

ORDINANCE NO. G-1107

AN ORDINANCE AMENDING TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS, TO ALLOW JUNCTION CITY POLICE OFFICERS TO FILE AN UNLAWFUL NOISE COMPLAINT.

WHEREAS, the Junction City Police Department has determined it to be prudent to allow a police officer to file a complaint when violations of the unlawful noise ordinance occur.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. Section 220.740 of the Municipal Code of the City of Junction City, Kansas, is hereby amended by deleting the existing language and replacing it with the following:

SECTION 220.740:

A. Noises Prohibited.

1. *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following subdivisions.
2. *Horns, audible signaling devices, etc.* No person shall sound any audible signaling device on any vehicle except as a warning of danger in the conformance with the traffic laws of the City of Junction City, Kansas.
3. *Exhaust.* No person shall discharge the exhaust or permit the discharge of the exhaust of any internal combustion engine except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable City or State laws and regulations.
4. *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
5. *Loading, unloading, unpacking.* No person shall create loud and excessive noise in loading, unloading or unpacking any vehicles.
6. No person shall play, use, operate or permit to be played, used or operated any sound amplification system on any property, whether public or private property, or from within a vehicle on such property (i) in such a manner or with such volume, intensity or with continued duration so as to annoy, to distress or to disturb the quiet, comfort or repose of any person of reasonable sensibilities, or (ii) within a distance of fifty (50) or more feet from the vehicle or property line upon which the sound amplification system is located, or (iii) both (i) and (ii) above.
 - a. *"Sound amplification system"* means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

- b. "Plainly audible" means any sound produced by a sound amplification system which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included. A motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway on either public or private property.
- c. It is an affirmative defense to a charge under this Section that the operator was not otherwise prohibited by law from operating the sound amplification system and that any of the following apply:
- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
 - (2) The vehicle was an emergency public safety vehicle.
 - (3) The system or vehicle was used in an authorized public activity such as a parade, fireworks, sporting events, musical production or other activities which have the approval of the Governing Body or a department of the City authorized to grant such approval.
 - (4) The person has obtained a noise waiver from the City Commission and/or City Manager in compliance with procedures and regulations established by the Chief of Police.

B. *Penalty.* Any person, individual, partnership, corporation or association who violates any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as follows.

1. For a first (1st) offense, a fine of not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00); and for a second (2nd) and subsequent offense in a calendar year, a fine of not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00) and a sentence of not more than three (3) days in jail.
2. Each separate offense in violation hereof which is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

Section 2. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

PAT LANDES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK

- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
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Each separate offense in violation hereof which is found to exist or continues to exist shall be a separate offense and punishable as such hereunder. (CC 1965 §12-814; Ord. No. G-702 §1, 5-27-88; Ord. No. G-809 §2, 8-3-93; Ord. No. G-901 §§1-2, 7-18-00; Ord. No. G-951 §§1-2, 7-15-03; Ord. No. G-965 §1, 6-1-04)