

ORDINANCE NO. 646

AN ORDINANCE REGULATING NOISE WITHIN THE CITY LIMITS OF THE CITY OF ST. FRANCIS, KANSAS BY ADDING ARTICLE 8 TO CHAPTER 8 OF THE 2015 OF THE CODE OF THE CITY OF ST. FRANCIS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. FRANCIS, KANSAS, that Article 8 of Chapter 8 of the 2015 Code of the City of St. Francis, Kansas is hereby instated to read as follows:

ARTICLE 8. NOISE

8-801 LOUD AND UNNECESSARY NOISE PROHIBITED.

(a) It is unlawful for any person to make, continue or allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

(b) The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this section and are unlawful:

- (1) The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box," loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound when done in such a manner or with such volume, intensity or with continued duration so as to annoy, to distress or to disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This subsection shall not apply to persons who have written authorization for an event which includes use of such a device, or to the police or public authorities who are using such a device in the performance of their duties.
- (2) Steam Whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the opening or closing of the establishment or institution, or of the time to begin or stop work, or as a warning of danger. This subsection shall not apply to persons who have written authorization for an event which includes use of such a device, or to the police or public authorities who are using such a device in the performance of their duties.
- (3) Exhaust of Steam Engines, Etc. The discharge into the open air of the exhaust of any stationary steam engine, internal combustion engine, noise creating blower or power fans, or devices operated by compressed air, except through a muffler

or other device which will effectively prevent loud or explosive noises therefrom. This subsection shall not apply to persons who have written authorization for an event which includes use of such a device, or to the police or public authorities who are using such a device in the performance of their duties.

- (4) Motor Vehicles. The use of any motor vehicle, motorcycle, bus or other vehicle so out of repair or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise which shall annoy, distress or disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity.
- (5) Peddlers, Hawkers, Etc. The raucous shouting, whistling, yelling, singing, hooting or crying of peddlers, hawkers, vendors before eight a.m. or after ten p.m.
- (6) Construction. The erection, including construction, excavation, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools, or equipment used in construction, excavation, drilling, demolition, alteration or repair work:
 - (i) Other than between the hours of seven a.m. and ten p.m.;
 - (ii) This subsection shall not apply in cases of extreme and urgent necessity in the interest of public safety and convenience, and then only by permit obtained from and issued by the director of public works, or any of the director's duly appointed assistants.
- (7) Loading and Unloading. The creation of loud, excessive and unreasonable noise in connection with loading or unloading any vehicle, in the opening and destruction of bales, boxes, crates and containers or in the handling of ash, trash and garbage cans, either in the loading or unloading, or the creation by improper loading of excessive and unreasonable noise by the transportation of any materials over and along streets.

8-802 EXCEPTIONS.

(a) The following activities, as long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition, are excepted from the provisions of this chapter:

- (1) Lawn maintenance;
- (2) Repair of personal use vehicles;
- (3) Home repair of place of residence.

(b) Fireworks, as defined by Section 7-301, fired or discharged in accordance with Section 7-303 are excepted from the provisions of this chapter.

8-803 APPLICATION.

To receive written authorization for the use of sound amplification equipment as authorized by Section 8-801, a person must complete and file an application for such authorization with the City Clerk's Office, on a form approved by the City. The applicant must provide the following information:

- (1) The type of proposed event or activity;
- (2) The number of participants for the proposed event or activity;
- (3) The location, including street address, of the area to be utilized for the activity;
- (4) The date or dates and specific times for the activity;
- (5) The plans for sound control and sound amplification, including the number, location, and power of amplifiers and speakers;
- (6) The name, address, and phone number of the party responsible for the event.

8-804 REVIEW PROCESS.

(a) In determining if written authorization should be granted as allowed by Section 8-801, the following factors are to be considered by the City Council:

- (1) The volume of the noise;
- (2) The volume of the existing background noise, if any;
- (3) The zoning of the area within which the noise emanates, as well as where the noise can be heard;
- (4) the time of day or night the noise occurs;
- (5) The duration of the noise;

(b) No authorization will be issued for the use of sound amplifiers, loud speakers, or other similar devices between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, and the hours of 11:00 p.m. and 8:00 a.m. on Friday and Saturday.

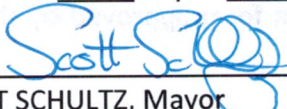
8-805 PENALTY.

Any person who violates any of the provision of this Article within the city limits of the City of St. Francis, Kansas shall be guilty of a violation and upon first conviction be fined \$50.00, upon

second conviction be fined \$100.00, and upon all subsequent convictions be fined \$200.00. Each day a violation is committed or permitted to continue shall constitute a separate offense.

This amendment to the 2015 Code of the City of St. Francis, Kansas shall be effective upon its publication in the St. Francis Herald and Bird City Times.

ADOPTED AND APPROVED by the governing body, this 26TH day of JUNE, 2023.



SCOTT SCHULTZ, Mayor
City of St. Francis, Kansas

ATTEST:



LEANN LEE, City Clerk
City of St. Francis, Kansas

