

Legal Publication

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ORDINANCE #198

AN ORDINANCE PERTAINING TO AND PROHIBITING CERTAIN EXCESSIVE NOISE AND DISORDERLY CONDUCT AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

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

SECTION 1. PURPOSE: The Governing Body of the City of Manter, Kansas, recognizes that excessive loud noise may disrupt the peaceful environment of its citizens and can present a safety and wellness hazard for the residents of the City of Manter, Kansas.

SECTION 2. PROHIBITED CONDUCT:

(a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property,

shall operate or permit the operation of any sound amplification system from any vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(b) No person shall operate or permit the operation of any loud speaker or sound amplification system on any public property or on private property that is generally accessible to the public in a manner whereby the sound is plainly audible at a distance of ore than fifty (50) feet from such loud speaker or sound amplification system.

(c) No person shall operate or permit the operation of any loud speaker or sound amplification system in a private building or dwelling unit in a manner whereby the sound is plainly audible outside said buildings structure or outside the dwelling unit at a distance of ore than fifty (50) feet.

(d) No person shall operate a motor vehicle, motorcycle, or recreation vehicle with an unnecessarily loud exhaust, revving of motor or sound system that disturbs nearby persons

(e) No person shall allow an animal to bark, howl or make noise continuously, or intermittently for more than fifteen (15) minutes in a manner that disturbs neighboring property.

(f) No person hall operate lawn mowers, chainsaws, leaf blowers or similar equipment that disturbs nearby persons before 7:00 a.m. and after 9:00 p.m.

SECTION 3. DEFINITIONS:

(a) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic devices used for amplification of sound.

(b) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based on direct line. Words or phrases need not be discernible and bass reverberations are included.

SECTION 4. DEFENSES: It is affirmative defense to a charge under this ordinance that the operator was not otherwise prohibited by law from operating the sound amplifications system, and that any of the following exemptions to the prohibited conduct shall apply:

- (a) The system was being operated to request medical or vehicular assistance or the warn of a hazardous road condition;
- (b) The system was being operated in an emergency vehicle, by personnel authorized to operate such vehicle;

(c) The vehicle was owned and operated by a government entity or a public utility company; or

(d) The loud speaker or system or vehicle was used in authorized public activities, such as parades, sporting events, school activities, public auctions and other activities which have the approval of the Governing Body or an agent of the city authorized to grant such approval.

(e) The Tornado system when utilized is permissible.

(f) The erection, including construction, excavation, drilling, demolition alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or permitting or causing the operation of any tools, or equipment used in construction, excavation, drilling, demolition alteration or repair work

1. This subsection shall not apply in cases of extreme and urgent necessity in the interest of public safety and convenience.

SECTION 5. PENALTIES: Any person, individual, partnership, corporation or association who violates any of the provisions of Section 2 or Section 5 is guilty of a misdemeanor, and upon conviction, shall be punished as follows:

(a) For a first offense a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred (\$500.00).

(b) For a second offense and subsequent offense in a calendar year, a fine of not less than One Hundred (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00)' and

(c) Each separate offense in violation hereof which is sound to exist or continues to exist shall be deemed a separate offense and punishable as such hereunder

SECTION 6. ENFORCEMENT:

(a) City law enforcement officers

(b) Code enforcement officers

(c) Any official authorized by the City of Manter.

An officer is not required to use a sound level meter if the noise is plainly audible and constitutes a noise disturbance under this ordinance.

SECTION 7. QUIET HOURS

Quiet hours shall be:

(a) Sunday through Thursday 9:00 p.m. until 7:00 a.m.

(b) Friday through Saturday: 11:00 p.m. until 7:00 a.m.

During quiet hours, no person shall create or permit any noise disturbance audible beyond the property line of the source property.

SECTION 8. REPEAL OF CONFLICTING ORDINANCES: That all prior ordinances in conflict with this ordinance are hereby repealed.

SECTION 9. SAVINGS CLAUSE: That if any provisions, clause, sentence or section of this ordinance is found to be unconstitutional or invalid for any reason then in the event that part shall be deemed not to exist and remaining part of this ordinance shall be in full force and effect as if it had been originally enacted without such invalid provision, clause, sentence or section.

SECTION 10. EFFECTIVE DATE: this ordinance shall take effect and be in force from and after its passage and publication in The Johnson Pioneer, the official city newspaper.

PASSED AND APPROVED by the Governing Body this 4th day if August 2026.

ATTEST:

Linda Steimel
Linda Steimel, City Clerk



Jerry C. Redder
Jerry Redder, Mayor