

ARTICLE 2. LOCAL REGULATIONS

- 13-201. UNLAWFUL ACTS. It shall be unlawful for any person to do any of the acts of things hereinafter described in this chapter in the city and any person convicted of so doing shall be deemed guilty of an offense and shall be punished as hereinafter set out and provided. (R.O. 1960, Sec. 11-101)
- 13-202. DEFINITIONS OF TERM "PERSON." The term person as used in this chapter shall include any firm, partnership or copartnership, association of persons, corporation, organization or any group acting as a unit, as well as an individual, and the plural as well as the singular. (R.O. 1960, Sec. 11-102; Ord. 362, Sec. 3)
- 13-203. PROCEEDINGS WHEN AN OFFENDER IS A MINOR. When a child under the age of 18 years is arrested with or without a warrant for an offense under this chapter, such child shall, instead of being taken before the municipal court, be delivered into the custody of the probation officer or be taken forthwith before the Juvenile Court of Grant County; provided, that if a child shall have been taken before the municipal court, it shall be the duty of the municipal judge to dismiss the charge or complaint and refer the case to such juvenile court, and it shall be the duty of the officer having the child in charge to take such child before the juvenile court. (R.O. 1960, Sec. 11-104)
- 13-204. ELECTRICALLY CHARGED FENCES PROHIBITED. No person shall, upon any property owned or leased by him or her, construct, erect or maintain any electrically charged fence or wire, except as is specifically permitted by other ordinances or laws relating to public utilities. Any person violating any of the provisions of this section shall be deemed guilty of a Class C violation. Each day that a violation of this section is continued shall constitute a separate offense. (Ord. 362, Secs. 2, 4)
- 13-205. DISTURBANCE OF PEACE. Every person who shall willfully disturb the peace and quiet of any person, family or neighborhood, shall be in violation of this code. (R.O. 1960, Sec. 11-301)
- 13-206. DISTURBANCE OF PUBLIC WORSHIP. Every person who shall at any time, interrupt or molest any religious society or any member thereof, or any persons when meeting or met together for the purpose of worship, or performing any duties enjoined on or appertaining to them as members of such society, or shall disquiet or disturb any congregation or assembly of people met for religious worship, by making a noise, or by rude and indecent behavior, or

profane discourse within their place of worship, or so near to the same as to disturb the order or solemnity of the meeting, or menace or assault any person there being, shall be in violation of this code. (R.O. 1960, Sec. 11-302)

- 13-207. **RESISTING AN OFFICER.** Any person who shall resist, hinder, or oppose any officer of the city in the discharge of his or her duties or knowingly or willfully beat or wound any police officer while in the discharge of his or her official duty, shall be in violation of this code. (R.O. 1960, Sec. 11-303)
- 13-208. **CURFEW, CHILDREN.** It shall be unlawful for any child under the age of 18 years to wander, lounge, loaf, loiter or play in, drive a vehicle, or be a passenger in a vehicle, in, about or upon any public street, alley, sidewalk, vacancy lot, public place or other place normally accessible to the general public, whether on foot or in a vehicle or by any other means, after the hours of 12:00 midnight and before the hour of 6:00 a.m., unless accompanied by a parent, legal guardian, or other person exercising legal custody of such child; provided, that such prohibition shall not apply to those children under the age of 18 years who are enroute by the most direct and accessible route between their homes and authorized places of employment, nor to those who are enroute by the most direct and accessible route from a place of church attendance or church school meeting or activity school function or activity, or authority entertainment, or authorized place of attendance to their home; provided further, that the term authorized as used in this section shall denote prior authorization by a parent, legal guardian, or other person exercising legal custody. (Ord. 379, Sec. 1)
- 13-209. **CURFEW, PARENTS AND OTHERS.** It shall be unlawful for any parent, legal guardian, or other person lawfully entitled to the care, custody and control of any child under the age of 18 years to suffer, permit, or allow any such child, in violation of section 13-210 of this article, to wander, lounge, loaf, loiter or play in, about or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public, after the hour of 12:00 midnight and before the hour of 6:00 a.m. unless accompanied by a parent, legal guardian, or other person lawfully entitled to the care, custody and control of such child. (Ord. 379, Sec. 2)
- 13-210. **BEGGING.** It shall be unlawful for any person to solicit alms or beg on any alley, street, sidewalk or public place or in any public building or from house to house without a permit from the city clerk; provided, that religious organizations having a recognized

organization and occupying real property in the city shall not be required to get a permit. (R.O. 1960, 11-504)

13-211. NOISE. (a) Loud and Unnecessary Noise Prohibited.

(a) It is unlawful for any person to make, continue or allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

(b) The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this section and are unlawful:

(1) The playing or permitting or causing the playing or any radio, radio receiving set, television, phonograph, boom box, loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound when done in such a manner or with such volume, intensity, or with continued duration so as to annoy, to distress, or to disturb the quiet, comfort, or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This subsection shall not apply to persons who have written authorization for an event which includes use of such a device, or to the police or public authorities who are using such a device in the performance of their duties.

(2) Exhaust of Steam Engines, Etc. The discharge into the open air of the exhaust of any stationary steam engine, internal combustion engine, noise creating blower or power fans, or devices operated by compressed air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(3) Motor Vehicles. The use of any motor vehicle, motorcycle, bus or other vehicle so out of repair or in such a manner to create loud or unnecessary grating, grinding, rattling, or other noise which shall annoy, distress, or disturb the quiet, comfort, or repose of any person of reasonable sensibilities within the vicinity.

(4) Peddlers, Hawkers, Etc. The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors before 8:00 a.m. or after 10:00 p.m.

(5) Construction. The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work, other than between the hours of 7:00 a.m. and 10:00 p.m.

(6) Loading and Unloading. The creation of loud, excessive and unreasonable noise in connection with loading or unloading any vehicle, in the opening and destruction of bales, boxes, crates, and containers or in the handling or ash, trash and garbage cans, either in the loading or unloading, or the creation by improper loading of excessive and unreasonable noise by the transportation of any materials over and along streets.

(b) Classification and Measurement of Noise. For the purposes of determining and classifying any noise from a fixed, stationary source as loud, unusual or unnecessary as declared to be unlawful and prohibited by subsection (a) herein, the following test measurements and requirements may be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least 25 feet from a noise source if located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, at least 25 feet from the property line of the property on which the noise source is located.

(b) (1) The noise shall be measured on the "A" weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

(2) For purposes of this section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour, or 25 miles per hour with a wind screen.

(3) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

(c) Excessive Noise Levels. A noise measured or registered as provided herein from any source not exempted by this chapter at a level which is equal to or in excess of the db(A) established for the

time period and zones listed below or that exceeds the background level by 5db(A), whichever is greater, is hereby declared to be excessive, unusual, loud and unnecessary, for the purposes of subsection (a):

<u>Zone</u>	<u>8:00 a.m. to next 10:00 p.m.</u>	<u>10:00 p.m.. to next 8:00 a.m.,</u>
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a 15 minute period of time.

(a) For purposes of this section, the aforementioned zones shall be defined as follows:

(1) Residential means an area of single or multi-family dwellings where businesses may or may not be conducted in such dwellings. The zone includes area where multiple unit dwellings, high-rise apartment districts, and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail-shopping facilities. Residential zone includes educational facilities, hospitals, nursing homes, and similar institutions.

(2) Commercial means an area where offices, clinics, and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distances of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated regional shopping center; a business strip along a main street containing offices, retail businesses and commercial enterprises, a central business district; or a commercially dominated area with multiple unit dwellings.

(3) Light Industrial means an area containing clean and quiet research laboratories, an area containing light industrial activities which are clean and quiet; an area containing warehousing; or an area in which other activities are conducted where the general environment is free from concentrated industrial activity.

(4) Industrial means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operation.

(5) Adjacent Zones. When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern.

(d) Exceptions. The following activities, as long as they are a function of permitted use, and the equipment is maintained in proper working condition, are exempted from the provisions of this article:

(1) Lawn maintenance.

(2) Repair of personal use vehicles.

(3) Home repair or place of residence.

(4) Stand-by power generators.

(5) The noise was caused by a system being operated to request medical or vehicular assistance or to warn of a hazardous road condition.

(6) The noise was caused by operators of the city or a gas, electric, communities, or refuse company.

(7) The noise was caused by the operation of a licensed grain handling facility for the purpose of grain drying or processing.

(8) The noise was caused by authorized public activities such as parades, fireworks, sporting events, musical productions, and other activities which have city approval.

(e) Enforcement. Law enforcement officers shall have the power to enforce the provisions of this section.

(f) Penalty. Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$1,000 or be imprisoned in jail for a period not to exceed six months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

(Ord. 1078, Secs. 1:6; Ord. 1085, Sec. 1; Code 2003)