public authority. (Ord. 15 § 59, 1954)

9.16.060 Injurious substances, deposit on streets

It is unlawful for any person willfully to place or deposit upon any street or public way any substance tending to mar the appearance or to detract from the cleanliness or safety of such street or public way. (Ord. 15 § 62, 1954)

9.16.090 Surface waters, drainage

It is unlawful for the owner, lessee or occupant of any building or structure to suffer or permit rainwater, ice or snow to fall from any such building or structure upon any street or sidewalk or to flow across any such sidewalk, and every such owner, lessee or occupant shall at all times keep and maintain in a proper state of repair adequate drainpipes or a drainage system sufficient to carry to the street any overflow water accumulating on the roof or about such building. (Ord. 15 § 65, 1954)

9.16.100 Ice and snow, removal

It shall be the duty of the owner, lessee, occupant, or person having the control or custody of any premises or unimproved property to remove all snow or ice which has fallen or has accumulated upon the sidewalks abutting upon such premises or property within two hours after such snow or ice has ceased to fall thereon; provided, however, that if such snow is falling or such ice accumulating after the hour of six p.m., the same shall be removed within two hours after it shall cease to fall or within two hours after seven a.m. on the next succeeding day, as the case may be. (Ord. 15 § 66, 1954)

9.16.110 Attractive nuisances

It is unlawful for any owner, lessee, occupant, or any person having control or custody or management of any premises to suffer or permit to remain unguarded upon such premises any machinery, equipment, or other device

having the characteristics of an attractive nuisance or which is liable to attract children. It shall further be unlawful for any such owner, lessee, occupant, or person having control or custody or management of any such premises to suffer or permit to remain unguarded upon such premises any pit, quarry, cistern, well, or other excavation. (Ord. 15 § 67, 1954)

9.16.120 Sidewalks, obstructing

It is unlawful for any crowd or collection of persons to gather or to stand upon any sidewalk or street crossing so as to prevent, interrupt or obstruct the travel or free passage over the same by the public or for any person to fail or refuse to disperse or move on when directed to do so by any peace officer. (Ord. 15 § 51, 1954)

9.16.130 Streets and sidewalks, obstructing

It is unlawful for any person to place or deposit upon any street or sidewalk any article which tends to prevent, interrupt or obstruct the travel or free passage of pedestrians and vehicular traffic. (Ord. 15 § 52, 1954)

9.16.160 Sidewalks, driving on

It is unlawful for any person to ride or drive any horse or other animal or any motor vehicle upon, over or across any sidewalk except where a proper incline or crossing is provided for that purpose. (Ord. 15 § 47, 1954)

Chapter 9.24

WEAPONS

Sections:

**9.24.010 Firearms, discharging
of**

9.24.010 Firearms, discharging of

It is unlawful for any person to discharge any type of firearm; provided, however, that nothing herein contained shall apply to any peace officer while acting in performance of his duties or to any person lawfully using a firearm in defense of his property or person. (Ord. 15 § 6, 1954)

Chapter 9.28

CURFEW

Sections:

9.28.010 Violation of curfew by minor prohibited—

Exceptions.

9.28.020 Hours.

9.28.030 Burden of proof.

9.28.040 Parental responsibility.

9.28.050 Arrest of minor.

9.28.060 Violation—Penalty.

**9.28.010 Violation of curfew by minor prohibited—
Exceptions**

It is unlawful for any minor under the age of eighteen (18) years to be, or remain, in or upon any street, highway, park, alley or other public place within the corporate limits of the City between the hours hereafter specified, unless such minor child is accompanied by a parent, guardian or other person twenty-one (21) years of age or over and authorized by the parent or by law to have the care, custody or control of the minor, or unless such minor is then and there engaged in a lawful pursuit or activity which makes it necessary for her or him to be in or upon such street, highway, park, alley or other public place between such specified hours and is authorized by the parent. (Ord. 6-2004; Ord. 9-1963 § 1)

9.28.020 Hours

The specified hours for the purpose of this chapter shall be as follows:

A. For minor children under the age of fourteen (14) years who have not begun the ninth grade the specified hours

shall be 9:15 p.m. and six a.m. of the following morning, except that during the summer months when school is not in session the hours shall be between 10:15 p.m. and six a.m. of the following morning;

B. For minor children fourteen (14) years of age or over or who have begun the ninth grade, the specified hours shall be 10:15 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday and six a.m. of the following morning; the specified hours on Friday and Saturday shall be between twelve midnight and six a.m. of the following morning except that during the summer months during which time regular school is not in session the hours on Sunday, Monday, Tuesday, Wednesday and Thursday shall be between twelve midnight and six a.m. of the following morning; and the hours on Friday and Saturday shall be between twelve midnight and six a.m. of the following morning. (Ord. 9-1963 § 2)

C. For minor children between seven and eighteen years of age who have not completed the twelfth grade, the specified hours are school hours except while attending school as required by State law unless such minor is traveling directly between school and home or to another location designated by a parent after being authorized and approved to be away from school as provided in State law, but is not suspended or expelled, or is emancipated or exempt from compulsory school attendance pursuant to State law. (Ord. 6-2004; Ord. 9-1963 § 2)

9.28.030 Burden of proof

When a minor child under the age of eighteen (18) years must of necessity by virtue of employment, night school,

school activity or other lawful pursuit be in or upon any street, highway, park alley or other public place within the corporate limits of the City between the above specified hours, the burden of proof thereof shall be upon the minor child or person claiming the exempt status of being engaged in a lawful pursuit. (Ord. 9-1963 § 3)

9.28.040 Parental responsibility

It is unlawful for any parent, guardian or person having the care and custody of a minor child under the age of eighteen (18) years to allow such minor child to be in or upon any street, highway, park, alley or other public place during the hours, specified in Section 9.28.020, subsection A, B or C as applicable, except as otherwise provided herein. The conviction of a minor child for violation of this chapter on three separate occasions shall be prima facie evidence that said parent, guardian or person having the care and custody of said minor has allowed or permitted said minor child to violate this chapter. (Ord. 6-2004; Ord. 9-1963 § 4)

9.28.050 Arrest of minor

Any peace officer of the City or any other law enforcement officer may arrest any minor child under the age of eighteen (18) years for a violation of any applicable provision of this chapter and said officer may:

A. On any first violation of this chapter take or send the offending minor child to his or her residence and notify the parent, guardian or person having the care and custody of the minor of said violation; or

B. If the arresting officer has reasonable grounds to believe that the parents of the minor are failing to exercise proper control, care or custody of the minor, to take the minor directly before the court having a juvenile jurisdiction in the area where the arrest was made.

C. On any second or subsequent violation of any applicable provision of this chapter the offending minor shall be taken directly before the court having juvenile jurisdiction in the area in which said offense occurred for disposition in accordance with the provisions hereof. (Ord. 9-1963 § 5)

9.28.060 Violation—Penalty

Any person, including any minor child, who shall violate any provision of this chapter commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 13; Ord. 9-1963 § 6)