

CHAPTER XI. PUBLIC OFFENSES.

ARTICLE 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE

ARTICLE 2. CRIMES

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11-101 INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Washington, Kansas, that certain code known as the *Uniform Public Offense Code for Kansas Cities*, Edition of 2016, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 793", and to which shall be attached a copy of this Ordinance and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. (*Ordinance No. 793, Sept. 6, 2016*)

ARTICLE 2. CRIMES

11-201 UNREASONABLE NOISE PROHIBITED. (Ord. 774, Sept. 3, 2013)

It is unlawful for any person to make or allow to be made within the city limits of the City of Washington, 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 Washington 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 Washington, 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.

11-202 PEEPING TOM. It shall be unlawful for any person to trespass upon the property owned or occupied by another in this city for the purpose of looking or peeping into any window, door, skylight, or other opening in a house, room, or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of occupants of any such house, room or building.

Violation of this section is a Class C misdemeanor.

11-203 URINATION IN PLACES OPEN TO PUBLIC VIEW. It shall be unlawful for any person to urinate or defecate upon any street, alley, sidewalk or any other place open to public view.

Violation of this section is a Class C misdemeanor.

11-204 OBSCENITY ON ANY BUILDING OR STRUCTURE. It shall be unlawful for any person in the city to write or inscribe any obscene or vulgar picture, design or words at or on any place open to public view.

Violation of this section is a Class C misdemeanor.

11-205 BARBED WIRE. It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure upon any property owned or leased by him and continuous and along any street, alley, public ground or sidewalk in the city unless such barbed wire is secured, constructed, set up or maintained at least six feet (6') above the ground level.

Violation of this section is a Class C misdemeanor.