

10-0701. - Noisy party or gathering prohibited.

No person shall participate in any party or gathering consisting of two or more people when such party or gathering occurs in residentially zoned or used areas or buildings between the hours of 10:00 p.m. and 6:00 a.m. (subject to the exception set forth hereinafter) and when said party or gathering gives rise to unreasonable noise likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area, in consideration of the time of day and the residential character of said area or building. The 10:00 p.m. closing time may be extended by special permit secured from the board of city commissioners. Violation of this section shall be an infraction.

Source: 2508 (1989), 2653 (1993), 3029 (1999), 4393 (2004).

10-0702. - Order to disperse—Refusal prohibited.

When a police officer determines that a party or other gathering of people is creating such unreasonable noise, disturbing the peace, or is disturbing the quiet or repose of another person, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave the premises after being ordered by a police officer to do so.

Source: 2508 (1989), 2653 (1993).

10-0703. - Tenant or owner—Cooperation required.

Every owner of such premises, or tenant in charge of such premises, who has knowledge of the disturbance shall cooperate with such police officer and shall make reasonable effort to stop the disturbance.

Source: 2508 (1989).

10-0704. - Violations—Prima facie evidence.

The following shall be prima facie evidence in any prosecution under this article:

- A. As to tenants, and owner if owner resides on the premises, if twice or more on the same day or if on successive days, the Fargo police department is called upon to enforce the terms of this ordinance either by citizen complaint or by personal investigation of peace officer.
- B. As to the owner if the owner does not reside at the premises, if after owner receives written notice of three violations of this ordinance by his tenants at any premises owned by owner in the city of Fargo within a six-month period, and after receipt of such written notice, the Fargo police department is called upon to enforce this ordinance either by citizen complaint or by personal investigation of a peace officer.
- C. Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of unreasonable noise in violation of this article.

Source: 2508 (1989), 3029 (1999).