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## Excessive Noise Violation Procedures

### 207.1 PURPOSE

To provide a procedure for enforcement of excessive noise violations.

### 207.2 PROCEDURES - GENERAL NOISE VIOLATIONS

1. **Enforcement Action:** When officers witness a violation and receive compliance from the offender, an appearance citation may be issued. Arrests shall only be made in the following situations: compliance is not voluntary; when the arrest is necessary to quell the disturbance; identification problems exist; and in repeat offender situations.
  - (a) When officers write noise appearance citations and the premise is likely to be a continual problem, the officer shall verbally request dispatch to flag the address.
  - (b) Appearance citations shall be issued to suspects arrested for excessive noise, unless connected to a CID case.
2. **Complaint/Warrant:** When officers receive noise complaints from citizens, but do not witness a violation, officers shall attempt to identify and interview witnesses and suspects, and prepare a criminal complaint to be submitted for a warrant.

#### 207.2.1 PRIVATE PROPERTY ENTRY PROCEDURES

Officers shall first seek consent entry. If consent is denied or unavailable, adhere to the following:

1. **Search Warrant to Identify/Arrest Occupant(s):** If the occupants are inside, or it is reasonably believed the occupants are inside, and they are refusing to answer the door, secure the premise and seek a search warrant using a pre-printed affidavit provided in the lieutenant's office. The warrant is valid for six (6) hours after it is issued, and shall be executed even if the premise is quiet when the warrant arrives.
2. **Warrantless Entry to Abate Noise:** Public Safety will not make warrantless entry into a premise to abate noise. If an officer is presented with an unoccupied premise that is emitting excessive noise, the officer shall obtain a search warrant prior to entry.

#### 207.2.2 EVIDENCE

Stereo equipment, instruments, etc. shall not be seized. A photo release of the evidence is required if a search warrant is executed.

#### 207.2.3 EXCESSIVE NOISE REPORTS AND APPEARANCE CITATIONS

The below information shall be listed in excessive noise reports, or on the appearance citation when a report is not required:

1. Noise type, volume, and distance from which it could be heard.
2. Proximity of neighboring residents.
3. Identification of witnesses and suspects.
4. Details of the premise entry (i.e. consent, search warrant).
5. In arrest cases, arrest report must include why an arrest was made.

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### **207.3 DOWNTOWN MUSIC FESTIVALS**

Downtown summer festivals are granted permits to operate, but are not granted permission to violate city noise ordinances. To address citizen complaints about noise from the festivals, the following procedure applies:

1. The officer shall go to the complainant's location to evaluate the noise. If a reasonable person would conclude the noise is too loud, the officer shall either call the festival coordinator's cell phone (available in Lt.'s Office), or have the beat officer make direct contact.
2. The music shall be turned down to a level that the on-scene officer determines to be reasonable.
3. Reports shall be written on all festival related noise complaints, and the cases shall be forwarded to the City Attorney. On-scene enforcement shall only occur when compliance is not voluntary.