

Chapter 9.04

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

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9.04.010 False alarm unlawful.

9.04.020 Disorderly conduct.

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9.04.010 False alarm unlawful.

It is unlawful for any person to knowingly start or spread any false alarm in the Village. (Prior code § 9.04.010)

9.04.020 Disorderly conduct.

It is unlawful to knowingly do any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace. (Ord. 2003-9 § 1: prior code § 9.04.010)

9.04.030 Assault, battery or fighting.

It is unlawful for any person to commit any assault or battery or to fight in any public place in the Village. (Prior code § 9.12.020)

9.04.040 Unlawful assemblies.

The following conduct is unlawful:

A. The assembly of two or more persons to do an unlawful act; or

B. The assembly of two or more persons, without authority of law, for the purpose of doing violence to the person or

property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. (Ord. 2003-9 § 2: prior code § 9.04.030)

9.04.050 Disturbing assemblages.

It is unlawful for any person to disturb any lawful assemblage or gathering in the Village. (Prior code § 9.12.040)

9.04.060 Obscene publications.

It is unlawful to sell or offer for sale, or to circulate, pass from one person to another or expose in any public place or anywhere in view of a store or place frequented by the public, any obscene publications, printed or written matter or picture or other representation.

B. It is unlawful to keep any such publication, printed or written matter, picture or other representation in any place frequented by, or where it may come into the possession of minors, or to disclose or expose any such material to a minor. (Prior code § 9.16.020)

9.04.070 Consumption and possession of alcoholic liquor.

It is unlawful to consume alcoholic liquor or to possess alcoholic liquor in an unsealed or previously opened container within or on any municipal building, municipality owned real estate, public park or any public right-of-way within the Village. (Prior code § 9.24.025)

9.04.080 Loitering.

It is unlawful for any person to obstruct or encumber any sidewalk, street or other public place or any vacant area within the municipality by loitering or lounging in or about the same after being requested to

move on by a Village officer or official.
(Prior code § 9.28.010)

9.04.090 Nuisance and noise.

The creating of any unreasonably loud, disturbing, and unnecessary noise within the limits of the Village is unlawful. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

A. **Musical Instruments Generally.** The use or performance with any hand organ or other musical instrument or device for pay or in expectation of payment in any of the streets or public places in the Village.

B. **Radios, Phonographs, Amplifiers, etc.** The use or operation of any radio receiving unit, musical instrument, phonograph, compact disc player, loudspeaker, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants at any time with louder volume than necessary for convenient hearing for a person who is in the room, vehicle, or chamber in which such machine or device is operated, and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, loud speaker, 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.

C. **Sound Advertising Devices.**

1. The making or causing, or the permitting or allowing to be made, any noise of any kind, by means of radio, musical instrument, phonograph, compact disc player, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

2. The operation of any motor vehicle having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music, or any other sound for commercial sound advertising purposes in the Village with such sound-amplifying equipment in operation.

D. **Sound Amplifying Equipment, Devices.**

1. The operation of any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air, having attached thereto or emitted therefrom any machine or device for the amplification of music, the human voice, or any other noise or sound, with such machine or device in operation.

2. The use of any sound amplification devices at such a volume as to cause annoyance to Village residents or neighboring inhabitants, thereby tending to disturb the peace of those persons.

E. **Horns or Signaling Devices on Vehicles.** The blowing of any horn or signaling device on any automobile, motorcycle, bus, truck, or other vehicle on any street or public place of the Village, 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 signaling device for an unnecessary and unreasonable period of time; the use of any such signaling device except one operated by hand or electricity; the use of any such signaling device when traffic is for any reason held up; or the use of any horn, whistle, or other device operated by engine exhaust.

F. **Engine Exhaust, Discharge/Operation of a Motor Vehicle.**

1. The discharge into the open air of the exhaust of any stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

2. The operation of any motor vehicle within the Village in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants, unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, or annoying smoke. The operation of any motor vehicle in such a manner as to be plainly audible at a distance of one hundred fifty (150) feet or more from such motor vehicle. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, in determining whether or not such vehicle was emanating excessive or unusual noises.

3. For purposes of this subsection (F), the term "muffler" shall have the following meaning: Any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.

G. Blowers, Power Fans, Electric Motors, or Internal Combustion Engines. The operation of any noise created by a blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants in such a manner as to be plainly audible at a distance of fifty (50) feet or more from such blower, power fan, electric motor, or internal combustion engine.

H. Yelling, Shouting, Singing on Streets, etc. Yelling, shouting, hooting, whistling, or singing on the public streets 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 of any person in the vicinity.

I. Noise on Streets in Vicinity of Schools, Hospitals, etc. Causing or creating any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, or adjacent to any hospitals, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital.

J. Noise on Property Adjacent to School. The willful making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied, or otherwise used by a school; and the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

K. Disturbing a School Gathering or Function. The willful making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of a school gathering or function while on public or private grounds adjacent to any building or land owned, occupied, or otherwise used by a school, or in any building owned, occupied, or otherwise used by a school in progress, whether in the daytime or nighttime.

L. Transportation of Rails, Pillars, Columns of Iron, Steel, etc. All rails, pillars, and columns of iron, steel, or other metal, which are being transported over and along the Village streets upon carts, drays, cars, trucks, or other vehicles, or in any other manner, shall be so loaded to avoid loud noises, and to avoid disturbing the peace and quiet of such streets.

M. Race Track or Other Driving Facility. The operation of a race track or other driving facility which permits or otherwise

allows the use of vehicles or loud speaker systems to be operated in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants. The operation of any vehicles or loud speakers in such a manner as to be plainly audible at a distance of fifty (50) feet from the property line.

N. Exclusions.

1. None of the above provisions shall prohibit operation of the fire department warning siren or civil defense warning sirens.

2. None of the above provisions shall prohibit civic functions and parades.

3. None of the above provisions shall prohibit any emergency situation necessitating removal of fallen limbs, trees, snow, and maintenance equipment operation.

O. Any person who violates Section 9.04.090 of this Code shall be subject to the provisions of Chapter 1.20 of the Code entitled "General Penalty."

(Ord. No. 05-08-11, §§ 1, 2, 8-16-2005)