

7.8 miscellaneous.

7.8.1 ANIMAL NOISE. It is unlawful for any person to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.

7.8.2 SHOOTING PROHIBITED. It shall be unlawful to discharge any firearm, air gun, B-B gun, pellet gun, bow & arrow or any weapon on deadly force or capable of inflicting serious injury within the corporate limits of the Town of DeMotte, excepting in a range that is safe for the user and neighboring persons, supervised by adults when in use, and does not disturb the peace of the neighborhood. This Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor any citizen from discharging a firearm when lawfully defending person or property. (Ord. 1 12095-3) **7.8.3.1** It shall be unlawful for any person to kill any bird, fowl, or animal, within the corporate limits of the Town. (Ord. 1 12095-3)

7.8.4 NOISE 7.8.4.1 Public Policy - It is hereby declared, as a matter of public policy of the Town of DeMotte, as follows:

- a.** That the making and creation of loud, unnecessary or unusual noises of various kinds and by various means within the limits of the Town have so increased as to constitute a public nuisance;
- b.** That the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the town,
- c.** That the necessity, in the public interest, for the provisions of this chapter is declared, as a matter of legislative determination for this declaration of public policy, to be designed to secure and promote the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the inhabitants and visitors in this Town.

7.8.4.2 Unlawful Noises -Except as otherwise provided in this section, it shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either disturbs, injures or endangers the comfort, repose, health and peace or safety

of others within the Town. Accordingly, the following acts, among others, are declared to be loud, disturbing and unnecessary noises and in violation of this section, but such enumeration shall not be deemed to be exclusive:

a. Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary or unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity, the use of any horn, whistle or other device operated by engine exhaust, and the continued or repeated use of any such signaling device.

b. Radios and phonographs. Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto, except when a permit for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facia evidence of a violation of this subsection.

c. Loudspeakers, amplifiers for advertising. Playing, using or operating, or permitting to be played, used or operated, and radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound at any place upon the public streets or in any vehicle used for the transportation of persons for hire as a common carrier, for the purpose of commercial or other kind of advertising or attracting the attention of the public to any activity or building or structure, which is so used as to disturb and annoy other persons in their businesses, homes or elsewhere in there right of personal privacy and quiet, except for parades or events with permit.

d. Yelling or shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 pm and 7:00 am., or at any time or place so as to annoy or disturb the quiet, comfort or

repose of persons in any office, or in any dwelling, hotel or other type of residence, or any person in the vicinity.

e. Animals or birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.

f. Exhausts. The discharge into the open air of the exhaust of any steam engine, internal-combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.

g. Defect in vehicle or load. The use of any automobile, motorcycle or other kind of vehicles so out of repair, or so loaded, or in such a manner as to create loud and unnecessary grinding, grinding, rattling or other noises.

h. Construction or repairing of buildings. The erection, demolition, alteration or repair of any building, or the excavation therefore, other than between the hours of 7:00 am. and 6:00 pm on Monday through Saturday, except in the case of urgent necessity on the interest of public health and safety.

i. Schools, courts, churches, retirement homes. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in use or adjacent to any retirement home which unreasonably interferes with the operation thereof of which disturbs or unduly annoys residents, provided that conspicuous signs are displayed in such streets indicating that the same has been declared and is a school, hospital or other such quiet zone that the police have created.

j. Drums. The use of any drum, horn or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale; except in a parade or place for which a permit has been granted.

k. Pile drivers, hammers. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud

or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility.

l. Blowers. The operation of any noise-creating blower or power fan, or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the blower is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.

m. Vendor's Vehicle. Using, operating, or playing, or permitting to be used, operated or played, any bell, radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any wares or merchandise on or upon any of the streets or highways within the city, which sound-producing instruments are set to produce any noise, music or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use and operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m. of the succeeding day; or use or operation of any such sound producing equipment in or upon any such vehicle while the vehicle is moving along or upon any street or highway; it being the intent and purpose of this subsection to permit the use of such sound-producing equipment in or upon any such vehicle only when the vehicle is parked or standing still in or upon any street or highway and during the house provided in this subsections.

7.8.4.3 Definitions

a. Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music or any other sound; such term shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which they are installed, or warning sirens, horns or other devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

7.9 PENALTY. Persons committing a violation of this Title shall be fined any sum not to exceed one hundred dollars (\$100) for each violation.