

ORDINANCE NO. 284
NOISE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF CASSELTON, NORTH DAKOTA.

SECTIONS:

1. Noisy party or gathering prohibited
2. Order to disperse—Refusal prohibited
3. Tenant or Owner—Cooperation required
4. Unlawful noise prohibited
5. Unlawful noise—determination
6. Exemptions
7. Prohibited noise--penalty

1. Noisy party or gathering prohibited.

No person shall participate in any party or gathering consisting of two or more people when such party or gathering occurs in residentially zoned or used areas or buildings between the hours of 10:00 p.m. and 6:00 a.m. and when said party or gathering gives rise to unreasonable noise likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area, in consideration of the time of day and the residential character of said area or building. This Section may be waived by the Casselton City Council. The following shall be prima facie evidence in any prosecution under this article. Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of unreasonable noise in violation of this article.

2. Order to disperse—Refusal prohibited.

When a police officer determines that a party or other gathering of people is creating such unreasonable noise, disturbing the peace, or is disturbing the quiet or repose of another person, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave the premises after being ordered by a police officer to do so.

3. Tenant or owner—Cooperation required.

Every owner of such premises, or tenant in charge of such premises, who has knowledge of the disturbance shall cooperate with such police officer and shall make reasonable effort to stop the disturbance.

4. Unlawful noise prohibited.

It shall be unlawful for any person to make any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city of Casselton.

5. Unlawful noise—Determination.

The standards which shall be considered in determining whether a violation of Section 4 exists shall include, but shall not be limited, to the following:

- A. The volume of the noise.
- B. The intensity of the noise.
- C. Whether the nature of the noise is usual or unusual.
- D. Whether the origin of the noise is natural or unnatural.
- E. The volume and intensity of the background noise, if any.
- F. Within the Central Business District and all residential zoning districts, the following noises between the hours of 10:00 p.m. and 6:00 a.m. Sunday evening through Friday morning and 11:00 p.m. and 6:00 a.m. Friday evening through Sunday morning are specifically prohibited:
 - 1. Radios, tape players or other sound amplifiers, whether portable or installed in vehicles, at a level which can be heard by a person more than 50 feet away from said vehicle or amplifier.
 - 2. Any horn, bell or other noise-making device except burglar alarms or similar emergency warning devices.
 - 3. Shouting or yelling where the voice is clearly audible at a distance of more than 50 feet.

6. Exemptions

The following uses and activities shall be exempt from noise level regulations:

- A. Noises of safety signals, warning devices, and emergency relief valves.
- B. Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.

C. Noises resulting from emergency work, which is work required to protect persons or property from an imminent exposure to danger.

D. Any construction or maintenance activities at the construction or maintenance site.

E. Non-amplified sound generated at a scheduled stadium or outdoor event, which includes noise generated by parade spectators and participants on the parade route during a lawful parade.

F. Amplified announcements at scheduled stadium events or other lawful outdoor events.

G. Any maintenance activities done by the City of Casselton, including snow removal, garbage pickup and street sweeping.

7. Prohibited Noise--Penalty.

Any noises found to be in violation of Sections 1 or 4 of this ordinance shall be an infraction and shall be punishable by fine not to exceed \$200. Each day a violation exists shall be deemed to be a separate offense.

APPROVED:

Lee Anderson, Mayor

ATTEST:

Sheila Klevgard, City Auditor

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