

Chapter 28 MISCELLANEOUS OFFENSES AND PROVISIONS

ARTICLE I. IN GENERAL

Section 28-36. ~~Reserved~~Picketing in residential areas.

(a) In this section:

- (1) *Focused picketing* shall mean picketing directed toward a specific residence, person, or persons including, but not limited to, marching, congregating, standing, parading, demonstrating, parking, or patrolling by one or more persons, with or without signs; and
- (2) *Targeted dwelling* shall mean any building or dwelling unit within a building, in which the target or targets of focused picketing reside.

(b) It shall be unlawful for a person to engage in focused picketing within the city on any public street, sidewalk, alley, or other public property within 200 feet of the property line of the premises of a targeted dwelling.

(c) Before a person may be arrested or issued a citation for a violation of subsection (b), the person must have been ordered to move, disperse, or otherwise remedy the violation by:

- (1) A peace officer;
- (2) A member of the fire department; or
- (3) A person with authority to control the use of the residence being picketed.

(d) It is a defense to prosecution under subsection (b) that the person:

- (1) Was not given an order as required by subsection (c);
- (2) Was given an order that was manifestly unreasonable in scope; or
- (3) Promptly obeyed the order given.

\* \* \*

Chapter 30 NOISE AND SOUND LEVEL REGULATION

\* \* \*

**Sec. 30-9. Permit issuance; classification and terms.**

(a) It shall be unlawful for any person operating sound amplification equipment under a permit issued pursuant to this section to make, assist in making, permit, continue, cause to be made or continued, or permit the continuation of any sound that when measured from the property line of the residential or nonresidential property receiving the sound towards the source of the sound, exceeds the maximum permissible sound level stated for the permit in this section. All permits issued pursuant to this chapter shall be issued according to the following permit classifications:

(1) *Daily permits:*

- a. Valid for an authorized date and time between the hours of 8 a.m. and 10 p.m. as expressed on the face of the permit, for the production, reproduction or amplification of sound not to exceed 75 dB(A); and
- b. Requires payment of the fee stated for this provision in the city fee schedule for the administrative costs of issuing the permit.

(2) *Extended daily permits:*

- a. Valid for the authorized dates and times between the hours of 8 a.m. and 10 p.m. as expressed on the face of the permit, for the production, reproduction or amplification of sound not to exceed 75dB(A); and
- b. Requires payment of the fee stated for this provision in the city fee schedule for the administrative costs of issuing the permit.

(3) *Annual permits:*

- a. Valid for the 14-hour period between the hours of 8 a.m. and 10 p.m. Sunday through Thursday; and the 15-hour period between the hours of 8 a.m. and 11 p.m. Friday and Saturday, for the production, reproduction or amplification of sound not to exceed 75 dB(A); and
- b. Requires payment of the fee stated for this provision in the city fee schedule for the administrative costs of issuing the annual permit.

(4) *Commercial establishments:*

- a. Valid for the 14-hour period between the hours of 8 a.m. and 10 p.m. Sunday through Thursday; and the 15-hour period between the hours of 8 a.m. and 11 p.m. Friday and Saturday, for the

production, reproduction or amplification of sound not to exceed 75 dB(A);

- b. Valid for the 4-hour period between the hours of 10 p.m. and 2 a.m. the following calendar day, Sunday through Thursday; and the 3-hour period between the hours of 11 p.m. and 2 a.m. the following calendar day, Friday and Saturday, for the production, reproduction or amplification of sound not to exceed the permissible decibel levels stated in [section 30-5](#) of this Code. A commercial establishment required to obtain a commercial establishment permit shall not use, cause to be used, or permit the use of any sound amplification equipment at any outdoor area or use or cause sound produced, reproduced or amplified by sound amplification equipment within the commercial establishment to be heard or appreciated beyond the property lines of the commercial establishment between the hours of 2 a.m. and 8 a.m. on any day; and
- c. Requires payment of the fee stated for this provision in the city fee schedule for the administrative costs of issuing the commercial establishment permit.

(b) If at the time of submitting the permit application an applicant is unable to pay the full amount of the applicable permit application fee pursuant to subsection (a) of this section, the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

- (1) A statement that the applicant is unable to pay the full amount of the fee for the permit; and
- (2) A statement of the exact amount the applicant is able to pay for the permit fee at the time the application is delivered to the director.

(c) Notwithstanding the provisions of this section and [section 30-8](#) of this Code, the director shall not issue a permit for picketing activity that takes place in front of a residential property. The provisions of this section shall not prohibit picketing activity in residential areas that is not prohibited under [section 28-36](#).