

**Section 7.05.010 Public disturbance.**

A. A person is guilty of public disturbance if he or she:

1. Causes a public disturbance or is in possession and control of property on which a public disturbance occurs. The following sounds are determined to be public disturbances:

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, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time and place in a manner 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, condominium, or yard adjacent thereto that unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings.

e. The creating of frequent, repetitive, or continuous sounds made by any animal, such as barking or howling, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with other provisions of the VMC shall be exempt from this provision.

f. Sound from portable audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source, and if not operated upon the real property of the operator. This provision shall not apply to such sounds emitted from scheduled events or activities at parks and recreational facilities such as public address systems for park or game events or concerts or similar park or recreation activities.

g. The creation of frequent, repetitive, or continuous sounds made in connection with outdoor construction or the movement of construction related materials, including noise made by devices capable of producing sound by either striking or cutting objects, such as hammers, saws, or other equipment with internal combustion engines; provided, however, such sounds shall be exempt from the provisions of this code under the following circumstances:

1. During the hours of 7:00 a.m. through 8:00 p.m., or
2. In commercial areas not within 300 feet of any residential areas.

B. The foregoing enumeration of acts and noises shall not be construed as excluding other acts and noises which offend the public peace.

C. Public disturbance is a misdemeanor.

(M-3624, Added, 07/07/2003)

