

Published on this day _____ of Sept., 2019

ORDINANCE NO. 19-08

AN ORDINANCE PERTAINING TO EXCESSIVE NOISE AS CONTINUING
DISTURBANCE OF THE PEACE.

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

SECTION 1. Statement of Intent. No provision of this ordinance 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 2. Disturbing the Peace.

- 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 or ordinary sensitivity with louder volume than is needed for convenient hearing in the room, vehicle, chamber or place in which the machine or device is operated. The operation of such a set, instrument, machine or device between the hours of 10:00 p.m. and 7:00 a.m. so that it is plainly audible at a distance of fifty (50) feet from the building, structure, vehicle or place where it is located is prima facie evidence of a violation of this ordinance.

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 section; 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. Sound from such gathering between the hours of 10:00 p.m. and 7:00 a.m. that is

plainly audible at a distance of fifty (50) feet from the building, structure or place the gathering is located is prima facie evidence of a violation of this ordinance.

d. For 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 3. Exemptions. The requirements of this ordinance shall not apply to the following, provided that all equipment is in repair and operated properly:

- a. Emergency work necessary to restore property to a safe condition or to protect a person and property from eminent danger;
- b. Emergency vehicles;
- c. Alarm systems;
- d. Trash and waste pickup operations ;
- e. Noise resulting from the activities of a temporary duration planned by school, governmental or community groups;
- f. Aircraft or railroads;
- g. Air conditioners and lawn care equipment;
- h. Construction operations; and
- i. Church bells or chimes

SECTION 4. Any person convicted of a violation of this ordinance shall be sentenced to the county jail for a definite

term to be determined by the court for a period not exceeding 30 days or sentenced to pay a fine which shall be fixed by the Court but said fine shall not exceed FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS or be both fined and incarcerated.

SECTION 5. This Ordinance shall take effect upon and after its passage and publication in the official city newspaper.

PASSED AND APPROVED _____, day of _____, 2019



Lance Nichols - Mayor