

**ORDINANCE #**  
**AN ORDINANCE AMENDING CHAPTER 8.12 NOISE**

**WHEREAS**, the Deadwood City Commission desires to amend Chapter 8.12 to add changes to the rules for noise within the City of Deadwood, now therefore

**BE IT ORDAINED** by the Deadwood City Commission of the City of Deadwood, that Chapter 8.12 be amended to read as follows:

**8.12.010 Purpose and Intent.**

This chapter is enacted to protect, preserve and promote the health, safety, welfare, peace, quiet and tranquility for the citizens of the city and persons or visitors frequenting the city through the reduction, control and prevention of noise which is disruptive and constitutes an annoyance to such citizens and persons. The city commission acknowledges and recognizes that the legalization of limited gaming within the city which began on November 1, 1989, has created a new gaming industry which now dominates the business community of the city. This industry has also greatly increased the number of visitors and tourists visiting the city and greatly increased both vehicle traffic and pedestrian traffic and general noise level on the streets and sidewalks of the city. This industry is also very competitive and gaming businesses have sought to increase business or traffic to their gaming establishments by the use of sound amplifying equipment which disrupts and annoys citizens and visitors. The city commission also specifically acknowledges and recognizes the topography of the city and that businesses and gaming establishments are located primarily along the streets and highways which travel through the bottom of the valley or gulch of the city and that sounds and noise rising from such highways and streets is easily heard and echoes above such streets and alleys to the hillsides where most of the citizens of the city reside. It is the intent of this chapter to establish regulations and controls which will allow the use of sound amplification equipment which existed prior to the beginning of legalized limited gaming within the city and to reduce unreasonably loud, raucous, annoying and disruptive noise which is harmful and detrimental to individuals and the community in general in the enjoyment of life, privacy, property and conduct of business.

**8.12.020 Definitions and Standards.**

A. All terminology used in this chapter and not defined in this section shall be in conformance with applicable American National Standards Institute publications, including but not limited to S1. 1-1960, R 1971, or those from its successor publications or bodies. For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

(1) *A-weighted sound pressure level* means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

(2) *Ambient sound pressure level* means the sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level

exceeded 90 percent of the time based on a measurement period which shall not be less than ten minutes.

(3) *Continuous sound* means any sound which exists, essentially without interruption, for a period of ten minutes or more.

(4) *Cyclically varying noise* means any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.

(5) *Decibel* means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as "dB."

(6) *Device* means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

(7) *Dynamic braking device* (commonly referred to as Jacobs Brake) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(8) *Emergency vehicle* means a motor vehicle used in response to any emergency or to protect persons or property from imminent exposure to danger.

(9) *Emergency work* means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

(10) *Impulsive noise* means a noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristic.

(11) *Motor vehicle* means any vehicle which is self-propelled by mechanical power, including but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, helicopters, motorcycles, minibikes, go-carts, snowmobiles, [drones](#) and racing vehicles.

(12) *Muffler* means an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(13) *Noise* means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

(14) *Noise disturbance* means any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.

(15) *Percentile sound pressure level* means either of the following:

a. *Tenth percentile noise level* means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten-minute period) and is denoted  $L_{10}$ .

b. *Ninetieth percentile noise level* means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten-minute period) and is denoted  $L_{90}$ .

(16) *Person* means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.

(17) *Plainly audible noise* means any noise for which the information content of that noise is unambiguously transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(18) *Property boundary* means any imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

(19) *Public right-of-way* means any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.

(20) *Pure tone* means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound levels of the two contiguous one-third octave bands by five dB for frequencies of 500 Hz and above, by eight dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz.

(21) *Receiving land use category* means the principal use of the receiving property regardless of the zoning use established by city zoning ordinances.

(22) *Repetitive impulsive noise* means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at fast meter characteristic will show changes in sound pressure level greater than ten dB(A).

(23) *Sound* means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

(24) *Sound level meter* means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute publication S1. 4-1971 or its successor publication.

(25) *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(26) *Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals, denoted LP or SPL.

(27) *Stationary noise source* means any device, fixed or movable, which is located or used on property other than a public right-of-way.

(28) *Steady noise* means a sound pressure level which remains essentially constant during the period of observation, i.e., does not vary more than six dB(A) when measured with the slow meter characteristic of a sound level meter.

(29) *Use district* means those districts established by the city zoning ordinance.

### **8.12.030 Noises Prohibited.**

A. *General prohibitions.* In addition to the specific prohibitions outlined in subsection B. of this section and sections 8.12.040 and 8.12.090 of this chapter, it shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of the city.

B. *Specific prohibitions.* The following acts are declared to be in violation of this chapter:

(1) *Horns and signaling devices.* Sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place within the city therein except as a danger warning signal or the sounding of any such signaling device for an unnecessary and unreasonable period of time.

(2) *Radios, television sets, musical instruments and similar devices.*

a. Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in subsection (b)(3) of this section, in such a manner as to violate section 8.12.040 or cause a noise disturbance.

b. The operating of any such device between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at 50 feet from such device when operated within a vehicle parked on a public right-of-way or plainly audible at 100 feet from such device when operated within a moving vehicle.

(3) *Public loudspeakers.* Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate section 8.12.040 or cause a noise disturbance unless a permit as provided by section 8.12.080 is first obtained.

(4) *Hawkers and peddlers.* Selling anything by outcry within any area of the city therein zoned primarily for residential uses in such a manner as to violate section 8.12.040 or cause a noise disturbance. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events, or occasional sale of property by public auction.

(5) *Loading operation.* Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of 10:00 p.m. and 6:00 a.m. the following day in such a manner as to violate section 8.12.040 or cause a noise disturbance.

(6) *Construction work.* Operating, or causing to be used or operated, any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto in:

a. Residential or commercial land use districts between the hours of 10:00 p.m. and 6:00 a.m. the following day.

b. Any land use districts where such operation exceeds the sound level limits for an industrial land use as set forth in section 8.12.040.

(7) *Domestic power equipment.* Operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair or grounds maintenance, including, but not limited to a power saw, sander, lawn mower, or garden equipment, in residential or commercial zones:

a. Outdoors between the hours of 10:00 p.m. and 6:00 a.m. the following day.

b. Any such power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15 meters).

(8) *Commercial power equipment.* Operating or permitting to be operated any power equipment, except construction equipment used for construction activities, rated more than five horsepower, including but not limited to chain saws, pavement breakers, log chippers, or powered hand tools in:

a. Residential or commercial land use districts between the hours of 10:00 p.m. and 6:00 a.m. the following day.

b. Any land use district if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15 meters).

~~(9) — *Enclosed places of public entertainment.* Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at a point that is normally occupied by a customer, maximum sound pressure levels of 100 dB(A) as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least 225 square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This subsection shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate section 8.12.040 of this chapter.~~

(10) *Fireworks or explosives.* The use of explosives or fireworks, or the firing of guns or other explosive devices so as to be audible across a property boundary or on a public space or right-of-way, without first obtaining a permit as provided by section 8.12.080. This subsection shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity.

(11) *Racing events.* Permitting any motor vehicle racing event at any place in such a manner as to violate section 8.12.040 or cause a noise disturbance, without first obtaining a permit as provided by section 8.12.080.

(12) *Powered model mechanical devices.* The flying of a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise-producing devices, between the hours of 10:00 p.m. and 6:00 a.m. the following day; or in such a manner as to violate section 8.12.040 or cause a noise disturbance.

(13) *Dynamic braking devices.* Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger.

(14) *Defect in vehicle.* Operating or permitting to be operated or used any truck, automobile, motorcycle, or other motor vehicle which, by virtue of disrepair or manner of operation, violates section 8.12.040 or causes a noise disturbance.

~~(15) — *Refuse compacting vehicles.* The operating or causing or permitting to be operated or used any refuse compacting vehicle which creates a sound pressure level in excess of 74 dB(A) at 50 feet (15 meters) from the vehicle.~~

(16) *Standing motor vehicles.* The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate section 8.12.040 or cause a noise disturbance for a consecutive period longer than 15 minutes during which such vehicle is stationary in a residential zone.

(17) *Noise sensitive zones.* Creating noise in excess of the standards as defined in section 8.12.40 within the vicinity of any school, hospital, institution of learning, court, or other designated area where exceptional quiet is necessary, while the school, hospital, institution, court or other area is in use.

(18) *Bells and alarms.* Sounding, operating or permitting to sound or operate an electronically amplified signal from any bell, chime or clock, including but not limited to bells, chimes or clocks in schools, houses of religious worship or governmental buildings, which fails to meet the standards set forth in section 8.12.040.

(19) *Fixed sirens, whistles and horns.* The sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except as a sound signal of imminent danger, in such a manner as to violate section 8.12.040 or cause a noise disturbance.

(20) *Recreational vehicles and snowmobiles.* Operating a recreational vehicle or snowmobile in a manner which violates section 8.12.040 or causes a noise disturbance.

**8.12.040 Use District Noise Levels.**

A. *Maximum permissible sound levels.* It shall be unlawful for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a 90th percentile sound pressure level ( $L_{90}$ ) of any measurement period (which shall not be less than ten minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise:

(1) Normal Sound

Receiving Land Use Category	Time	Sound Level Limit db(A)
Residential	6:00 a.m. to 10:30 p.m.	60
	10:30 p.m. to 6:00 a.m.	55
Noise sensitive zone	6:00 a.m. to 10:30 p.m.	60
	10:30 p.m. to 6:00 a.m.	50
Commercial or business	At all times	65
Industrial	At all times	75
Agricultural	6:00 a.m. to 10:30 p.m.	75
	10:30 p.m. to 6:00 a.m.	55

(2) Impulsive Sound

Receiving Land Use Category	Time	No. of Peaks Per Hour	Maximum db(A)
Residential	6 a.m. to 10:30 p.m.	1	85
	10:30 p.m. to 6 a.m.	1	80
Noise sensitive zone	At all times	2	79
		4	73
		8	67
Agricultural residential	At all times	16+	61
Commercial	At all times	1	90
		2	84
		4	78
		8	72
		16+	66
Industrial	At all times	1	95
Agricultural	At all times	2	89
		4	83
		8	77
		16+	71

(3) When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

B. *Correction for duration of sound.*

(1) It shall be a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level ( $L_{10}$ ) of 15 dB(A) greater than the levels set forth for the receiving land use districts in subsection (a) of this section for any measurement period. Such period shall not be less than ten minutes.

(2) Notwithstanding subsection (b)(1) of this section, it shall be unlawful for any person to operate or permit to be operated any stationary source of sound within any land use district which creates a tenth percentile sound pressure level ( $L_{10}$ ) greater than 15 dB(A) above the ambient sound pressure level ( $L_{90}$ ) of any measurement period. Such period shall not be less than ten minutes.

C. *Correction for character of sound.*

(1) For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection (a) of this section shall be reduced by five dB(A).

(2) Notwithstanding compliance with subsection (c)(1) of this section, it shall be unlawful for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance.

### **8.12.050 Sound Level Measurement.**

Sound level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the police department.

### **8.12.060 Exemptions.**

A. The following uses and activities shall be exempt from noise level regulations:

(1) Noise of safety signals, warning devices, and emergency pressure relief valves.

(2) Noise resulting from any authorized emergency vehicles when responding to an emergency call or acting in time of emergency, such as police, fire and ambulance sirens or warning devices and loudspeakers used in connection with crimes, disasters or emergencies.

(3) Noise resulting from emergency work.

(4) An employee of a governmental entity engaged in the employee's official duty.

### **8.12.070 Exceptions.**

A. The following exceptions shall be allowed between the hours of 6 a.m. and 10:30 p.m. in residential or commercial land use zones. These uses and activities are not required to obtain a sound permit unless otherwise stated:

(1) School outdoor concerts and music activities including marching band activities, concerts, and parades, sporting activities with musical components, art festivals, and student fund-raisers.

(2) Religious organizations conducting worship services outdoors, including, but not limited to, operation of a bell for religious activity.

(3) The city of Deadwood, including, but not limited to, parks and recreation department-sponsored activities; community events, parades, festivals or celebrations in conjunction with declared special events.

(4) Private events in city parks with a duration of one hour or less.

(5) Construction work. Operating, or causing to be used or operated, any equipment used in construction, repair alteration, or demolition work on buildings, structures, streets, alleys, or appurtenances in any land use district where such operation causes a sound pressure level no more than 75 dbA measured at a distance of 50 feet.

(6) Domestic Power Equipment. Operating or permitting to be operated any power equipment rated 5 horsepower or less used for home or building repair or grounds maintenance, including, but not limited to, a power saw, sander, lawn mower, or garden equipment in residential or commercial zones at a sound pressure no more than 75 dbA measured at a distance of 50 feet.

(7) Commercial Power Equipment. Operating or permitting to be operated any power equipment, except construction equipment used for construction activities, rated more than 5 horsepower, including but not limited to chain saws, pavement breakers, log chippers, or powered hand tools in residential or commercial land use districts at a sound level no more than 82 dbA measured at a distance of 50 feet.

~~(8) Refuse Compacting Vehicles or Units. Operating or permitting to be operated or used any refuse compacting vehicle or unit at a sound level no more than 75 dbA measured at a distance of 50 feet.~~

~~(98)~~ Athletic games or contests or events at the rodeo grounds area such as football games, softball games, baseball games, soccer games, rodeos, entertainment shows or events, bicycle races, and other similar events.

~~(109)~~ Permits approved by the ~~police chief~~ city finance office City of Deadwood Safety Committee or his/her designated agent.

### **8.12.080 Permit.**

A. Applications for a permit for relief from the noise restrictions in this chapter for an activity shall be made to the city finance office Chief of Police or his designated agent. Permits must comply with the following:

(1) Application shall be made on a form provided by the ~~police department~~ city finance officer.

(2) Application shall be made at least forty-five (45) days prior to the date of the activity.

(3) Payment of a fee of \$100.00 for single events that meet the time and decibel levels. Payment of a fee of \$200 will be required for applications past deadline, except bona fide neighborhood block parties which shall be free.

(4) No permit shall be issued for any activity conducted between the hours of 10:00 p.m. and 10:00 a.m. except permits may be issued in Historic the Main Street Deadwood Business Improvement District between the hours of 7:00 a.m. and 11:30 p.m. on Fridays and Saturdays.

~~(5) — No permit shall be issued to exceed the sound level limits of section 8.12.040(a) by more than 10 db(A) and after 8:00 p.m. the maximum allowable sound limit for the remainder of the permit time may be increased by 5 db(A).~~

(65) The permit may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the city or the surrounding neighborhood.

(76) The Chief of Police or his designated agent may revise the conditions of any permit if atmospheric conditions, topography, or unanticipated acoustic reverberations increase sound levels at the receiving land.

(87) The permit shall be posted at the activity.

B. Applications for a permit from the noise restrictions of this chapter on the basis of hardship for a temporary, ongoing, or continuous necessary business activity may be made to the city finance office Chief of Police or his designated agent. Permits shall comply with the following:

(1) Application shall be made on a form provided by the ~~police department~~city finance office.

(2) Payment of a fee of ~~\$150.00 for a one day permit, \$250.00 for a two day permit, and \$350.00 for a three day event.~~ Payment of a fee of \$300.00 for one day permits, \$500.00 for two day permits, and \$700.00 for three day events will be required for applications submitted past the deadline.

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

(4) The permit may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the city or the surrounding neighborhood. Notice shall be given to all neighbors within 300 ft. of the proposed location for the permit at the cost of the applicant.

(5) The Chief of Police or his designated agent may periodically review the permit and, if findings warrant, revise the terms and conditions of the permit or revoke the permit.

C. Except as provided in this chapter, any person, partnership, association, corporation or business desiring to use or operate any loudspeaker, public address system or other sound amplifying equipment outdoors, or indoors but designed to project the sound outdoors, must first obtain a permit from the ~~city police department~~city finance office which will then be brought forth to the city commissioners for approval. The permit may authorize the use or operation of such sound amplifying equipment between the hours of ten a.m. and ten p.m. The application for the permit shall be filed with the ~~finance police~~ department and shall provide the following information:

(1) The name, address and telephone number of both the owner and the user of the sound amplifying equipment;

- (2) The license number of the motor vehicle, if any, upon which the equipment is to be used;
- (3) The general description of the sound amplifying equipment which is to be used;
- (4) Whether the sound amplifying equipment will be used for commercial purposes and if used for commercial purposes, information as to its use or the use of similar equipment at the location applied for prior to November 1, 1989;
- (5) The dates and location of the proposed operation of the equipment;
- (6) The application for a permit shall be accompanied by a fee of \$100.00. Permits shall be reviewed annually by the city commission at the first regular commission meeting in the month of March of each year. The fee shall not be prorated if the permit is to be issued for a shorter period.
- (7) The permit may contain such conditions as may be necessary to insure compliance with this chapter and any other ordinances of the city as may be in effect when the permit fee for community-oriented events of short duration, but an application must be submitted.

D. No permit shall be issued to any applicant or any activity convicted of a violation of this chapter in the previous year.

**8.12.090 Motor Vehicle Noise.**

A. No person shall drive or move or cause or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown. Noise shall be measured at a distance of at least 25 feet (7.5 meters) from the near side of the nearest lane being monitored and at a height of at least four feet (1.2 meters) above the immediate surrounding surface.

	Sound Pressure Level dB(A)	
	Speed Limit 40 mph or less	Speed Limit over 40 mph
Motor vehicles with a manufacturers gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle.	90	94
Any other motor vehicle or any combination of vehicles towed by any motor vehicle.	80	84

B. This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter relating to motor vehicle mufflers for noise control.

C. No person shall operate or cause to be operated any motor vehicle within the city unless the exhaust system of such vehicle is:

- (1) Free from defects which affect sound reduction;
- (2) Equipped with a muffler or other noise dissipative device; and
- (3) Not equipped with any cutout, bypass or similar device.

#### **8.12.100 Enforcement Responsibility.**

The police department shall have exclusive enforcement responsibility for this chapter as it relates to both stationary sources and vehicular sources.

#### **8.12.110 Inspections.**

A. For the purpose of determining compliance with the provisions of this chapter, the chief of police or authorized representatives are authorized to make inspections of all noise sources and to take measurements and tests whenever necessary to determine the quantity and character of noise. If any person refuses or restricts entry and free access to any part of a premise, or refuses inspection, testing or noise measurement of any activity, device, facility, motor vehicle or process where inspection is sought, the chief of police or authorized representative may seek from the court a warrant for inspection requiring that such person permit entry and free access without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise. The court shall have the power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

B. It is unlawful for any person to refuse to allow or permit the chief of police free access to any premise when he or she or an authorized representative is acting in compliance with a warrant for inspection and order issued by the court.

C. It is unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement or noise or noise services.

D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of their duties under this chapter.

#### **8.12.120 Violation -- Penalties.**

A. In addition to the imposition of other penalties, violations of sections 8.12.030 through 8.12.090 of this chapter are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.

B. Citations for a class 2 misdemeanor to any person who violates this title or any amendment hereto. The citation for a class 2 misdemeanor is punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL § 22-6-

2. Each day that any violation of this title is in effect shall constitute a separate offense. Additionally, a permit issued under this chapter may be revoked or terminated by the city for violations of sections 8.12.030 through 8.12.090 of this chapter.

~~C. — Additionally, violations of sections 8.12.030 through 8.12.090 of this chapter may subject the violator to the general penalties prescribed in Chapter 1.12 of Deadwood City Ordinances.~~

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2012201.

CITY OF DEADWOOD

Mayor

~~Francis Toseana~~Charles Turbiville,

ATTEST:

\_\_\_\_\_  
Mary Jo Nelson  
Finance Officer

First Reading: \_\_\_\_\_, 2012201  
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