

**TITLE 11**

**MUNICIPAL OFFENSES**

**CHAPTER**

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. MISCELLANEOUS.

**CHAPTER 1**

**ALCOHOL**

**SECTION**

- 11-101. Drinking alcoholic beverage, etc., on streets, etc.  
11-102. Definition.  
11-103. Violations and penalty.

**11-101. Drinking alcoholic beverage, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can, bottle or other container of alcoholic beverage or beer in public. (2000 Code, § 11-101)

**11-102. Definition.** A public place is defined as any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (2000 Code, § 11-102)

**11-103. Violations and penalty.** Any person violating this chapter shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 11-103)

**CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Anti-noise regulations.

**11-201. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such 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.

(1) 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:

(a) Radios, phonographs, etc. 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 such a manner or with such 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 persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(b) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, 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.

(c) 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.

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

(e) 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.

(f) 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. on week days, 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 thirty (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 shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such 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.

(g) Noises near schools, hospitals, churches, etc. 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.

(h) 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.

(i) 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.

(j) 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.

(k) Machinery, such as chainsaws, power saws, woodworking equipment, etc. The excessive, frequent, or long continued operation of any machinery as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital, or any dwelling, hotel or other type of residence or any person in the vicinity.

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

(a) Town vehicles. Any vehicle of the town while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) The reasonable use of amplifiers or loudspeakers in the course of public addresses. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplifier or public address system will be designated in

the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (2000 Code, § 11-201, modified)

**CHAPTER 3****MISCELLANEOUS****SECTION**

11-301. Damaging streets, etc.

11-302. Violations and penalty.

**11-301. Damaging streets, etc.** No person shall damage or destroy any portion of a town street, bridge, ditch, railing, traffic sign or other town-owned signage. (2000 Code, § 11-301)

**11-302. Violations and penalty.** Any person in violation of this chapter shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (2000 Code, § 11-302, modified)