

**ORDINANCE NO. 3919**

**AN ORDINANCE AMENDING THE BROKEN ARROW CODE OF ORDINANCES, CHAPTER 16 – OFFENSES – MISCELLANEOUS, ARTICLE I – IN GENERAL, SECTION 16-12 – DISTURBING THE PEACE; DISORDERLY CONDUCT; AMENDING SUBSECTION (A)(7) TO CLARIFY THAT THE ROSE DISTRICT NOISE EXEMPTION DOES NOT APPLY TO LOUD OR EXPLOSIVE NOISES CREATED BY THE DISCHARGE OF EXHAUST FROM ANY INTERNAL COMBUSTION ENGINE OR MOTOR VEHICLE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:**

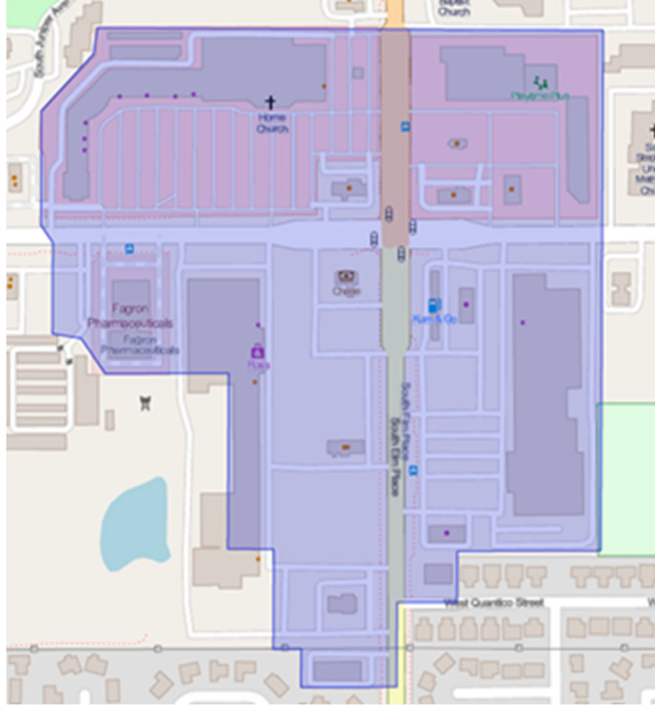
**SECTION 1. Amendment.**

That Chapter 16, Offenses – Miscellaneous, Article I – In General, Section 16-12, “Disturbing the peace; disorderly conduct,” of the Broken Arrow Code of Ordinances is hereby amended by revising subsection (a)(7) to read as follows:

**Sec. 16-12. Disturbing the peace; disorderly conduct.**

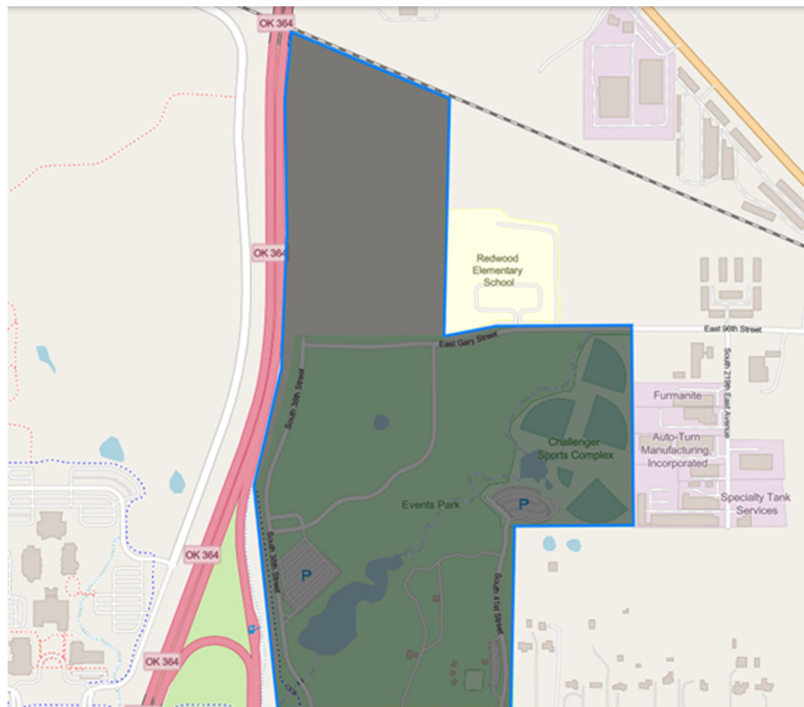
- (a) It shall be unlawful for any person at any time to willfully or maliciously disturb the public peace or quietude by creating any noise of such character or duration so as to be loud and unnecessary to a person of ordinary sensibilities. Such noises shall include, but not be limited to, the following:
- (1) The sounding of a horn or a similar signal device on any vehicle, except as a danger signal;
  - (2) The playing of any television, radio, phonograph, tape recorder, CD player or any musical instrument in any manner or at such volume, that annoys or disturbs the peace and quiet of any person within another dwelling;
  - (3) Allowing any animal within the person's custody or control to habitually bark, howl, yelp, roar or make similar noises;
  - (4) Discharging the exhaust of any internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises;
  - (5) Construction activities to include the erection, excavation, demolition, alteration or repair of any building, land clearing, land grading, or road and utility construction, or other construction-related activities except in case of a public emergency or in the interest of public safety;
  - (6) For purposes of this section, the creation of any of the above noises between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday in such a manner as to be plainly audible at a distance of 50 feet from the exterior of the building, structure or vehicle within which the sound





(8) Noises between the hours of 10:00 p.m. and 11:00 p.m. Sunday through Thursday for the following geographical locations within the Broken Arrow municipal limits shall not be deemed violations of the disturbing the peace ordinance and shall not be deemed a violation of this section. Enforcement of this subsection shall be initiated by citizen complaint. The specific geographical locations exempt from the disturbing the peace ordinance on the dates and times referred to in this subsection are as follows:

(i) Broken Arrow Events Park, specifically noted as follows:



- (9) Places of public assembly adjacent to residential property.
- (i) For purposes of this subsection, "place of public assembly" means any building or structure used or designed for the regular assembly of persons, including, but not limited to, community centers, auditoriums, parks, event centers, lodges, clubs, houses of worship, and similar facilities.
  - (ii) It shall be unlawful to operate or permit the operation of any sound amplification equipment, live or recorded music, or similar sound source in or upon a place of public assembly that is located within 300 feet of property that is zoned or used for residential purposes, in such a manner that the sound is plainly audible inside any dwelling unit on such residential property, with doors and windows closed, for a continuous period in excess of ten minutes.
  - (iii) For purposes of this subsection, "plainly audible" means any sound where the bass, rhythm, or melody is clearly perceptible to a person of ordinary sensibilities inside the dwelling unit.
  - (iv) This subsection shall not apply within any specific geographical area that is otherwise exempted from the prima facie nighttime noise standards of subsection (a)(5) of this section, nor shall it be construed to limit or restrict the exemption for bells, chimes, and carillons set forth in subsection (c)(6) of this section.
- (b) It shall be unlawful for any person to perform disorderly conduct in any public place or in any private dwelling or office occupied by the victim of such conduct. For purposes of this section, disorderly conduct shall include, and not be limited to:
- (1) Yelling, shouting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any other time or place where the acts are performed so as to annoy or disturb the occupants of any dwelling, or in such a way as to disturb the occupants of schools, churches, hospitals or similar institutions; provided, that the building or grounds of the schools, churches, hospitals or similar institutions must display conspicuous signs which are legible from the public streets, indicating the nature of the facility.
  - (2) Using abusive, violent or otherwise threatening language, whether the language is addressed to the party who is disturbed or addressed to some other persons. "Threatening language" includes threats to kill, threats to do bodily harm or injury, threats to destroy the property of another, the issuance of challenges to fight or the brandishing of firearms, or language likely to incite a breach of peace or an assault.
  - (3) Interrupting or disrupting any lawful assembly of people, except as may be required by a public danger.
  - (4) Initiating or conducting a fight through any form of actual combat.
- (c) The following uses shall be exempt from this section:
- (1) Noise of safety signals and warning devices.
  - (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency.
  - (3) Noises resulting from the provision of municipal or other governmental services.

- (4) Any noise resulting from activities of a temporary duration which is permitted by law and/or for which a waiver has been granted by the city council.
  - (5) Parades and public gatherings for which a special waiver has been issued by the city council.
  - (6) Bells, chimes, carillons while being used for religious purposes or in conjunction with religious services, or for national celebrations or public holidays. The city council expressly finds this exemption to be a reasonable accommodation to protected expressive activity yet lacking unnecessary governmental entanglements.
  - (7) Lawn maintenance equipment when it is functional within manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in properly operating condition, when used between the hours of 8:00 a.m. and 9:00 p.m.
  - (8) Nonamplified crowd noises or band noises resulting from the activities such as those planned by day care centers, schools, and governmental or community groups.
  - (9) Amplified announcements, or electronically amplified announcements at athletic or similar special events from 8:00 a.m. to the following 12:01 a.m.
  - (10) Noises from electric generators during a state of emergency when declared by the mayor pursuant to section 20-3.
- (d) Any person convicted of violating subsection (a) or (b) shall be punished by a fine not less than \$50.00 nor more than \$100.00.

(Code 1970, § 14-30; Code 1977, § 16-12; Ord. No. 1498, § 1, 5-2-1988; Ord. No. 2016, § V, 9-16-1996; Ord. No. 2782, § I, 3-6-2006; Ord. No. 2782 (Corr.), § I, 11-5-2007; Ord. No. 2935, § I, 3-4-2008; Ord. No. 3793, § I, 7-17-2023; Ord. No. 3824, § I, 2-20-2024; Ord. No. 3901, § 1, 2-3-2026)

State law reference(s)—Similar provisions, 21 O.S. § 1362; authority of city to prohibit disturbances, 11 O.S. § 22-110.

**SECTION II. Severability.**

If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remaining provisions, which shall remain in full force and effect.

**SECTION III. Emergency Clause.**

It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, by reason whereof this ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

**PASSED AND APPROVED** and the clause ruled upon separately this 14<sup>th</sup> day of July, 2026.

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MAYOR

ATTEST:

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(Seal) CITY CLERK

APPROVED:



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ASSISTANT CITY ATTORNEY