

42.20.095 - Disturbing the peace.

- (a) *Policy.* The purpose of this section is to protect the health, welfare and safety of the City and Borough's residents by regulating the time, place, and manner of unreasonable noise. It is the intent of this section to secure the health, safety, comfort, convenience, and peaceful enjoyment of all public places, such as public streets and public parks, as well as the City and Borough's residents' homes, by prohibiting unreasonable noise.
- (b) *General.*
 - (1) It is unlawful for any person to make or continue, or cause or permit to be made or continued, any unreasonable noise.
 - (2) As used in this section, "unreasonable noise" means noise that unreasonably annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person of ordinary sensibilities in the vicinity. The factors which will be considered in determining whether a noise is unreasonable will include, but not be limited to, the following:
 - (A) The volume of noise;
 - (B) The intensity of the noise;
 - (C) Whether the nature of the noise is usual or unusual;
 - (D) Whether the origin of the noise is natural or unnatural;
 - (E) The volume and intensity of the background noise, if any;
 - (F) The proximity of the noise to residential sleeping facilities;
 - (G) The nature and zoning of the area within which the noise emanates;
 - (H) The density of the inhabitation of the area within which the noise emanates;
 - (I) The time of the day or night the noise occurs;
 - (J) The duration of the noise;
 - (K) Whether the noise is recurrent, intermittent or constant;
 - (L) Whether the noise is produced by a commercial or noncommercial activity; and
 - (M) Whether the noise contains pure tones.
 - (3)

Liability. In a prosecution under this section, it shall be a rebuttable presumption that the owner, tenant, or person in charge of real property from which noise emanates in violation of this section has caused or allowed to be caused the noise which violates this section.

- (c) *Construction of buildings and projects.* It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents. The building official may revoke any noise permit after making written findings that the construction activity has resulted in unreasonable disturbance to surrounding residents or that operation during hours not otherwise permitted is not necessary.
- (d) *Noise emanating from vehicles.*
 - (1) *Policy.* It is unlawful for any person to play, continue to play, or allow to be played, any sound system from, within, or on any motor vehicle so that any sound, music, or vibration emanating therefrom can be heard at a distance of more than 30 feet from the vehicle unless the vehicle is a sound truck operating pursuant to a permit issued under section 72.10.150.
 - (2) *Liability.* In a prosecution under this section, it shall be rebuttable presumption that the registered owner of a vehicle from which emanates noise in violation of this section has played or allowed to be played the sound system causing the noise.
- (e) *Exemptions.* The provisions of 42.20.095 shall not apply to noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its siren or other warning device, or noise produced by any activity for which a valid noise permit has been issued.
- (f) *Defenses.* It is an affirmative defense to a charge under subsection (b) of this section that the noise is a normal result of a kennel authorized in an industrial zone under Title 49 of this Code.
- (g) Disturbing the peace is an infraction and each occurrence of a prohibited act shall

constitute a separate violation.

(Serial No. 78-36, § 3, 1978; Serial No. 85-56, § 45, 1985; Serial No. 2000-44am, § 2, 1-22-2001;
Serial No. 2006-18(b), § 3, 6-5-2006; Serial No. 2013-14(c), § 2, 1-6-2014, eff. 2-5-2014.)

State Law reference— Disorderly conduct, AS 11.61.110.