

Chapter 9.04

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

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9.04.010 Assault.

It is unlawful for any person, having the present ability to do so, attempt to commit a rude, insolent or violent touching of another.

(Prior code § 12.102)

9.014.020 Battery.

It is unlawful for any person to touch another person in a rude, insolent or other violent manner. (Prior code § 12-102)

9.04.030 Discharging firearms, fireworks, etc.

No person, except a duly constituted law enforcement officer, shall, within the town limits, fire or discharge any cannon, gun, fowling piece, pistol, revolver or firearm of any description, excluding air and gas powered pellet rifles and pistols.

No person shall fire, explode or set off any squib, firecracker, or other thing containing powder or other combustible material, except by the express permission of the town council. (Prior code § 12-106 1991, § 9.04.030 1998)

9.04.031 Propelling of projectiles, objects, etc.

It is unlawful, within the town limits, for any person to propel any object such as, but not inclusive of, slingshot, pellet gun, BB gun, paint-ball gun, or other device to propel any projectile, except within the confines of that person's property; provided, that the propelled object also stays within the confines of that person's property.

It is unlawful within the town limits, for any person to use any bow or crossbow to propel, in any manner, any object or projectile, except within the confines of that person's property, or within the Town of Encampment Archery Range, provided that the propelled object stays within the confines of the same.

It is unlawful, within the town limits, for any person to throw or propel, in any manner, any object or projectile at any public property, or at any private property without the permission of the owner of such private property. (07-12-2007)

9.04.040 Disturbing assemblages.

It is a misdemeanor for any person to annoy or disturb any congregation or assembly, gathered together for religious worship, by making noise, by rude or indecent behavior or profane discourse, within the place wherein such congregation or assembly is gathered together or so near the same as to be heard by or intending to disturb the persons so engaged or assembled. (Prior code § 12-108)

9.04.050 False alarms—Fire.

It is a misdemeanor for any person to knowingly give false alarm of fire except those for test purposes given or caused to be given by the chief of the fire department. (Prior code § 12-109)

9.04.060 False alarms—False call for police.

It is a misdemeanor for any person to call any police officer to any place, falsely pretending, or falsely giving such officer to understand that he is needed or wanted in any place as such officer. (Prior code § 12-110)

9.04.070 Fire alarm system—Interfering with.

It is a misdemeanor for any person to use or tamper with any part of the fire alarm system unless so authorized by the chief of the fire department. (Prior code § 12-111)

9.04.080 Municipal employees, etc.—Interfering with.

It is a misdemeanor for any person to interfere in any way with any employee of the town in performance of his work, nor displace any stakes or landmarks deposited or installed by any employee,

nor in any way molest any tools, instruments or equipment of any employee, in the duties assigned to him. (Prior code § 12-113)

9.04.090 Nudity in public.

It is a misdemeanor for any person to appear in a state of nudity in any public place, or in private place open to public view. For the purpose of this section, the word “nudity” means the showing of human male or female genitals or pubic area or female breast with less than fully opaque covering. (Prior code § 12-114)

9.04.100 Uninvited solicitation at private residence.

The practice of going in and upon private residences, in the town, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors or merchandise, not having been requested or invited to do so by the owner or occupant of such private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or hawking the same, is declared to be unlawful and a nuisance. The chief of police and the police force of the town shall suppress the same and abate any such nuisances. (Prior code § 12-118)

9.04.110 Obstructing or resisting peace officers.

It is unlawful for any person to willfully and knowingly obstruct the execution of any legal process or to resist or attempt to resist or obstruct any peace officer in making an arrest or in removing a person to or from legal custody, or in any manner to resist or attempt to resist or assist in resisting or obstructing any peace officer in the performance of his duty. (Prior code § 12-119)

9.04.120 Noise regulations in general.

It is unlawful for any person to willfully make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing within the city limits. (Ord. 97-03-13-02 §1, 1997)

9.04.130 Noises prohibited.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumerations shall not be deemed to be exhaustive:

A. Motor Vehicle Horns. The sounding of any horn on any automobile, motorcycle, or other vehicle on any street or public place of the city except as a warning signal.

B. Radios, Television Sets and Similar Devices. The using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of ten p.m. and seven a.m. in such manner as to disturb the peace, quiet, and comfort of neighboring residents.

C. Loudspeakers and Amplifiers. The using or operating of any loudspeaker or sound-amplifying device mounted upon any vehicle within the city for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless permit for such sound amplification has been obtained from the mayor or the chief of police.

D. Construction Equipment and Activity. The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads, or projects within the city between the hours of ten p.m. and seven a.m. unless a permit for such construction or repair work between such hours has been obtained from the mayor or chief of police.

E. Exhausts. The discharging into the open air of the exhaust of any internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which shall effectively prevent loud or explosive noises therefrom.

F. Animals and Birds. The keeping of any animal or bird which by frequent or continuous barking, chirping, or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.

G. Vehicle Repair in Residential Areas. The repairing, rebuilding, or testing of any motor vehicle between the hours of ten p.m. and seven a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

H. Schools, Courts, Churches, Hospitals. The creating of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

I. Hawkers and Peddlers. The selling of anything by outcry within residential areas of the city, except at licensed sporting events, parades, fairs, circuses,

and other similar licensed public entertainment events.

J. Drums. The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the city , unless a permit for such use has been obtained from the mayor or chief of police. (Ord. 97-03-13-02 § 2, 1997)

sensitiveness or which endangers the comfort, repose, health, or peace or residents of this city shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by restraining order or injunction issued by a court of competent jurisdiction. (Ord. 97-03-13-02 § 4, 1997)

9.04.140 Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this chapter.

A. Noises of safety signals and warning devices;

B. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;

C. Noises resulting from emergency work, to be construed as work made necessary to restore the property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger. (Ord. 97-03-13-02 § 3, 1997)

9.04.150 Violation—Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined in amount not exceeding seven hundred fifty dollars (\$750.00). A separate offense shall be deemed to have been committed each day during or upon which a violation occurs or is permitted to continue. (Ord. 97-03-13-02 § 3, 1997)

9.04.160 Injunctions.

The operation or maintenance of any device, vehicle, machinery in violation of any provisions of this chapter which causes discomfort or annoyance to reasonable person of normal