

ORDINANCE NO. 609

AN ORDINANCE PERTAINING TO LOUD SOUND AMPLIFICATION SYSTEMS AND REPEALING EXISTING ORDINANCES OF THE CITY OF SEDGWICK, KANSAS, IN CONFLICT HEREWITH.

Whereas, the use of loud sound amplification systems presents a safety hazard to the citizens of the City of Sedgwick; and

Whereas, the use of loud sound amplification systems in motor vehicles can prevent the operator of a motor vehicle from hearing approaching or overtaking emergency vehicles, and can distract a driver's attention from the safe operation of motor vehicles with the City; **NOW, THEREFORE,**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

Section 1: General Noise Restrictions.

No person shall operate or cause the operation of any sound-producing or sound-reproduction device between the hours of 10:00 p.m. and 7:00 a.m., whether from inside or outside a building, in such a manner or with such volume so as to emit sound which can be heard beyond the property line of any residential property. For purposes of these regulations, the term "residential property" is defined as any property upon which a residence or a residential living unity is located and which is located within any of the following zoning districts: R-1, R-2, R-M, A-1, C-1 or I-1, or any subsequent zoning districts replacing said designations and consistent with the purpose of said designations.

Section 2: Loud Sound Amplification Systems in Motor Vehicles Prohibited.

No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

Section 3: Definitions:

- (a) Sound amplification system means any radio, tape player, compact disc player, record player, loud speaker, sound amplifier, musical instrument, 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 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. If being produced from a motor vehicle, the motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

Section 4: 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:

- (a) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
- (b) The vehicle was an emergency or public safety vehicle.
- (c) The vehicle was owned and operated by the City of Sedgwick, or a gas, electric, communications or refuse company.
- (d) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Sedgwick.
- (e) The vehicle was used in authorized public activities, such as parades, fireworks, sport events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval.
- (f) Any horn, siren or other warning device that is being otherwise lawfully operated under a privilege granted by law.
- (g) Any activities which are reasonable related to the conduct of any business, commercial or industrial enterprise upon property that is zoned for such use or upon which such uses are otherwise lawful.
- (h) Any bell tower or other similar device which is part of a permanent structure and which tolls the passage of time or is otherwise lawfully used for ceremonial purposes.

Section 5: Penalty.

Any person, individual, partnership, corporation or association who violates any of the provisions of this ordinance is guilty of an ordinance violation, and upon conviction, shall be punished by a fine not to exceed \$500 or by imprisonment of not more than six months, or by both fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

Section 6: This ordinance shall take effect and be in force from and after its publication in the official newspaper of said City.

PASSED AND ADOPTED THIS 3RD DAY OF AUGUST, 1998.


Donald K. DeHaven, Mayor

ATTEST:


Jaclyn L. Reimer, City Clerk, CMC

SEAL:

