

Published Nov. 15, 2018

ORDINANCE NO. O-46-18

An ordinance relating to Chapter 22 Miscellaneous Provisions and Offenses, Article IV Offenses Against Public Peace, adding new Section 22-128; Noise Disturbances and repealing Section 33-20; Noise of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 22 Miscellaneous Provisions and Offenses, Article IV Offenses Against Public Peace, adding new Section 22-128; Noise Disturbance of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, to read as follows:

Sec. 22-128. – Noise Disturbance

(a) It shall be unlawful for any person to:

(1) Make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise in such manner as to disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal auditory sensitivity residing in the area. A determination of whether a sound violates this subsection (a)(1) may include consideration of factors such as the sound's cause, volume, intensity, nature, and duration, as well as consideration of the time of day or night and zoning and location of where the sound can be heard.

(2) Use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of any reasonable person of normal auditory sensitivity inhabiting the area.

(3) Operate self-contained, portable, non-vehicular music or sound production devices on a public space or right of way in such a manner as to be plainly audible at a distance of fifty feet (50') in any direction from the operator between the hours of 7:00 A.M. and 10:00 P.M. Between the hours of 10:00 P.M. and 7:00 A.M, sound from such equipment operated on a public space, shall not be plainly audible by any person other than the operator.

(4) Congregate because of, participate in or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of any reasonable person of normal auditory sensitivity residing in any residential area. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this ordinance;

provided; however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants residing in the dwelling unit where the party or gathering occurs shall, upon request of a police officer, cooperate fully in abating the disturbance and failing to do so shall be in violation of this ordinance.

(b) Prima Facie Violation: The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise- or sound-producing or amplifying device at any time in such a manner as to be plainly audible across a property boundary line in a residential area, or for fifty feet (50') or more in the case of a multiple-family dwelling between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. shall be prima facie evidence of a violation of this Section.

(c) Exceptions: The following shall not be considered to be violations of this Section:

(1) Sound from law enforcement motor vehicles and other emergency motor vehicles including, but not limited to, snow-clearing equipment;

(2) Sound from vehicles or equipment belonging to the city, state, county, federal government, school or other governmental agencies or utilities employed by a governmental agency engaged in preparing for or remedying a potentially hazardous situation in which immediate physical trauma or property damage is occurring or threatened;

(3) Sound that a person is making or causing to be made when said person has received and maintains a valid license or permit that specifically allows the sound from any department, board or commission of the City authorized to issue a license or permit; and

(4) Sound from the operation of emergency generators used in emergency situations when electricity from the grid is unavailable;

(5) Sound from racing events; and

(6) Sound from alarm systems.

(d) Definitions. The following words when used in this section shall, for the purpose of this section, have the meaning respectively ascribed to them in this section unless otherwise defined in the text:

(1) "Neighboring inhabitants" includes those persons in single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms within the vicinity of the noise.

(2) "Plainly audible" means capable of being heard, whether or not the words or melodies can be distinguished, and includes the sound of bass alone.

(3) "Property owner" means a property owner as recorded with the register of the deeds in the county in which the property is located.

(4) "Residential area" means any property located within a residential zoning district.

(5) “Tenant” means any person who has an interest in real property either by oral or written lease or covenant.

(e) Violation. Any person convicted of violating this section shall be guilty of a class (c) violation.

Section 2. That said original Section 33-20; Swimming Noise of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after the passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS 8TH DAY OF NOVEMBER, 2018.

David Alvey/Mayor CEO

Attest:

Unified Government Clerk

Approved As To Form:

Unified Government Counsel