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ORDINANCE NO. 253

AN ORDINANCE REGULATING CERTAIN NOISES AND LOUD SOUNDS
WITHIN THE CITY LIMITS OF THE CITY OF BARNES, KANSAS.

WHEREAS, the governing body of the City of Barnes, Kansas, recognizes the need to protect individuals from unreasonable, excessive, unnecessary or unusually loud noises.

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

Section 1. UNREASONABLE NOISE PROHIBITED.

It is unlawful for any person to make or allow to be made within the city limits of the City of Barnes, Kansas, any excessive, unnecessary, unusual, disturbing, or loud noise which creates a nuisance or injures, annoys, disturbs, or endangers the comfort, health, peace, or safety of others, or interferes with the use or enjoyment of property of any other person, unless the making of such noise is necessary for the protection and preservation of property or the health and safety of individuals in the City.

1. Noise Nuisances. The following acts, among others, are declared to be noise nuisances:

(a) The playing, or the permitting of playing, any radio, television, stereo, loud speaker, drum, juke box, auto stereo, musical instrument, sound system, sound amplifier of any kind, or device which produces or amplifies sound, when done in such a manner or with such volume or with continued duration so as to annoy, distress, or disturb the quiet comfort of persons or the peaceful enjoyment of property within the vicinity. The operation of the same between the hours of 11 p.m. and 7 a.m. so as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle where it is played, shall be prima facie evidence of a violation of this section. A permit for the use of a loudspeaker or sound amplifier may be procured from the city clerk after approval by the city council.

(b) The use of any motor vehicle, of any kind, so out of repair, or in such manner to create loud or unnecessary noise which may annoy, distress, or disturb the quiet comfort and peaceful enjoyment of any person(s) within the vicinity.

(c) The use or operation of any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle; otherwise known as jake-braking.

(d) The construction, excavation, demolition, alteration, or repair work of any building or property by use of any power tools or power equipment used in the construction, excavation, drilling, demolition, alteration, or repair work other than between the hours of 7 a.m. and 9 p.m.

(e) Any loud, excessive, unnecessary, unusual, disturbing or distressing noises, which, when produced, may be clearly heard from a distance of fifty (50) feet or more. The measurement standard shall be the normal auditory senses of a reasonable person, without concern as to whether words or phrases are actually discernible.

2. Exceptions. The following activities, provided that they are conducted as a normal function of a permitted use, and the equipment is maintained in proper working order, are excepted from the provisions of this article:

- (a) Lawn maintenance between the hours of 7 a.m. and 9 p.m.;
- (b) Repair of personal use vehicles between the hours of 7 a.m. and 9 p.m.;
- (c) Temporary stand-by power generators at any time of day;
- (d) Noise caused by operators of the City of Barnes utilities and City maintenance employees at any time of day;
- (e) Noise caused by operators and employees of any refuse company; provided such noise is generated during the normal operation of said business; at any time of day;
- (f) Emergency vehicles or sirens and emergency work by City employees at any time of day;
- (g) Alarm systems;
- (h) Special events and functions cleared by the City Council.

3. Enforcement. The law enforcement officers of Washington County, and any contract law enforcement officers with the City of Barnes, shall have all the power to enforce the provisions of this article.

4. Penalty. Any person who violates any provision of this ordinance is guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed five hundred dollars (\$500.00) plus all court costs. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Section 2. Legal Effect. This ordinance shall supersede and take the place of any city ordinance previously passed dealing with this subject matter or any ordinance, which contains terms, provisions, and requirements which are inconsistent with this ordinance.

Section 3. Publication; Effective Date. This ordinance shall be in full force and effect from and after its adoption by the City and publication in the official City newspaper. This ordinance shall be valid as an addition to the Standard Public Offense Code of the City and shall not be superseded by any passage of any new version of the Standard Public Offense Code.

Passed by the City Council this 11th day of August, 2014.

/s/ Steve Wieters, Mayor

ATTEST:

/s/ Laura Oentrich, City Clerk

(SEAL)