

**ORDINANCE NO. 3824**

**AN ORDINANCE AMENDING THE BROKEN ARROW CODE OF ORDINANCES, CHAPTER 16 - OFFENSES - MISCELLANEOUS, ARTICLE I – IN GENERAL; ADDING SECTION 16-12 (8) NOISES BETWEEN THE HOURS OF 10:00 P.M. AND 11:00 P.M. SUNDAY THROUGH THURSDAY FOR THE BROKEN ARROW EVENTS PARK AND ADJACENT AMPHITHEATER SHALL NOT BE DEEMED VIOLATIONS OF THE DISTURBING THE PEACE ORDINANCE AND SHALL NOT BE DEEMED A VIOLATION OF THIS SECTION; ENFORCEMENT OF THE SUBSECTION SHALL BE INITIATED BY CITIZEN COMPLAINT; REPEALING ALL ORDINANCES TO THE CONTRARY; IMPLEMENTING AND DECLARING AN EMERGENCY.**

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

**SECTION I. Broken Arrow Code Chapter 16, Offenses - Miscellaneous, Article I, Purchasing, Sec. 16-12. Created, is hereby amended to read as follows:**

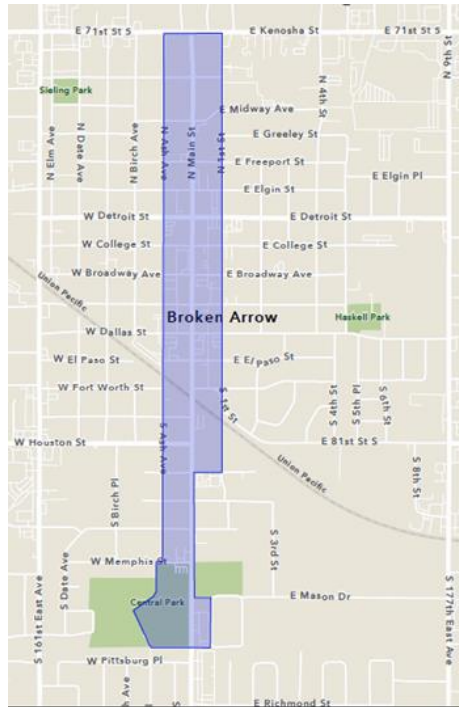
**Sec. 16-12. Disturbing the peace; disorderly conduct.**

- (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 originates shall be prima facie evidence of a violation of this section. However, the fact that the above noises were created between 7:00 a.m. and 10:00 p.m. Sunday through

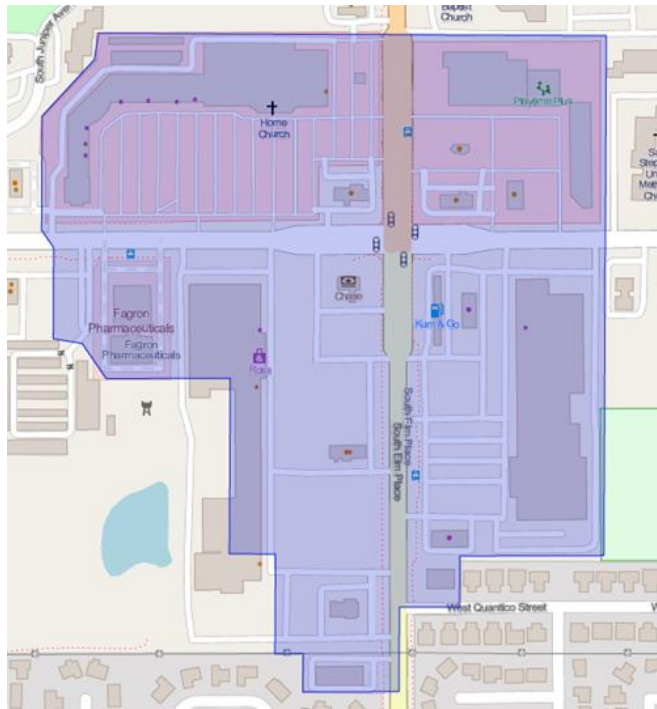
Thursday and the hours of 7:00 a.m. and 11:00 p.m. Friday and Saturday is not a defense to prosecution under this section.

(7) Noises between the hours of 10:00 p.m. and 2:00 a.m. on every Friday and Saturday 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:

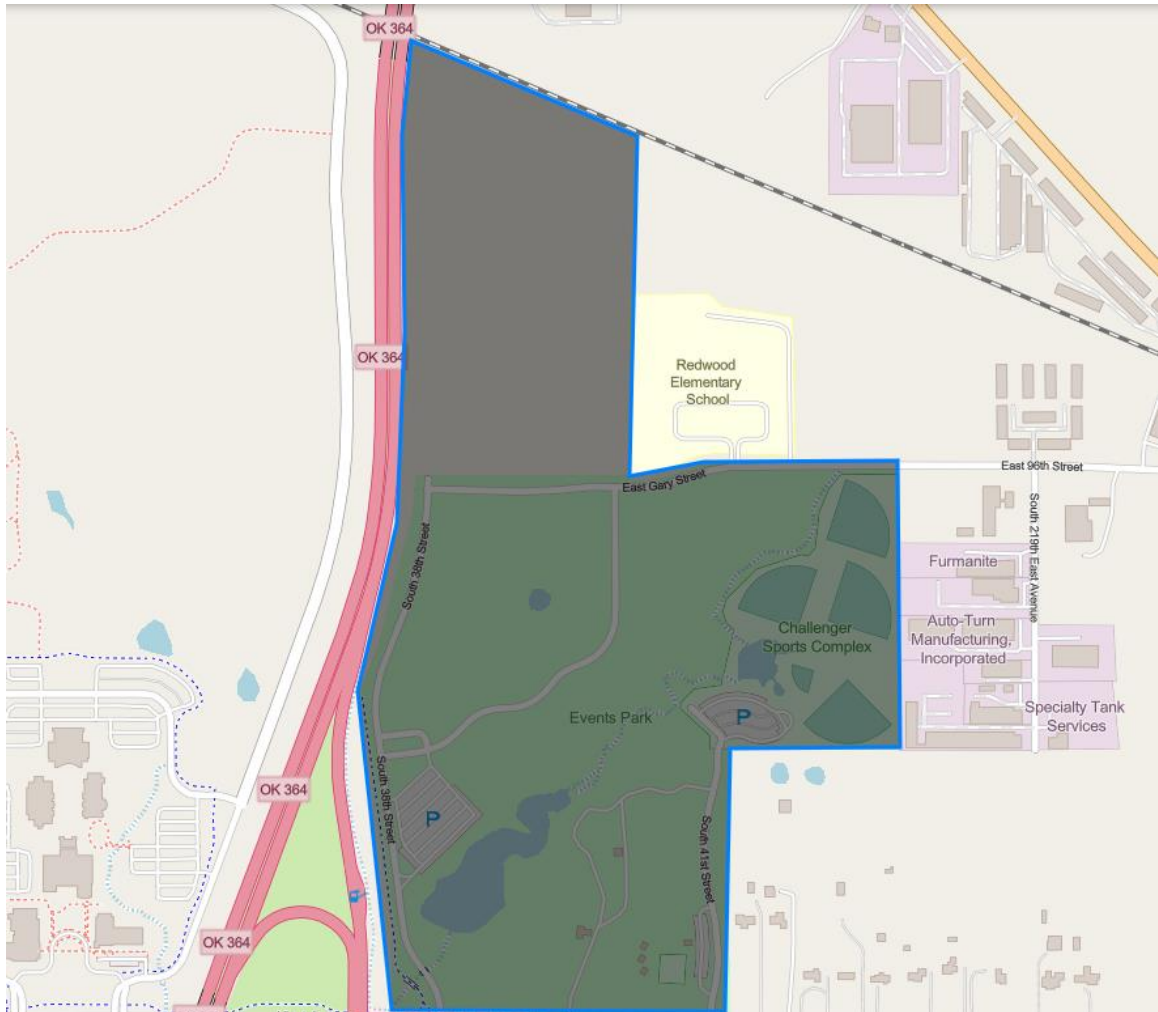
(i) The Rose District/downtown area, specially noted as follows:



(ii) New Orleans Square Overlay District, specifically noted as follows:



- (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:



- (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.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace, and safety and therefore this ordinance shall become effective from and after the time of its passage and approval.

**PASSED AND APPROVED** and the emergency clause ruled upon separately this 20th day of February 2024.

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MAYOR

ATTEST:

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(Seal) CITY CLERK

APPROVED:

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CITY ATTORNEY