

## **ORDINANCE NO. 1812**

### **AN ORDINANCE PROHIBITING DISTURBING THE PEACE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**BE IT ORDAINED BY THE GOVERNING BODY OF NEODESHA, KANSAS:**

#### **SECTION 1. DISTURBANCE OF THE PEACE UNLAWFUL.**

- A. 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.
- B. It shall be unlawful for any person to 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.
- C. No person shall participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. 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.
- D. For the purposes of this ordinance, the term "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.

#### **SECTION 2. EXEMPTIONS.**

The requirements of Section 1, above, shall not apply to the following:

- (1) Emergency work necessary to restore property to a safe condition or to protect a person and property from imminent danger;
- (2) Emergency vehicles;
- (3) Alarm systems;
- (4) Trash and waste pickup operations;
- (5) Aircraft or railroads;
- (6) Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
- (7) Air conditioners and lawn care equipment;
- (8) Construction operations; and

(9) Church bells and campanile chimes.

(10) No provision of Section 1, above, 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.

**SECTION 3. PENALTIES.** Violation of any of the provisions of Section One, above, shall be a Class C violation the sentence which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one month. In addition to, or instead of, a sentence of confinement, the violator may be sentenced to pay a fine which shall be fixed by the court in a sum not exceeding \$500.00.

**SECTION 4. NO VIOLATION OF DISTURBING THE PEACE IF VIOLATION OF AMPLIFIED SOUND FROM VEHICLES ORDINANCE.** The provisions of this ordinance shall not apply to violations of Section 28-4 of the Neodesha City Code prohibiting Amplified sound from vehicles.

**SECTION 5. ORDINANCES REPEALED.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall be in full force and effect upon passage by the governing body and publication in the official city newspaper.

**PASSED BY THE CITY COMMISSION OF THE CITY OF NEODESHA, KANSAS, AND SIGNED BY THE MAYOR THIS 11<sup>th</sup> DAY OF DECEMBER 2024.**

ATTEST:

/s/ Devin Johnson

**Devin Johnson, Mayor**

/s/ Stephanie Fyfe

**Stephanie Fyfe, City Clerk**