

(First published in the Mount Hope Clarion on the 2nd day of Sept., 2004.)

ORDINANCE NO. 04-6

AN ORDINANCE PERTAINING TO AND PROHIBITING
CERTAIN EXCESSIVE NOISE AND PROVIDING FOR PENALTIES
FOR VIOLATIONS
IN THE CITY OF ANDALE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
ANDALE, KANSAS.

SECTION 1: PURPOSE:

The Governing Body of the City of Andale, Kansas, recognizes that excessive loud noise may disrupt the peaceful environment of its citizens and can present a safety hazard to residents of the City of Andale, Kansas.

SECTION 2: PROHIBITED CONDUCT:

(a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from any vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle;

(b) No person shall operate or permit the operation of any loud speaker or sound amplification system on any public property or on any private property that is generally accessible to the public in a manner whereby the sound is plainly audible at a distance of more than fifty (50) feet from such loud speaker or sound amplification system;

(c) No person shall operate or permit the operation of any loud speaker or sound amplification system in an private building or dwelling unit in a manner whereby the sound is plainly audible outside said buildings structure or outside the dwelling unit;

(d) No person shall make, continue, or cause to be made or continue any loud, improper, unnecessary or unusual noise between the hours of 10:00 p.m. and 6:00 p.m.

(e) No person shall permit any dog to bark excessively such as to reasonably arouse alarm, anger or resentment in others.

SECTION 3: DEFINITIONS:

(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 from within the vehicle, 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. Words or phrases need not be discernible and bass reverberations are included.

SECTION 4: DEFENSES:

It is affirmative defense to a charge under this ordinance that the operator is not otherwise prohibited by law from operating the sound amplification system, and that any of the following exemptions to the prohibited conduct shall apply.

(a) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(b) The system was being operated in an emergency vehicle, by personnel authorized to operate such vehicle;

(c) The vehicle was owned and operated by a governmental entity or a public utility company; or

(d) The loud speaker or system or vehicle was used in authorized public activities, such as parades, sporting events, school activities, public auctions and other activities which have the approval of the Governing Body or an agent of the city authorized to grant such approval.

SECTION 5: PENALTIES:

(a) Any person, individual, partnership, corporation or association who violates any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00;

(b) Each separate offense in violation hereof which is found to exist or continues to exist shall be deemed a separate offense and punishable as such hereunder.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect and be in force from and after its passage and publication once in the official newspaper.

SECTION 7: All prior ordinances or parts of ordinances in conflict herewith are repealed.

ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF ANDALE, KANSAS, this 23rd day of August, 2004.



Gerard Martin
Andale City Mayor

Attest: 
Virginia Edwards, Andale City Clerk