

Ordinance Summary published in the Miami County Republic on September 19, 2018 and the full text of the Ordinance made available at www.cityofpaola.com for a minimum of 1 week from the date of publication.

Ordinance No. 3130 Summary

On September 11, 2018, the City of Paola, Kansas, adopted Ordinance No. 3130, amending TITLE II: PUBLIC SAFETY HEALTH AND WELFARE, CHAPTER 205: OFFENSES, ARTICLE II: OFFENSES CONCERNING PEACE AND ORDER, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS by adding a new Section 205.015: Disturbing the Peace; and amending the title of Section 205.020 to read: Loud Sound Amplification Systems Prohibited – Vehicles. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at www.cityofpaola.com. This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 3130

AN ORDINANCE ADDING TITLE II: PUBLIC SAFETY HEALTH AND WELFARE, CHAPTER 205: OFFENSES, ARTICLE II: OFFENSES CONCERNING PEACE AND ORDER, SECTION 205.015: DISTURBING THE PEACE; AND AMENDING THE TITLE OF SECTION 205.020: LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED – VEHICLES, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS.

BE IT ORDAINED by the City Council of the City of Paola, Kansas, as follows:

SECTION 1. That a new SECTION 205.015: DISTURBING THE PEACE is hereby added to TITLE II: PUBLIC SAFETY HEALTH AND WELFARE, CHAPTER 205: OFFENSES, ARTICLE II: OFFENSES CONCERNING PEACE AND ORDER, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS and is hereby enacted and reads as follows:

Section 205.015. Disturbing the Peace.

- A. It shall be unlawful for any person to make, continue, maintain, or cause to be made or continue any excessive, unnecessary, unreasonable, or unusually loud noise which disturbs the repose, health, peace, or safety of other people of reasonable sensibility 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, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. "Neighboring inhabitants" shall include persons living or occupying within residential districts of single or multiple-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located.

- C. Prima facie violation. The operation of any electronic device, set, instrument, television, phonograph, machine or other sound-producing device at any time in such a manner as to be plainly audible at either the adjacent property line, or fifty (50) feet in the case of multiple-family dwelling between the hours of 10:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section.
- D. Exemptions. The following shall not be considered to be a disturbance for purposes of this Section:
 - 1. Sound from law enforcement motor vehicles and other Emergency Motor Vehicles including, but not limited to, snow-clearing equipment.
 - 2. Sound from vehicles or equipment belonging to the city, state, county, federal government, school or other governmental agencies or utilities engaged in the operation, installation, or repair of an essential utility.
 - 3. Sound from any business enterprise in full compliance with existing zoning regulations.
 - 4. Sound that a person or entity is making or causing to be made when said person or entity has received and maintains a valid Community Event Permit from the City of Paola. When any such permits or licenses are issued, the City Clerk shall provide the City's law enforcement with copies of the same.
 - 5. Sound from vehicles involved in trash and waste pickup operations;
 - 6. Sound from fields, grounds, or facilities from any sporting arena, playground, stadium, or sports complex operated by a school or governmental entity during activities sponsored by a school or governmental entity;
 - 7. Sound created by fire alarms;
 - 8. Sound created by church bells and campanile chimes.
- E. Penalties. Any person who violates the aforesaid provisions, upon conviction thereof, may be fined in the sum not to exceed Two Hundred fifty Dollars (\$250.00).

SECTION 2. That the title of SECTION 205.020: LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED in TITLE II: PUBLIC SAFETY HEALTH AND WELFARE, CHAPTER 205: OFFENSES, ARTICLE II: OFFENSES CONCERNING PEACE AND ORDER, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS and is hereby amended to read as follows:

Section 205.020. Loud Sound Amplification Systems Prohibited – Vehicles.

SECTION 3. That this ordinance shall become effective after its passage, approval, and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

PASSED by the Governing Body of the City of Paola this 11th day of September, 2018.

APPROVED by the Mayor of the City of Paola this 11th day of September, 2018.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk