

Municipal Code Updates

September 19, 2023

Municipal Code Changes

- Clarify Current Code
- Easier To Understand
- City Staff
- Police Chief
- ACSO Legal Counsel
- Fire Chief
- Fire Marshall
- City Attorney

Section 5-2-1 Definitions

Current Code

- **No Overnight Parking Definition Exists**

Proposed Change

- **Overnight Parking: On City property, the period from 10:00 p.m. to 6:00 a.m., or twelve (12) hours of continuous duration.**

Section 5-2-7 Extended Parking Prohibited

Current Code

- No person shall park a vehicle upon any street or alley for a period of seventy two (72) hours or longer. Public streets are not to be used for storage or long-term parking of motor homes, boats, and trailers whether or not they are attached to other vehicles. Motor homes, boats, and trailers which are moved from a parking spot and then re-parked on the same street block face within twenty-four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section. "Block face" means the side of the street where the vehicle was parked between two (2) intersecting streets. Motor homes, boats, and trailers which are moved from a parking spot and then re-parked on an adjacent street abutting the same property within twenty-four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section. No overnight parking of vehicles is permitted on public property unless otherwise designated.

Proposed Change

- No person shall park a vehicle upon any street or alley for a period of seventy-two (72) hours or longer. Motor homes, boats, and trailers shall be deemed to have been continuously parked for the purposes of this section if they:
 1. are moved from a parking spot and then re-parked on the same side of the street where the vehicle was parked between two (2) intersecting streets;
 2. moved to public property less than six hundred feet (600') away from the original parking spot; or
 3. are moved from a parking spot and then re-parked on an adjacent street abutting the same property within twenty-four (24) hours from the time of said removal.
- No overnight parking of vehicles is permitted on city property unless otherwise designated.

Section 3-2-2 Noise Control - Definitions

Current Code

No definition for Continuous Noise

Proposed Change

CONTINUOUS NOISE: Any noise that lasts for thirty (30) minutes or longer.

Section 3-2-2 Noise Control - Definitions

Current Code

- **PLAINLY AUDIBLE:** Sound for which the information content is clearly communicated to the listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

Proposed Change

- **PLAINLY AUDIBLE:** Any sound, that can be detected by a person using his or her unaided hearing faculties.

Section 3-2-3 Prohibited Acts, Noise

Current Code

- Other than the specific noises enumerated in section 3-2-4 of this chapter, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., it shall be unlawful for any person or business to make or cause loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area. Loud or offensive noise is that which is plainly audible within any residence, other than the source of the sound, or upon a public right of way or street at a distance of one hundred feet (100') or more from the source of such sound.

Proposed Change

- Other than the specific noises enumerated in section 3-2-4 of this chapter, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., it shall be unlawful for any person or business to make or cause loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, or any other means which disturbs the peace, quiet, and comfort of any reasonable person in the area.
- A loud or offensive noise is a noise that is plainly audible:
 - 1) within any residence, other than the source of the sound; or
 - 2) upon a public right of way or street at a distance of one hundred feet (100') or more from the source of such sound.

Section 3-2-4 Specific Noises Enumerated

Current Code

- **Animals: The keeping of any animal, bird, or fowl, which emanates frequent, excessive, and extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark for thirty (30) minutes repeatedly in an area where such barking can be clearly heard from nearby residential property¹.**

Proposed Change

- **Removed the animal portion and moved to Section 4-4-15**

Section 3-2-4 Specific Noises Enumerated

Current Code

- **Demolition: The demolition, repair, or alteration of a motor vehicle or part thereof in connection with which there is produced any frequent, excessive and unreasonable noise disturbing to the nearby residential property.**

Proposed Change

- **Changed title from Demolition to Motor Vehicle Mechanic Work**

4-4-15 Habitual Barking Or Noise Making

Current Code

- See Next Page

Proposed Change

- See Next Page

4-4-15 Current vs. Proposed

- 1. Prohibition: It shall be unlawful for any person to fail to exercise proper care and control of his animal that frequently, excessively, or untimely barks, yelps, howls, whines, cries or makes other noises that are audible off the owner's property. Any violation of this section is punishable as defined by resolution of the city council.**

- 2. Prohibition: It shall be unlawful for any person to fail to exercise proper care and control of his animal that barks, yelps, howls, whines, cries or makes other noises that are audible off the owner's property for an extended period of time. Any person who shall violate any of the terms or provisions of this chapter, except as described elsewhere in this ordinance, shall be guilty of an infraction and shall be punishable by a fine of one hundred dollars (\$100.00), excluding court costs and fees. There is no right to a trial by jury of a citation or complaint for an infraction, and such trials shall be held before the court without a jury. Any person who shall be found guilty of a second or subsequent violation of any provisions of this chapter within a five (5) year time period, or as described elsewhere in this ordinance, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed three hundred dollars (\$300.00) and/or jail for a period not to exceed one hundred eighty (180) days or both such fine and jail.**
 - For purposes of this section "extended period of time" means either:
 1. Any barking, baying, crying, howling, or other animal noise emitted by one or more animals incessantly for thirty (30) minutes with individual interruptions of less than twenty (20) seconds at a time during the thirty (30) minute period; or
 2. Any barking, baying, crying, howling or other animal noise emitted by one or more animals intermittently for sixty (60) minutes or more within a twenty-four (24) hour period.

4-4-15 Current vs. Proposed

- **Impoundment: Any such animal in violation of this section may be seized and impounded if such disturbance reoccurs after the person in control of the premises has received two (2) prior warnings or citations within a period of six (6) months from the animal control agency. It is not a defense that prior warnings or citations involved different animals.**
- **Impoundment: Any such animal in violation of this section may be seized and impounded if such disturbance reoccurs after the person in control of the premises has received two (2) prior warnings or citations within a period of six (6) months from the animal control agency. It is not a defense that prior warnings or citations involved different animals.**

4-4-15 Current vs. Proposed

- **Exception, Livestock:** This section shall not apply to such noises made by livestock, whether from commercial or noncommercial activities on land which is properly zoned to allow keeping of livestock, and such sounds made in facilities licensed under and in compliance with the provisions of this chapter.
- **Exception, Livestock:** This section shall not apply to such noises made by livestock, whether from commercial or noncommercial activities on land which is properly zoned to allow keeping of livestock, and such sounds made in facilities licensed under and in compliance with the provisions of this chapter.

4-4-15 Current vs. Proposed

- **Proposed Added Text**

Proof Of Habitual Barking Or Noise Making: The owner or custodian of an animal may be charged with excessive animal noise nuisance when:

- 1. An officer receives signed complaints alleging an animal noise nuisance, from at least two (2) unrelated adult witnesses residing in different residences;**
- 2. An officer receives a signed complaint alleging an animal noise nuisance from one adult witness who has a video or audio recording of the alleged violation;**
- 3. An officer receives a signed complaint alleging an animal noise nuisance from one adult witness and an officer has witnessed the alleged presence of the nuisance.**

Section 4-9-1 Definitions

Current Code

- **STREET:** Entire width between the boundary lines of every way or place open to the public for motorized or nonmotorized vehicular travel, including any sidewalk or way intended for pedestrian travel.

Proposed Change

- **STREET:** Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

4-9-2 Unlawful To Have Possession Of An Open Container

Current Code

- Except as otherwise permitted by statute or ordinance, it shall be unlawful for any person to have in his or her possession any open container of any alcoholic beverage in any of the following areas:

A. On any street

B. In any public or private parking lot if open to the public

C. In or upon any public or private vehicle

D. Upon any public or private property if open to the public; and

E. within the city park system, it shall only be unlawful to possess or consume any alcoholic beverage upon any street, parking lot or restroom

Proposed Change

- Remove D – Not Enforceable
- Remove E – Move definition of beverage in parks at the end of the section

4-9-3 Unlawful To Consume Alcoholic Beverages

Current Code

- Except as otherwise permitted by statute or ordinance, it shall be unlawful for any person to have in his or her possession any open container of any alcoholic beverage in any of the following areas:
 - A. On any street
 - B. In any public or private parking lot
 - C. In or upon any public or private motor vehicle
 - D. Upon any public or private property if open to the public; and
 - E. within the city park system, it shall only be unlawful to possess or consume any alcoholic beverage upon any street, parking lot or restroom, within 75 feet of a skate park or playground, or within 200 feet of a sanctioned youth league sporting event

Proposed Change

- Remove D – Not Enforceable
- Remove E – Move definition of beverage in parks at the end of the section

4-9-5 Alcoholic Beverages Within The City Park

Systems:

Current Code

- Except as otherwise permitted by statute or ordinance, it shall be unlawful for any person to have in his or her possession any open container of any alcoholic beverage in any of the following areas:
 - A. On any street
 - B. In any public or private parking lot if open to the public
 - C. In or upon any public or private vehicle
 - D. Upon any public or private property if open to the public; and
 - E. within the city park system, it shall only be unlawful to possess or consume any alcoholic beverage upon any street, parking lot or restroom
 - F. within the city park system, it shall only be unlawful to possess or consume any alcoholic beverage upon any street, parking lot or restroom, within 75 feet of a skate park or playground, or within 200 feet of a sanctioned youth league sporting event

Proposed Change

- Except as otherwise permitted by statute or ordinance, it is unlawful to possess or consume any alcoholic beverage within or upon any of the following locations that are associated with the city park system:
 - A. any street;
 - B. parking lot;
 - C. restroom;
 - D. within seventy-five (75) feet of the skate park;
 - E. within seventy-five (75) feet of a playground; or
 - F. within two hundred (200) feet of any eighteen (18) or younger event.

4-9-6 Disorderly Conduct Current vs. Proposed

- **Currently not defined in Star City Code**
- **Proposed to make this section 4-9-6**
- Proposed that we adopt the Ada County code for Disorderly Conduct.
- Please see next slide

Ada County Disorderly Conduct Code

- Any person who shall conduct himself/herself in a violent, noisy, or riotous manner, or in any way commit a breach of the peace of another person(s), and/or who shall conduct himself/herself in a manner that endangers the health and safety of another person(s), and/or who conducts himself/herself in any other manner as specified in this section, is guilty of a misdemeanor; and a violation of this section shall also include, but not be limited to, the following:
 - A. Accosting other persons in any public place, or in any place open to the public, for the purpose of begging or soliciting.
 - B. Engaging in or soliciting anyone to engage in lewd, lascivious, or dissolute behavior in a public place, or in a place open to the public, or in view from a public place.
 - C. Occupying, lodging or sleeping in any building, structure or place, whether public or private, or any automobile, truck, railroad car or other similar vehicles or equipment without the permission of the owner or the person entitled to the possession or in control thereof.
 - D. Failing or refusing to disperse immediately upon an order to do so by a police officer, when two (2) or more persons are assembled for the purpose of committing an unlawful act.
 - E. Interfering with any police officer or authorized official of the County, in the performance of duties connected with enforcement of this section.
- Any peace officer empowered to enforce this provision of this Code is authorized to issue a uniform citation upon his/her own observation of a violation without the necessity of a citizen complainant's signature on the citation. By signing the citation, the peace officer empowered to enforce this provision certifies that he/she has reasonable grounds to believe that the person cited committed the offense contrary to law. Any citizen or person in whose presence an alleged violation of this provision occurred may also sign a uniform citation, which is to be witnessed by a peace officer.

Section 4-9-6

- Proposed to make this section 4-9-7 as we added a new 4-9-6.

Section 4-9-7

- Propose we make this 4-9-8 as we added a new 4-9-6.