

ORDINANCE NO. 447

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, PROHIBITING LOUD SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES, AUTHORIZING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. When used in this Ordinance:

(a) "Motor Vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(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 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway.

(c) "Sound Amplification System" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

SECTION 2. LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway within the City of Wathena, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

SECTION 3. AFFIRMATIVE DEFENSES. It is an affirmative defense to a charge under Section 2 of this Ordinance that the operator/occupier was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

- (a) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

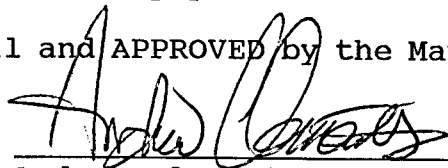
- (b) The vehicle was an emergency or public safety vehicle;
- (c) The vehicle was owned and operated by the City of Wathena or a gas, electric, communications or refuse company and the system was being utilized in the course of business;
- (d) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Wathena;
- (e) The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions or other activities which have the approval of the City of Wathena.

SECTION 4. PENALTIES. Any person, individual, partnership, corporation or association who violates any of the provisions of this ordinance is guilty of an ordinance violation, and upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment of not more than six months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

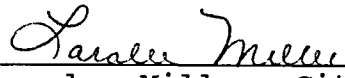
SECTION 5. REPEALER. All ordinances and parts of ordinances of the City of Wathena, Kansas, in conflict herewith, are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor this 16th day of June, 1992.

  
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Andrew Clements, Mayor

ATTEST:

  
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Laralee Miller, City Clerk

(SEAL)