

following meaning:

"Loiter" or "loitering" means to remain idle in essentially one location, to be dilatory, to tarry, to dawdle, whether in or out of a motor vehicle, and shall include but not be limited to standing around, hanging out, sitting, kneeling, sauntering, or prowling.

"Permit or allow" means to consent, to tolerate, to give permission, to authorize, or to give opportunity. (Ord. O-93-53 § 1 (part), 1993).

9.51.030 Juvenile nighttime loitering

It is unlawful for any person under the age of eighteen years to loiter on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement, or eating place, whether public or private, without the consent or permission of the owner or occupant thereof, between the hours of eleven p.m. on any day and six a.m. of the following day; provided, however; that on Saturday and Sunday the effective hours of this prohibition are between twelve a.m. and six a.m. of the same day. No violation of this provision will have occurred if the person under the age of eighteen years is accompanied by a parent, guardian, or other adult person over the age of twenty-one years who is authorized by a parent or guardian of such juvenile to take said parent's or guardian's place in accompanying said juvenile for a designated period of time and purpose within a specified area. (Ord. O-93-53 § 1 (part), 1993).

9.51.040 Parental responsibility for juvenile nighttime loitering

It is unlawful for the parent, guardian, or other adult person having the care and custody of a juvenile under the age of eighteen years to knowingly permit or allow such juvenile to loiter at the places and within the time prohibited by Section 9.51.030 of this chapter. The term "knowingly" includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent's or guardian's custody. It shall be no defense that a parent, guardian, or other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile. No violation of this provision will have occurred if the responsible adult has made a missing person notification to his local police department prior to the juvenile's violation of Section 9.51.030 of this chapter. (Ord. O-93-53 § 1 (part), 1993).

9.52.010 Short title

This chapter shall be known as the Lakewood noise control ordinance. (Ord. O-86-42 § 1 (part), 1986).

9.52.020 Declaration of policy

It is declared that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the city. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Lakewood through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unreasonable and excessive noise, reduce community noise, promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community. (Ord. O-86-42 § 1 (part), 1986).

9.52.030 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter.

"Commercial district" means the following: (A) an area where offices, clinics and the facilities needed to serve them are located; (B) an area with local shopping and service establishments; (C) a tourist-oriented area where hotels, motels and gasoline stations are located; (D) a business strip along a main street containing offices, retail businesses and commercial enterprises; (E) other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

"Commercial district" includes, but is not limited to, any parcel of land zoned as a convenience commercial district, a neighborhood commercial district, a community commercial district, a commercial district, a large lot commercial district or an office district, under the zoning ordinance of the city.

"Commercial purpose" means and includes the use, operation or maintenance of any sound or amplifying equipment, for the purpose of advertising any business, any goods or any services, or for the purpose of attracting the attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

"Construction activities" means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

"Continuous noise" means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more during a period of eight hours.

"Device" means any mechanism which is intended to produce or which actually produces sound when operated or handled.

"Dynamic braking device" means a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

"Emergency work" is work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

"Industrial district" means an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. "Industrial district" includes, but is not limited to, any parcel of land zoned as an industrial district or a planned development district with uses permitted in an industrial district under the zoning ordinance of the city.

"Motor vehicle" means any vehicle, such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer, propelled or drawn by mechanical power, and includes motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

"Muffler" means any apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

"Noncommercial purpose" means the use, operation or maintenance of any sound-amplifying equipment for other than a commercial purpose. "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

"Residential district" means an area of single or multiple-family dwellings and includes areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. "Residential district" also includes, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities. "Residential district" includes, but is not limited to, land zoned as a large lot residential district, a small lot residential district, a duplex residential district, a high-density residential district, a medium-density residential district, or a mobile home residential district under the zoning ordinance of the city.

"Sound-amplifying equipment" means any machine or device for the amplification of a human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

"Unreasonable noise" means any excessive or unusually loud sound, or any sound which disturbs the peace and quiet of any neighborhood or causes damage to any property or business. (Ord. O-94-33 § 32 & 33, 1994; Ord. O-86-42 § 1 (part), 1986).

9.52.040 Unlawful to make

No person shall knowingly make or continue, or cause to be made or continued, any unreasonable noise within the city. (Ord. O-86-42 § 1 (part), 1986).

9.52.050 Unlawful noises generally

The following acts, enumerated in Sections 9.52.060 through 9.52.160, are declared to cause unreasonable noises in violation of this chapter; provided, however, that the following enumeration is not in limitation of Section 9.52.040, and is not exclusive. (Ord. O-86-42 § 1 (part), 1986).

9.52.060 Bells and chimes

No person shall use, operate, cause or permit to be sounded any bell or chime, or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of ten p.m. of one day and seven a.m. of the following day. (Ord. O-86-42 § 1 (part), 1986).

9.52.070 Radios, television sets, phonographs and similar devices-Use restrict

It is unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause any unreasonable noise. (Ord. O-94-33 § 34, 1994; Ord. O-86-42 § 1 (part), 1986).

9.52.080 Animals or birds

No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person. (Ord. O-86-42 § 1 (part), 1986).

9.52.090 Exhausts-Mufflers

No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. (Ord. O-86-42 § 1 (part), 1986).

9.52.100 Defect in vehicle or load

It is unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause any unreasonable noise. (Ord. O-94-33 § 35, 1994; Ord. O-86-42 § 1 (part), 1986).

9.52.110 Quiet zone

The creation of any unreasonable noise is prohibited within the vicinity of any school, institution of learning, church or court while the same is in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospital or residents in the nursing home or home for the aged, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court. (Ord. O-86-42 § 1 (part), 1986).

9.52.120 Dynamic braking devices

No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled. (Ord. O-86-42 § 1 (part), 1986).

9.52.130 Truck loading

No person shall load any garbage, trash or compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district or within three hundred feet of any hotel, motel, or residential district between the hours of ten p.m. of one day and seven a.m. of the following day. (Ord. O-2001-34 § 5; Ord. O-86-42 § 1 (part), 1986).

9.52.140 Construction activities

Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of nine p.m. of one day and six a.m. of the following day. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section. (Ord. O-86-42 § 1 (part), 1986).

9.52.150 Power equipment

No person shall operate or permit to be operated on any private property, or on the public way within any residential or commercial district(s), any power equipment used for home or building repair or grounds maintenance, or any construction equipment used for construction activities, between the hours of ten p.m. of one day and seven a.m. of the next day. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws, pavement breakers, log chippers, riding tractors, or powered hand tools. (Ord. O-86-42 § 1 (part), 1986).

9.52.155 Temporary exemption from ordinance

A. Applications for a temporary exemption from the provisions of Sections 9.52.140 and 9.52.150 shall be made to the City Manager or his designee.

B. In approving or denying a temporary exemption, consideration shall be given to effective dates, hours of operation, type of noise, location, loudness, equipment noise characteristics and public health, safety and welfare.

C. Any temporary exemption approved hereunder may provide for, without limitation, a public information program prior to construction, restrictions on effective dates, hours of operation, type of noise, location, loudness, and equipment type relating to that particular activity giving rise to the relief requested.

D. The City Manager shall promptly notify the City Council of each temporary exemption approved. (Ord. O-92-4 § 1, 1992).

9.52.160 Amplified sound

A. No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons, between the hours of ten p.m. of one day and seven a.m. of the following day, in such a manner as to be plainly audible at the property line. The intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

B. No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment in a motor vehicle in such a manner as to be plainly audible at twenty-five feet from the motor vehicle, unless a permit has been issued by the City Clerk pursuant to Section 9.52.190 which allows such amplification. If such a permit has been issued, the intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

C. The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

D. The provisions of this section shall not apply to sound made on property owned by, controlled by, or leased to the city, the federal government, or to any branch, subdivision, institution or agency of the government of this state or any political subdivision within it, and when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease, or permit granted by such governmental body. (Ord. O-2002-16 § 1, 2002; Ord. O-86-42 § 1 (part), 1986).

9.52.170 Application for permit to use sound-amplifying equipment in a motor vehicle

Any person, partnership, association, or corporation desiring to use or operate any loudspeaker, public address system, or other sound-amplifying equipment in or from a motor vehicle for either commercial or noncommercial purposes must first obtain a permit from the City Clerk. The permit may authorize the use or operation of such sound-amplifying equipment between the hours of seven a.m. and ten p.m. of one day. The application for the permit shall be filed with the City Clerk and shall provide the following information:

A. The name, address and telephone number of both the owner and the user of the sound-amplifying equipment;

B. The license number of the motor vehicle which is to be used;

C. The general description of the sound-amplifying equipment which is to be used;

D. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and

E. The dates upon which and the streets over which the equipment is proposed to be operated. (Ord. O-86-42 § 1 (part), 1986).

9.52.190 Permit issuance

Permits required by Sections 9.52.170 may be issued by the City Clerk if the City Clerk finds that the conditions of motor vehicle

movement or pedestrian movement are such that the use of the equipment will not constitute an unreasonable interference with traffic safety, that the applicant will not violate the hour restrictions of the permit, and that the use of the sound-amplifying equipment will not disturb the peace and quiet of any neighborhood. An applicant may appeal the denial of a permit by the City Clerk to the City Manager if such appeal is filed in writing with the City Manager within seven days of the denial of said permit by the City Clerk. The City Manager or his designee shall conduct any hearing and/or review of the denial of the permit request, and his decision shall be final. The City Manager may promulgate rules and regulations or procedures to govern any such hearing and/or review. (Ord. O-2002-16 § 3, 2002; Ord. O-86-42 § 1 (part), 1986).

VI. Offenses Against Property

9.60.010 Criminal mischief

It is unlawful for any person to knowingly injure, damage, or destroy the real or personal property of one or more other persons including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode where the aggregate damage to the real or personal property is less than one thousand dollars. (Ord. O-2007-28 § 8, 2007; Ord. O-2002-46 § 3, 2002; Ord. O-98-35 § 5, 1998; Ord. O-97-13 § 8, 1997; Ord. O-92-32 § 1, 1992; Ord. O-85-50 § 1, 1985; Ord. O-82-45 § 1, 1982; Ord. O-74-1 § 1 (part), 1974).

9.60.015 Obstruction of telephone service

A person commits obstruction of telephone service if the person knowingly prevents, obstructs, or delays, by any means whatsoever, the sending, transmission, conveyance, or delivery in this city of any message, communication, or report by or through any telephone line, wire, cable, or other facility or any cordless, wireless, electronic, mechanical, or other device. (Ord. O-2002-46 § 4, 2002).

9.60.020 Injury or removal of signs

It is unlawful for any unauthorized person to willfully remove, deface, injure, damage or destroy any street sign or official traffic control device erected or placed in or adjacent to any street where the aggregate damage to such street sign or traffic control device is less than one thousand dollars. (Ord. O-2007-28 § 9, 2007; Ord. O-98-35 § 6, 1998; Ord. O-97-13 § 9, 1997; Ord. O-92-32 § 2, 1992; Ord. O-87-27 § 9, 1987; Ord. O-74-1 § 1 (part), 1974).

9.60.030 Destroying posters

It is unlawful for any person to intentionally tear down, deface or cover up any lawfully posted advertisement or bill of any person, firm, corporation or entity; provided, however, that this section shall not apply to any person possessing the lawful right or authority to tear down, deface or cover up any such advertisement or bill. (Ord. O-94-33 § 36, 1994; Ord. O-74-1 § 1 (part), 1974).

9.60.040 Lug wheels and treaded vehicles prohibited

It is unlawful for any vehicle equipped with treads and/or lug wheels which are injurious to pavement to be operated or caused to be operated by any person upon public streets unless the operator of such vehicle first planks and protects such streets from damage. Nothing in this section shall be construed to prohibit the use of studded snow tires. (Ord. O-94-33 § 37, 1994; Ord. O-74-1 § 1 (part), 1974).

9.60.050 Defacing property

A. It is unlawful for any person to knowingly deface or cause, aid in, or permit the defacing of public or private property without the prior consent of the owner by painting, drawing, writing, marking, etching, carving, scratching or any other unauthorized marking by use of paint, spray paint, ink, knife or by any other method of defacement.

B. Any person convicted of defacing property shall be ordered by the court to perform community service which shall include personally making repairs to any property damaged or properties similarly damaged. A person who defaces property shall be subject to the maximum penalties established in Section 1.16.020 of the Lakewood Municipal Code. The minimum penalty shall be as follows:

First offense \$250.00
 Second offense 400.00
 Third or subsequent offense 650.00
 (Ord. O-95-26 § 1, 1995).

9.60.055 Possession of graffiti materials by minors prohibited

A. It shall be unlawful for any person under eighteen (18) years of age, except for a minor under the direction or supervision of the minor's parent, legal guardian, instructor, employer, or law enforcement officer, to purchase, procure, or possess, or attempt to purchase, procure, or possess any prohibited graffiti material.

B. For the purposes of this section, the words and phrases are defined as follows:

1. "Broad tipped marker pen" means a felt-tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4) of an inch, containing a fluid which is not water soluble.