

## ARTICLE II. - OFFENSES AGAINST PUBLIC PEACE AND ORDER <sup>[67]</sup>

<sup>(67)</sup> **State Law reference**— Offenses against public order, AS 11.61.

### Sec. 46-42. - Disturbing the peace.

#### **Sec. 46-42. - Disturbing the peace.**

- (a) A person commits the offense of disturbing the peace if he:
- (1) In a public place, repeatedly or continuously shouts, blows a horn, plays a musical or recording or amplifying instrument, or otherwise generates loud sound or noise with the intent to disturb or in reckless disregard of the peace and privacy of others.
  - (2) In a private place, engages in the conduct described in subsection (a)(1) of this section, with the same intent or reckless disregard, after having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place.
  - (3) Between the hours of 11:00 p.m. and 7:00 a.m., operates or uses a pile driver, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe, power saw, manual hammer, motorcycle, snow machine or other instrument, appliance or vehicle which generates loud sounds or noise, after having been informed by another that such operation or use is disturbing the peace and privacy of others.
  - (4) Keeps any dog or other animal which is allowed to engage in frequent or prolonged barking or other loud noise-producing activity, after having been informed by another that such frequent or prolonged barking or noise-producing activity is disturbing the peace and privacy of others.
  - (5) Repeatedly or continuously sounds any horn or other sound-producing warning device on a motor vehicle when such repeated or continued sounding is not necessary to warn of any danger.
- (b) After being informed by a police officer that his conduct is in violation of subsection (a), refuses to abate the prohibited activity.
- (c) As used in subsections (a)(1) and (a)(2) of this section:
- (1) "Loud sound" in a public place means sound which is loud enough to inhibit the ability of a not unduly sensitive person in the same place to speak freely without leaving the same place.
  - (2) "Loud sound" in a private place means sound which is loud enough to awaken a not unduly sensitive person in another private place.
  - (3) The inside and outside of buildings and separate residences within an apartment house, and separate rooms within a hotel are different places.
- (d) As used in subsections (a)(3) and (a)(4) of this section, loud sound or loud noise is sound or noise which would awaken, or cause difficulty in sleeping for, the average, not unduly sensitive individual attempting to sleep in any house, apartment, hotel, motel or other residence in the vicinity of the sound or noise-producing activity.
- (e) The following sound or noise is not prohibited by this section:
- (1) Noise of safety signals, warning devices and emergency pressure relief valves when used for their warning of emergency purposes.

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(2) Noise produced by any authorized emergency vehicle when responding to an emergency call or when otherwise authorized by law or ordinance to activate its sirens or other warning devices.

(3) Noises necessarily produced in the course of work required to protect persons or property from imminent peril.

(4) Noise produced by any activity for which a permit has been issued pursuant to subsection (f) of this section.

(f) Applications for a permit for relief from the application of this section to any activity on the basis of undue hardship may be made to the mayor or his duly authorized representative. A non-refundable application fee and a permit fee, as set forth in the city's schedule of fees and charges for services, will be charged for the city's processing of an application. Any permit granted by the mayor under this subsection shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. The mayor or duly authorized representative may grant the relief as applied for if he finds that:

(1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or

(2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with other paragraphs of this section; and

(3) No other reasonable alternative is available to the applicant.

However, the mayor may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Code 1960, § 6.202; Ord. No. 5744, § 7, 7-1-2008; Ord. No. 5876, § 2, 3-10-2012)

**State law reference—** Disorderly conduct, AS 11.61.110.