

SHORT TERM RENTAL
ORDINANCE PACKET TO ACCOMPANY APPLICATION

NOISE REGULATIONS

§ 93.20 PURPOSE AND INTENT.

This subchapter 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 the topography of the city and that businesses are located primarily along the streets and highways which travel through the valley 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 subchapter to establish regulations and controls which will allow the use of sound amplification equipment 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.

(Ord. 1062-18, passed 10-1-2018)

§ 93.21 DEFINITIONS AND STANDARDS.

All terminology used in this subchapter and not defined in this section shall be in conformance with applicable American National Standards Institute publications or those from its successor publications or bodies. For the purposes of this subchapter, certain words and phrases used in this subchapter are defined as follows:

AMBIENT SOUND PRESSURE LEVEL. The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources.

BOUNDARY. The property boundary (line).

CONTINUOUS SOUND. Any sound which exists, essentially without interruption, for a period of ten minutes or more.

CYCLICALLY VARYING NOISE. Any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.

DECIBEL. A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as "dBA."

DEVICE. Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

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.

EMERGENCY VEHICLE. A motor vehicle used in response to any emergency or to protect persons or property from imminent exposure to danger.

EMERGENCY WORK. 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.

GENERATING LAND USE DISTRICT. The zoning use established by city zoning ordinances at which the noise is generated.

IMPULSIVE NOISE. A noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristic.

LIVE MUSIC or **ENTERTAINMENT.** Any person or group performing in person.

MOTOR VEHICLE. Any vehicle which is self-propelled by mechanical power.

MUFFLER. 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.

NOISE. Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE. 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.

PERSON. 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.

PLAINLY AUDIBLE NOISE. 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.

PROPERTY BOUNDARY. Any well-defined 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.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.

PURE TONE. Any sound which can be distinctly heard as a single pitch or a set of single pitches.

RECEIVING LAND USE DISTRICT. The zoning use established by city zoning ordinances at which the noise is heard.

REPETITIVE IMPULSIVE NOISE. 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 dBA.

SOUND. 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.

SOUND LEVEL METER. 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, as specified by the American National Standards Institute.

SOUND PRESSURE. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

SOUND PRESSURE LEVEL. The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dBA or dB(A).

STATIONARY NOISE SOURCE. Any device, fixed or movable, which is located or used on property other than a public right-of-way.

STEADY NOISE. A sound pressure level which remains essentially constant during the period of observation, i.e., does not vary more than six dBA when measured with the slow meter characteristic of a sound level meter.

USE DISTRICT. Those districts established by the city zoning ordinance.

(Ord. 1062-18, passed 10-1-2018)

§ 93.22 NOISES PROHIBITED.

(A) *General prohibitions.* 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 motor 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 in such a manner as to violate § [93.28](#) 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) *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 § [93.28](#) or cause a noise disturbance. The provisions of this division 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.

(4) *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 7:00 a.m. (the following day) in such a manner as to violate § [93.28](#) or cause a noise disturbance.

(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 thereto in:

(a) Residential or commercial land use districts between the hours of 10:00 p.m. and 7:00 a.m. (the following day).

(b) Any land use districts where such operation exceeds the sound level limits for an industrial land use.

(6) *Power equipment.* Operating or permitting to be operated any power equipment used for home or building repair or grounds maintenance, including, but not limited to power saws, sanders, lawn mowers, generators or garden equipment, in residential or commercial zones outdoors between the hours of 10:00 p.m. and 7:00 a.m. (the following day).

(7) *Commercial power equipment.* Operating or permitting to be operated any power equipment, except construction equipment used for construction activities, including but not limited to chain saws, pavement breakers, log chippers or powered hand tools in residential or commercial land use districts between the hours of 10:00 p.m. and 7:00 a.m. (the following day).

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

(9) *Defect in vehicle.* Operating or permitting to be operated or used any motor vehicle which, by virtue of disrepair or manner of operation, violates § [93.28](#) or causes a noise disturbance.

(10) *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 § [93.28](#) or cause a noise disturbance for a consecutive period longer than 15 minutes during which such vehicle is stationary in a residential zone.

(11) *Recreational vehicles and snowmobiles.* Operating a recreational vehicle or snowmobile in a manner which violates § [93.28](#) or causes a noise disturbance.

(Ord. 1062-18, passed 10-1-2018) Penalty, see § [93.99](#)

§ 93.23 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 sound pressure level 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 generating property land use districts when measured at the boundary of the generating property.

(1) Normal sound.

<i>Generating Land Use Districts (Zoning)</i>	<i>Time</i>	<i>Sound Level Limit (dBA)</i>
Residential	7:00 a.m. to 10:00 p.m.	60
Residential	10:00 p.m. to 7:00 a.m.	55
Commercial or business	At all times	70
Industrial	At all times	75

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

(B) *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 division (A) of this section shall be reduced by five dBA.

(2) Notwithstanding compliance with division (B)(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 that creates a noise disturbance.

(Ord. 1062-18, passed 10-1-2018) Penalty, see § [93.99](#)

§ 93.24 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.

(Ord. 1062-18, passed 10-1-2018)

§ 93.25 EXEMPTIONS.

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

- (A) Noise of safety signals, warning devices and emergency pressure relief valves.
- (B) 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.
- (C) Noise resulting from emergency work.

(Ord. 1062-18, passed 10-1-2018)

§ 93.26 EXCEPTIONS.

The following exceptions shall be allowed between the hours of 7:00 a.m. and 10:00 p.m. in residential or commercial land use zones. These uses and activities are not required to obtain a sound permit unless otherwise stated:

- (A) School outdoor concerts and music activities including marching band activities, concerts, and parades, sporting activities with musical components, art festivals and student fund-raisers.
- (B) Religious organizations conducting worship services outdoors, including, but not limited to, operation of a bell for religious activity.
- (C) The City of Lead, including, but not limited to, Parks and Recreation Department-sponsored activities; community events, parades, festivals or celebrations in conjunction with declared special events.
- (D) *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, up to one hour after sunset.
- (E) *Domestic power equipment.* Operating or permitting to be operated any power equipment 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, up to one hour after sunset.
- (F) *Commercial power equipment.* Operating or permitting to be operated any power equipment, except construction equipment used for construction activities, 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 80 dBA measured at a distance of 50 feet, up to one hour after sunset.

(G) Athletic games, contests, entertainment shows or events.

(H) Outdoor live entertainment in commercial or special use zones, provided the max dBA at the boundary does not exceed 80 dBA.

(Ord. 1062-18, passed 10-1-2018)

§ 93.27 PERMIT.

(A) Applications for a permit for relief from the noise restrictions in this subchapter for an activity shall be made to the city finance office. Permits must comply with the following:

(1) Application shall be made on a form provided by the city Finance Officer.

(2) Application shall be made a minimum of 48 hours before the City Commission meeting, at which the permit shall be considered. (For instance, the City Commission meeting on a Monday will require the permit to be submitted to City Hall on the preceding Thursday).

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

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

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

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

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

(4) The City Commission may periodically review the permit and, if findings warrant, revise the terms and conditions of the permit or revoke the permit.

(Ord. 1062-18, passed 10-1-2018)

§ 93.28 REVOCATION OF PERMIT.

A permit issued under this chapter may be revoked or terminated by the city if the noise which is produced under the permit becomes unreasonably loud, raucous, jarring, disturbing, disruptive or annoying to residents or other persons within the city.

(Ord. 1062-18, passed 10-1-2018)

§ 93.29 ENFORCEMENT RESPONSIBILITY.

The Police Department shall have exclusive responsibility to investigate, issue citations and submit reports for this subchapter as it relates to both stationary sources and vehicular sources to the City Commission.

(Ord. 1062-18, passed 10-1-2018)

§ 93.30 INSPECTIONS.

(A) 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.

(B) No person shall hinder or interfere with any authorized person while in the performance of their duties under this subchapter.

(Ord. 1062-18, passed 10-1-2018)

§ 79.01 DECLARATION OF PUBLIC INTEREST.

(A) The physical appearance of residential neighborhoods make a significant contribution to the total community image. The allowance of reasonable amount of vehicular parking and storage without having a detrimental effect upon residential neighborhoods is needed. It is necessary to regulate the location for parking and storage of vehicles in order to prevent the creation of pedestrian and vehicular safety hazards. Vehicle parking and storage can adversely impact the character of residential neighborhoods, therefore it is necessary to:

(1) Limit the number of vehicles which can be parked or stored outside of a building;

(2) Establish the areas in which recreational vehicles can be stored;

(3) Impose weight limitations upon the types of vehicles which can be stored in residential areas.

(B) The regulations prescribed in this chapter shall not supersede nor nullify private covenants that may lawfully impose other restrictions on the use of property.

(Prior Code, § 19-1300)

§ 79.02 VEHICLE PARKING AND STORAGE REQUIREMENTS WITHIN RESIDENTIAL ZONE.

(A) *Purpose.* The purpose of this section is to regulate the parking and storage of vehicles in residential zones. The city recognizes that the parking and storage of various types of vehicles is customarily accessory to residential uses.

(B) It shall be illegal to park or store in a residential zone:

(1) Any vehicle with a gross vehicle weight rating (G.V.W.R.) of 10,001 pounds or greater outside an enclosed building on or within public right-of-way.

(2) Any construction vehicles, equipment or trailers required to move such equipment not in an enclosed building on private property or within the public right-of-way unless authorized by a city parking variance permit.

(3) Any vehicle in a driveway in such manner that it creates a pedestrian or vehicular safety hazard.

(Prior Code, § 19-1301)

§ 79.03 LIMITATION ON NUMBER OF VEHICLES; OUTSIDE.

Subject to § [79.01](#)(A)(2), the maximum number of vehicles parked shall be one vehicle per licensed driver up to three per occupied residence. This limitation shall apply to the parking of vehicles on or in the public right-of-way within 500 feet of the occupied residence, measured linearly along the road/street right-of-way. This restriction shall not apply to the parking of guest vehicles as long as said parking does not exceed ten days.

(Prior Code, § 19-1302) (Ord 1028-14, passed 8-18-2014)

§ 79.04 RECREATIONAL VEHICLES (RVs) AND ALL TRAILERS; PARKING AND STORAGE LIMITS.

(A) Storage standards:

- (1) Storage is allowed inside of an enclosed building or on private property.
- (2) Storage is prohibited within the public right-of-way or in city public parking lots.

(B) Limitations:

- (1) No recreational vehicle shall be used in such a manner as to constitute a temporary dwelling unit except in recreational vehicle parks (RVP) only.
- (2) No recreational vehicle shall be temporarily or permanently connected to wastewater or water lines or a source of electricity while parked in the public right-of-way.
- (3) For the purpose of this section, a **RECREATIONAL VEHICLE** shall be defined as a vehicle used primarily for sport, amusement or leisure travel.
- (4) For the purpose of this section, a vehicle which meets the definition of a recreational vehicle and is used primarily for personal transportation on a daily basis shall not be classified as a recreational vehicle.

(C) Temporary parking:

- (1) Parking is allowed for a period not to exceed 24 hours for loading and unloading of recreational vehicles.

(2) Any vehicle which is parked in the same vicinity for over 24 hours is presumed to be stored.

(3) Exception to section shall be given by a temporary parking variance permit.

(Prior Code, § 19-1303)

§ 79.05 PARKING AND STORAGE VARIANCE PERMITS; REQUIREMENTS, CRITERIA AND FEE.

(A) In addition to the exceptions in § [79.03](#), variance permits from the parking and storage regulations are hereby required. Authorization will be granted if all of the following criteria are met.

(1) That the proposed location of the vehicle will not create a pedestrian or vehicular safety problem.

(2) The granting of the variance permit will not have an adverse impact upon the surrounding properties and neighbors.

(3) Application is made to the city and the application fee is paid.

(4) Application fee shall be \$5 per application request.

(5) The applicant demonstrate a need for the variance permit.

(B) *Guidelines for review of variances.*

(1) *Pedestrian or vehicular safety.* The following traffic related factors shall be considered:

(a) The speed limit;

(b) Vehicular traffic volume;

(c) Pedestrian traffic volume;

(d) Sight distance;

(e) Physical design characteristics of the sidewalk and street.

(2) *No adverse impact.*

(a) The granting of a variance permit shall not be detrimental to public health, safety and welfare or injurious to surrounding property or neighbors.

(b) The granting of a variance permit shall not be inconsistent with any plans adopted by the city.

(c) The granting of a variance permit shall not weaken the general purpose of the zoning ordinance or its regulations.

(d) The variance permit, if granted, shall only be to the extent necessary to afford a reasonable use of the public right-of-way.

(3) *Conditions of approval.* Special conditions may be imposed upon variance permit approvals in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the vehicle or the location in public right-of-way.

(4) *Application for requested variance permit.* Any owner of record, or authorized agent for said owner, whose authorization shall be made part of the application record, may submit an application for a variance permit to the Police Department for processing. A submitted complete application shall include the location on public right-of-way to be used. The permits shall be issued for no more than five days and shall expire automatically from the date of issuance. The above referenced location on public right-of-way shall be specific as to the street for which the variance is requested.

(5) *Review procedure.* Variance permit requests are under the jurisdiction of the Police Department and are governed by this chapter.

(Prior Code, § 19-1304)

§ 79.06 PUBLIC PARKING ON MAIN STREET.

Public parking on Main Street shall be maintained on the south side of Main Street from Galena Street to Siever Street.

(Ord. 1010-12, passed 12-3-2012)

§ 71.25 STANDING OR PARKED VEHICLES; UNOBSTRUCTED LANE REQUIRED.

In no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any street or highway unless a clear or unobstructed width of not less than ten feet upon the main traveled portion of such street or highway opposite such standing vehicle shall be left for free passage of other vehicles thereon.

(Prior Code, § 19-624)

§ 71.26 DEAD STORAGE.

(A) *Vehicles.*

(1) Any vehicle, motorized, self-propelled or towed shall be deemed dead storage if any of the following conditions exist:

- (a) Not legally licensed in the current year;
- (b) Not operable upon demand;
- (c) Not moved within 72 hours from city streets or city-owned parking lots.

(2) Exception to this section shall be if the owner leaves the area for any reason and has notified the Police Department of that fact. The owner shall be responsible for any towing if an emergency arises and the city has to remove the vehicle for the emergency. Nothing in this section precludes the Police Department from immediately removing a motor vehicle in violation of division (A)(1)(a) and (b) above.

(B) *Enforcement.* Any officer observing or receiving information of dead storage shall observe and/or mark the vehicle for 72 hours. If said violation is there after 72 hours, a notice to remove and a \$25 citation will be issued. If said violation remains there after a notice to remove is given the vehicle shall be towed off city property or street. If the same vehicle is found to be in violation of the dead storage ordinance a second time, the second and subsequent citations shall be increased progressively by \$25 each time up to \$100. If the vehicle exhibits obvious signs that it has not been moved, (i.e. two or more flat tires, snow build up on or around vehicle, expired license plates) the officer may remove the vehicle immediately upon view without notice to the owner of said vehicle.

(C) *Vehicle disposal.* Vehicles towed under division (B) above may be impounded in the city impound area or released to the towing company to dispose of in compliance with state statute. Any vehicle towed to the city impound area will require that a letter to the last registered owner and lien holder shall be sent within 24 hours, unless towed during the weekend, then the letter shall be sent the following Monday. If vehicles are held unclaimed for more than ten days, the city may publish a notice of abandonment. Such notice shall allow the registered owner 30 days to reclaim vehicles by paying all fines, towing and storage against said vehicles. After 30 days, the city may sell vehicles by sealed bid. A bill of sale will be issued upon all sales.

(Prior Code, §§ 19-624A, 624B, 624C) (Am. Ord. 1017-13, passed 5-20-2013)

§ 71.27 POSITION OF PARKING ON TWO-WAY ROAD.

Except as otherwise provided in §§ [71.28](#) and [71.29](#) every vehicle stopped or parked upon a two- way roadway shall be so stopped or parked with the right hand wheels parallel to and within 12 inches of the right hand curb or edge of the roadway.

(Prior Code, § 19-625)

§ 71.28 POSITION OF PARKING ON ONE-WAY ROAD.

Every vehicle stopped or parked upon a one-way street or roadway shall be so stopped or parked parallel to the curb or edge of the street or roadway, in the direction of authorized traffic movement, with its right hand wheels within 12 inches of the right hand curb or edge of the street or roadway, or its left hand wheels within 12 inches of the left hand curb or edge of the street or roadway.

(Prior Code, § 19-626)

§ 71.29 NO PARKING ZONES POSTED BY CITY.

The Commissioners of the City of Lead with respect to streets and highways under their jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any street or highway where in their opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the street or highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

(Prior Code, § 19-627)

§ 71.30 OPENING OF DOORS ON TRAFFIC SIDE OF STOPPED VEHICLES.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Prior Code, § 19-628)

§ 71.31 REMOVAL OF VEHICLES IMPROPERLY PARKED OR STANDING.

Whenever any peace officer shall find a vehicle standing upon a street or highway in violation of the provisions of § [71.25](#), he/she is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under said sections.

(Prior Code, § 19-629)

§ 71.32 DISABLED VEHICLE EXCEPTED.

The provisions of § [71.31](#) shall not apply to the driver of any vehicle which is disabled while on a main traveled street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position. The driver of said disabled vehicle shall notify the police immediately that his/her vehicle is disabled and the means that they will have it removed.

(Prior Code, § 19-630)

§ 71.33 PLACES WHERE STANDING AND PARKING PROHIBITED.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (A) By blocking a public or private driveway not his/her own;
- (B) Within 15 feet of a fire hydrant;
- (C) Within ten feet of any intersection;
- (D) Within 30 feet upon the approach to any flashing signals;
- (E) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted;
- (F) At any place where official signs prohibit standing;

(G) Small cars only may park on Main Street in the city in the first stall to the west of any such intersection. A small car is defined as a motor vehicle which is five feet wide by 14 feet long by five feet high or less;

(H) No large motor vehicle shall park on any street within the city a large motor vehicle is defined as a motor vehicle with three or more axles on one chassis or in combination with more than one chassis.

(Prior Code, § 19-631) (Ord. 1078-21, passed 7-19-2021)

§ 71.34 PLACES WHERE PARKING PROHIBITED.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall stop, stand or park a vehicle:

(A) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(B) On a sidewalk;

(C) Within an intersection;

(D) On a crosswalk;

(E) With its left side to curb;

(F) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(G) At any place where official signs, yellow markings or both prohibits stopping.

(Prior Code, § 19-632)

§ 71.35 PLACES WHERE PARKING PROHIBITED; EXCEPTION FOR LOADING OR UNLOADING.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers: At any place where official signs prohibit parking.

(Prior Code, § 19-633)

§ 71.36 UNAUTHORIZED MOVEMENT OF ANOTHER VEHICLE INTO PROHIBITED AREA.

No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

(Prior Code, § 19-634)

§ 71.37 (RESERVED).

§ 71.38 USE OF PRIVILEGES BY NON-HANDICAPPED PERSON.

No person who is not physically handicapped shall exercise the privileges granted a physically handicapped person.

(Prior Code, § 19-636)

§ 71.39 UNAUTHORIZED PARKING IN HANDICAPPED SPACE.

Any vehicle not displaying a serially numbered certificate or special license plate may not park in a parking space on public or private property designated as reserved for the physically handicapped. Violation of this section will be subject to a \$50 fine.

(Prior Code, § 19-637)

§ 71.40 TIME LIMIT ON PARKING.

(A) Such period of time as shall be established by resolution of the Board of Commissioners and plainly marked at the area restricted.

(B) Restriction shall be enforced on Saturdays, Sundays, or Holidays.

(Prior Code, § 19-638)

§ 50.37 DISPOSITION OF HEAVY ACCUMULATIONS.

Heavy accumulations such as earth or dirt, brick, broken concrete, lumber ashes, plaster, sand or gravel, large dead trees, Christmas trees which exceed seven feet in length, tree branches that are not in bundles of three feet in length or less and two feet or less in diameter, automobile frames or parts, appliances, furniture and other bulky, heavy materials, shall be disposed of at the expense of the owner or person controlling the same.

(Prior Code, § 16-302) Penalty, see § [50.99](#)

§ 50.38 CERTAIN WASTES; DISPOSITION.

Wastes from lumber yards, building material suppliers, building contractors, offal from meat and other packing plants, waste oil and used tires shall be disposed of at the expense of the party responsible for the same.

(Prior Code, § 16-303) Penalty, see § [50.99](#)

VIOLATIONS; PROHIBITED ACTIVITIES

§ 50.50 UNLAWFUL TO ACCUMULATE GARBAGE OR TRASH.

It shall be unlawful for any owner, agent or occupant of any lot, yard, place, store, residence or premises of any kind, to suffer, allow or permit slop, decaying animal or vegetable matter, garbage, ashes, tin cans, discarded crockery, discarded metal or other substances to accumulate in any yard, place, store, residence or premises or in or upon any sidewalk, alley, place, store, residence or premises.

(Prior Code, § 16-400) Penalty, see § [50.99](#)

§ 50.51 LITTERING PROHIBITED; GENERALLY.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, bottles, refuse or any other form of litter or waste matter.

(Prior Code, § 16-401) Penalty, see § [50.99](#)

§ 50.52 BURNING.

(A) It shall be unlawful for any person to burn any garbage, rubbish, leaves, grass or other organic refuse, outside of any building at any time in the city, except by permit.

(B) It shall be unlawful to burn paper, excelsior or any other material which may produce sparks and be blown about by the wind, anywhere in the city, unless the same is burned in a stove, fireplace or furnace sufficiently fireproof to prevent the escape of ignited particles, except by permit.

(Prior Code, § 16-402) Penalty, see § [50.99](#)

§ 50.53 CAUSTIC WASTE IN SEWER PROHIBITED.

It shall be unlawful for any person to throw, drop, cast or pour into the city sewer system or into any city storm sewer any waste oil or other oil, caustic substance or any other like substance which would degrade the waters or which would interfere with the functions or operation of the sewage treatment lagoons or sewage treatment plant.

(Prior Code, § 16-403) Penalty, see § [50.99](#)

§ 50.54 DISPOSITION OF FLAMMABLE MATERIALS.

Highly flammable or explosive materials shall not be placed in containers for regular collection or disposal, but shall be disposed of as directed by the city at the expense of the owner or possessor thereof.

(Prior Code, § 16-404) Penalty, see § [50.99](#)

§ 50.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

§ 50.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FAMILY DOMESTIC UNIT. Any single independent family unit, irrespective of the number of persons constituting the family, but shall not include a situation where more

than one family lives together in any single residence or abode, but in the situation each of the independent families shall be deemed and regarded as a separate and distinct family domestic unit. Each independent family unit living in multiple dwelling residences, apartment houses or any types of residences, including trailer houses or mobile homes, shall each be deemed a **FAMILY DOMESTIC UNIT** for the purposes of this chapter.

GARBAGE. Kitchen refuse, cans, bottles, paper, ashes, clipped grass, tree leaves and other waste materials ordinarily originating on household or commercial premises, and items which can be and are placed in regulation garbage containers as provided for in this chapter. The word **GARBAGE** shall not include highly flammable or explosive materials.

RESIDENTIAL UNIT. Housekeeping units living under one roof, apartment dwelling or mobile home housing, whether occupied or not.

RUBBISH. Large cardboard cartons, accumulations of tree leaves, tree limbs and branches, and other ordinary household or commercial rubbish or vegetation not customarily placed in regulation garbage containers. The word **RUBBISH** shall not include highly flammable or explosive materials.

(Prior Code, § 16-102)

COLLECTION REGULATIONS

§ 50.15 SUPERVISION.

All garbage and rubbish accumulated in the city shall be collected, conveyed and disposed of under the supervision of the Lead City Commission.

(Prior Code, § 16-200)

§ 50.16 FREQUENCY OF COLLECTION.

(A) The collection of garbage shall be made from all residential premises one or more times each week except when legal holidays prevent, or in case of an emergency. The collection of garbage from all commercial establishments shall be made as needed.

(B) These collections of garbage from residential and commercial establishments shall be made provided that the garbage material is properly stored for collection in containers complying with the provisions of this subchapter.

(Prior Code, § 16-201)

§ 50.17 GARBAGE CONTAINERS REQUIRED.

(A) All family domestic units where kitchen garbage accumulates shall provide one or more watertight metal or plastic garbage cans, with tightly fitted covers, not to exceed 30 gallons in size. Family domestic units shall provide sufficient cans to hold at least one week's accumulation of garbage. The garbage cans shall be provided with suitable handles. Military G.I. cans, oil drums and cyanide cans shall not be used as garbage cans.

(B) All garbage which is an accumulation of animal and vegetable matter shall be placed in a garbage can or other suitable container. Other types of materials defined in § [50.03](#) above as garbage may be placed in either the garbage cans or in suitable and sufficiently strong containers to adequately hold and confine the waste materials. No person shall place anything in a garbage can other than garbage, as defined in § [50.03](#) above, and then only after draining off moisture from moist substances and wrapping them in paper to avoid freezing of the substances to the garbage can or container. No hot ashes shall be placed in any garbage container.

(C) Garbage cans shall be kept tightly closed except during the collection or deposit of garbage. The contents of all receptacles shall be so protected that the wind cannot blow out and scatter same over the streets, alleys and premises of the city.

(Prior Code, § 16-202) Penalty, see § [50.99](#)

§ 50.18 MAINTENANCE AND REPLACEMENT OF GARBAGE CONTAINERS.

(A) Every garbage can or container required by this subchapter shall be maintained by the owner or user in as sanitary condition as possible and shall be thoroughly cleansed as needed by washing, scalding or otherwise.

(B) It shall be the duty of every family domestic unit or commercial establishment where garbage accumulates, to replace, within ten days after receipt of condemnation notice issued by the city, any garbage cans or containers that have deteriorated or that have jagged edges capable of causing injuries to those whose duty it is to handle the containers.

(Prior Code, § 16-203) Penalty, see § [50.99](#)

§ 50.19 LOCATION OF GARBAGE CONTAINERS.

(A) On the days of the garbage collection, the garbage shall be put in a place as shall be convenient for the garbage collectors or haulers. Garbage cans and waste materials containers shall be placed on the premises adjacent to an alley bordering on the premises. Where no alley is available, garbage cans and waste materials containers shall be so placed that the collectors of garbage do not have to carry the cans or containers for a distance of more than ten feet to reach the collection vehicle.

(B) No garbage collection vehicle shall be required to use any private driveway in collecting garbage under the provisions of this subchapter.

(Prior Code, § 16-204) Penalty, see § [50.99](#)