# ORDINANCE NO. 341

## AN ORDINANCE PROHIBITING UNNECESSARY NOISE AND DISTURBANCES WITHIN THE CITY, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

**BE IT ORDAINED** by the Council of the City of Thompson Falls, Montana:

**Section 1: Authority**

This Ordinance is adopted under authority of 24 V.S.A. 2291 (14) and 24 V.S.A. Chapter 59.

**Section 2: Purpose**

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the City of Thompson Falls through the reduction, control and prevention of noise. The intent of this Ordinance is to establish standards which will eliminate and reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.

**Section 3: Definitions**

A. "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

**Section 4: The following acts are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this Ordinance:**

**A. Defect in Vehicle or Operation of Vehicle.** The operation of an automobile or motorcycle which creates squealing, squealing of tires, loud and unnecessary grating, grinding, exploding-type, rattling, muffler MCA 61-9-403 or other noises.

**B. Loud Speakers, Amplifiers for Advertising.** The use, operation, or permitting the use or operation of any radio receiving set, musical instrument, phonograph, loud speaker, amplifier, or other device for the production or reproduction of sound which is cast upon the public streets.

**C. Horns, Signaling Devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by

means of other signaling device, of unreasonably loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.

**D. Radios, Phonographs, etc.** The use, operation, or permitting the use or operation of any radio or television receiving set, musical instrument, phonograph, or other machine or device for the production or reproduction of sounds in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants 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 a machine or device is operated and who are voluntary listeners thereto.

**E. Dogs, Cats and Other Animals.** The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.

**F. Vocal Disturbances.** Yelling, shouting, whistling, singing or making any other loud vocal disturbance so as to disturb, destroy, or endanger the peace of persons in the immediate vicinity of the noise or disturbance.

**G. Construction Noise.** Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 10:00 P.M. and 5:00 A.M., except for emergency repairs necessary to protect people or property.

**H. Parties and Other Social Events.** Loud or offensive noises caused by a person attending and/or caused or permitted by a person in charge of a party or social event which are plainly audible from another property or from the street. A person shall be deemed to be in charge of a party or social event when the event occurs on private property and the person is present at the party or social event, resides at the premises involved and has authorized the use of the premises for the party or social event. There may be more than one person in charge for purposes of this ordinance.

**I. Jake brakes prohibited**. No person operating a motor vehicle shall use jake brakes (engine compression brakes) to slow a vehicle except in emergency stopping situations within the city limits as well as certain other locations within five miles of the city limits. The locations outside the city limits shall be determined jointly by the city engineer and the county surveyor upon request and approval by the county commissioners.

This section may not be enforced against an operator of a motor vehicle until such time as appropriate signs in the proper position with the appropriate legend informing the motorist are placed.

**Section 5: Exceptions.** This Ordinance shall not be construed to prohibit the following:

A. A vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or assembly sponsored by a public entity or private school between the hours of 5:00 A.M. and 10:00 P.M.

B. A public address system being operated to request medical or vehicular assistance or to warn of a hazardous road condition.

C. An emergency or public safety device operating in its official capacity.

D. Any device owned and operated by the Town or a gas, electric, communications or water utility company operating in its official capacity.

E. Any person, organization, group or business that has obtained a prior waiver from the Mayor.

F. The use of firearms when used in accordance with Fish & Wildlife laws or when used for sport shooting between the hours of 5:00 A.M. and 10:00 P.M.

**Section 6: Exemptions.**

Letter by mayor for exemptions for specific events giving date and time of exemption from the ordinance.

**Section 7: Penalty.**

A violation of this ordinance shall be civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et seq. A civil penalty of $50.00 may be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six month period shall be $100.00, and the penalty for subsequent offenses within a six month period shall be $200.00.

**Section 8: Separability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**ADOPTED BY THE TOWN COUNCIL OF THE CITY OF THOMPSON FALLS AS FOLLOWS:**

First reading: _____ayes _____nays _____abstentions

Second reading: 5 ayes 0 nays 0 abstentions

Effective Date: July 12, 2018

Mark Sheets, Mayor

Attest: Chelsea Peterson
Chelsea Peterson, Clerk/Treasurer