

**AN ORDINANCE DEFINING DISTURBING THE PEACE AND MAKING IT A VIOLATION OF THE LAW.**

WHEREAS, there have been several noise complaints to city hall.

WHEREAS, after thoughtful consideration, the Leoti Governing Body deems it in the best interests of the citizens of Leoti to limit disturbing the peace within the city limits.

THEREFORE, BE IT ORDAINED, by the governing body of the City of Leoti, Kansas:

1. That the following shall be added to Chapter 12 of the Leoti City Code and Appropriate headings and numbering added to be consistent with other code sections:

**EXCESSIVE NOISE CONSTITUTING DISTURBING THE PEACE**

**STATEMENT OF INTENT**

No provision of this Chapter shall be construed to limit or abridge the rights of any person to speak, peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from unreasonable intrusions caused by excessive, unnecessary, or unusually loud noises.

**DISTURBING THE PEACE**

It shall be unlawful for any person to make, continue, maintain or cause to be made or continue any excessive, unreasonable, or unusually loud noise which disturbs, injures, endangers the repose, health, peace, or safety of other people of ordinary sensitivity within the vicinity of the noise. Following is a nonexclusive list of prima facie violations:

1. 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 or repose of the neighboring inhabitants of ordinary sensitivity.
2. The repairing, rebuilding, or modifying of any motor vehicle, motorcycle, or motorboat in such a manner as to cause a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m.
3. The owning, keeping, or harboring of any animal that howls, barks, or emits audible sounds, without provocation of the complainant, that are unreasonably loud or disturbing which are of such character, intensity, and duration as to disturb the peace and quiet of a reasonable person in the neighborhood or to be detrimental to the life and health of any individual. There shall be a rebuttable presumption of an animal disturbance if any person keeps or harbors more than five animals.
4. The operation of any power tool, garden tool, lawnmower, snow blower or other similar equipment or device in residential areas in such a manner as to cause a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m.

5. The continued or frequent sounding of any horn, air horn, or signal device on any vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period.
6. Operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within or upon the vehicle so that the sound is audible at fifty (50) feet or more from the vehicle.

No person shall participate in or be in any party or gathering of people from which sound emanates at a sufficient volume to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity.

#### **ABATEMENT**

In lieu of writing a citation of this section, a police or other enforcement officer may order the producer of such noise or disturbance to cease its production or order persons attending a gathering to immediately disperse from the vicinity and failing to comply shall be in violation of this ordinance.

#### **EXEMPTIONS**

The following situations are exempt from noise ordinance regulations:

1. Emergency work necessary to restore property to a safe condition or to protect a person and property from eminent danger;
2. Sound for the purpose of alerting the public of an emergency or the performance of emergency work;
3. Trash and waste pickup operations;
4. Aircraft or railroads;
5. Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
6. Festivals or events occurring on public parks which are permitted or approved by the City;
7. Noise made by children and adults on educational facility and athletic grounds during school curricular and extracurricular activities;
8. Activities in the fields, grounds or facilities of any sporting arena, stadium, park, or sports complex to which the public has access;
9. Sound generated due to normal building conditioning and ventilation and property maintenance;
10. Sound which results from the reasonable use, recreational enjoyment or maintenance of residential property located in the City, including, but not limited to, noise made by children, lawn mowers, chippers, trimmers, blowers, and power tools;
11. Sound which results from the reasonable maintenance of commercial and governmental property including, but not limited to, lawn mowers, chippers, trimmers, blowers, and power tools;
12. Construction operations; and
13. Church bells and chimes.

14. Those other activities allowed by the City Clerk as a special event.

**ENFORCEMENT**

The police department or code enforcement officer may enforce this section. The fine for a violation shall be:

- 1<sup>st</sup> Offense: \$50.00
- 2<sup>nd</sup> Offense: \$100.00
- 3<sup>rd</sup> Offense: \$150.00
- 4<sup>th</sup> and Subsequent Offense: \$200.00

A violation of this section shall be a class C violation.

No prior conviction will be considered in determining the penalty if twelve (12) months have elapsed between the date of the violation and the date of the conviction.

Each occurrence of a violation, or in the case of a continuous violation, each day a violation occurs or continues, constitutes a separate offense and shall be punishable as such hereunder.

- 2. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

ADOPTED this August 2, 2021, by the City Council, City of Leoti, Kansas.



Charlie Hughes, Mayor

ATTEST:



City Clerk

