

190 - ORDINANCE NO. 2009-46

Breach of Peace

AN ORDINANCE PROVIDING FOR GUIDELINES AND PENALTIES FOR EXCESSIVE NOISE AND BREACH OF THE PEACE.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPINE, WYOMING IN REGULAR SESSION DULY ASSEMBLED THAT:

Section 1 Breach of Peace

A person commits a breach of peace if he disturbs the peace of a community or its inhabitation by creating noise (as described below), or by using threatening, abusive or violent acts or language which a reasonable person would determine would disturb the peace. Upon conviction, a violation of this section is punishable by a fine of up to \$750 per offense.

Section 2 EXCESSIVE NOISE

**10 - Making noise unlawful.**

The making and creating of noise within the Town is unlawful.

**20 - Noise defined.**

"Noise" has the following meaning:

A. When related to a sound from a vehicle with a manufacturer's gross weight rating of ten thousand pounds during the hours of 10 p.m. to 6 a.m. the following day, the term means any such sound which exceeds eighty-eight decibels.

B. When related to all other sounds, from whatever source, the term means any such sounds which exceed eighty decibels.

**30 - Nonconforming operation of vehicles or other activities unlawful.**

No person shall operate any type of vehicle, machine, device or carry on any other activity in violation of this chapter.

**40 - Test for excessive noise.**

For the purpose of determining and classifying any noise as excessive and in violation of this chapter, the following test measurement and requirements shall be applied:

A. The noise shall be measured on a sound meter which conforms to ANSI standards and quality, operated on an "A" weighting scale.

B. The noise shall be measured at a distance of at least twenty-five feet from its source, when located within a dedicated public right-of-way.

C. If the noise is located on private property or public property, other than a dedicated public right-of-way, it shall be measured at least twenty-five feet from the property line of the property on which its source is located.

**50 - Permit for relief from noise levels--Application--Approval.**

A. Applications for a permit for relief from noise levels (Noise Permit) designated in this chapter may be made to the Chief of Police and must be submitted 14 days in advance of a special event. Any permit granted by the Chief of Police hereunder shall contain all

conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police may grant the relief as applied for if he finds:

1. That additional time is necessary for the applicant to alter or modify his activities or operations to comply with this chapter; or
2. That, the activity, operation or noise will be of temporary duration, and cannot be done in a manner that would comply with this chapter; or
3. That no other reasonable alternative is available to the applicant; and
4. That failure to issue the permit would constitute an undue hardship.

B. The Chief of Police may prescribe any requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, as a condition to the issuance of a permit such as times for the duration of the permit and/or mitigation factors including, but not limited to closing windows and doors..

C. The Chief of Police shall either issue or reject any application submitted to him in writing within ten days after receipt thereof, and the applicant may appeal, in writing to the Town Council, any decision of the Chief of Police, within ten days after such decision is rendered.

D. If a noise permit is granted for an event, the permit, signed by the Chief of Police must be prominently displayed during the entirety of the event.

#### **60 - Use of loudspeakers and sound producing devices to attract public to buildings prohibited.**

Notwithstanding provisions in this chapter to the contrary it is unlawful for any person, firm or corporation to use, operate, or permit to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of twenty-five feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section.

#### **70 - Attaching sound amplifying equipment to vehicles for advertising prohibited.**

No person shall operate, or cause to be operated within the Town of Alpine, any motor vehicle or horse drawn vehicle having mounted thereon or attached thereto any sound amplifying equipment with such sound amplifying equipment in operation for commercial or political sound advertising purposes.

#### **75 - Compression brake or jake brake.**

No person shall operate or use any vehicle engine compression brake or "jake brake" within the corporate limits of the Town.

#### **80 - Exceptions.**

The requirements, prohibitions and terms of this chapter shall not apply to any authorized emergency vehicle when responding to an emergency call or when being used in an official capacity, and shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefore has been granted by the Town, including, but not limited to, parades, fireworks displays, and rodeos.

#### **90 - Excessive noise--Penalty for violations.**

Persons convicted of violating this chapter are guilty of a misdemeanor, and may be punished up to \$750 per incident.

**SECTION V-This ordinance passed and approved on the following dates:**

Passed on first reading this 10th day of October, 2009.

Vote: 5 yes 0 no 0 abstain 0 absent

Passed on second reading this 20th day of October, 2009.

Vote: 5 yes 0 no 0 abstain 0 absent

Passed on third reading this 3rd day of November, 2009.

Vote: 4 yes 0 no 0 abstain 1 absent

**TOWN OF ALPINE**



BY:

Victoria DeCora  
Victoria DeCora, Mayor

ATTEST:

BY:

Brenda Bennett  
Brenda Bennett, Town Clerk

**ATTESTATION OF TOWN CLERK**

STATE OF WYOMING )  
COUNTY OF LINCOLN )  
TOWN OF ALPINE )

I hereby certify that the foregoing 190-ORDINANCE NO. 2009-46 BREACH OF PEACE was duly posted for ten (10) days in the Town Clerk's office.

I further certify that the foregoing ORDINANCE was duly recorded in the BOOK OF ORDINANCES, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:

BY:

Brenda Bennett  
Brenda Bennett, Town Clerk

