

ORDINANCE NUMBER 1080

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 9 CHAPTER 9.32 BY THE ADDITION THERETO OF A NEW SECTION TO BE KNOWN AS SECTION 9.32.030, PUBLIC DISTURBANCE NOISES; PROVIDING A PENALTY FOR A VIOLATION OF THE CHAPTER; PROVIDING FOR AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; REPEALER; ALLOWING PUBLICATION BY SUMMARY:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

WHEREAS, the Mayor and the City Council of the City of Payette, State of Idaho, have concluded that it is in the best interest of the said City to state when public disturbance noises become nuisances;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO:

SECTION 1: Title 9, Chapter 9.32 of the Payette Municipal Code is hereby amended by the addition thereto of a new section to be known as 9.32.030, PUBLIC DISTURBANCE NOISES, which shall read as follows:

9.32.030: PUBLIC DISTURBANCE NOISES. It is unlawful for any person to cause, or for any reason, in charge, control or possession of property, to permit or allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

A. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

B. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

C. Yelling, shouting, hooting, whistling or singing on or near the public streets, at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

D. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which reasonably interfere with the peace, comfort,

and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;

E. Sounds from motor vehicle sound systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

F. Sound from audio equipment, such as tape players, radios, or compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

Section 2. VIOLATION - PENALTIES.

Any person violating the provisions of this chapter shall be punished by a fine in a sum not exceeding \$300.00 for the first violation hereof, of which \$100.00 shall not be suspended or deferred, and a fine of \$300.00 shall be imposed for each subsequent violation, of which \$150.00 shall not be suspended or deferred.

Section 3. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1080.

Section 5. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

Section 6. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 1st day of August, 1994.

CITY OF PAYETTE

BY James E. Miller  
Mayor

ATTEST: John P. Franke  
City Clerk