

(First published in the Times-Sentinel Oct 15, 2020)

ORDINANCE NO. 736

AN ORDINANCE, DEALING WITH NOISE PERFORMANCE STANDARDS AND VIOLATIONS WITHIN THE CITY LIMITS OF GARDEN PLAIN, KANSAS, REPEALING ORDINANCE 561.

WHEREAS, certain levels of noise can be detrimental to the public health, safety, and welfare by disturbing the peace and should, therefore, be minimized.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, SEDGWICK COUNTY, KANSAS:

Section 1. Definitions:

Complainant – a property owner or tenant who files a complaint concerning an alleged noise disturbance.

dB(A) – a weighted sound level measured in decibels by a general purpose, properly calibrated, sound level meter.

Emergency Motor Vehicle – A motor vehicle belonging to a fire department or certified private volunteer firefighter or firefighting association, partnership or corporation, an ambulance, or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency, or a motor vehicle belonging to a federal, state, county, or municipal governmental agency, provided such vehicle is being used as an emergency vehicle by one authorized to use such vehicle for that purpose.

Plainly Audible – capable of being heard. It is not necessary to distinguish words or melodies. A plainly audible sound may consist of bass alone.

Sound Amplification or Producing Device or similar Equipment – shall mean radio, radio receiving set, television, phonograph, stereo, tape player, cassette player, compact disc player, “boom box”, loudspeaker, drum, jukebox, nickelodeon, musical instrument, sound amplifier or other device that produces, reproduces, or amplifies sound.

Section 2. (a) Maximum sound levels. During the times set out below, the activities that create a sound pressure level on the complainant’s real property line that exceeds the maximum allowable sound level (dBA) below are declared to be public nuisances;

Day 7:00 a.m – 11:00 p.m
70 dB(A)

Night 11:00 p.m. – 7:00 a.m.
60 dB(A)

(b) Method of noise measurement. Noise measurements shall be a minimum of 30 seconds in duration. Decibel levels are measured from the complainant’s real property line. In residential housing units that share a common wall or are located in a housing, apartment, or condominium project, decibel levels are measured at or in the complainant’s housing unit. Violations will be determined based on the highest

registered reading in that measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.

Section 3. Noise – Prohibited.

(a) In addition to the noise restrictions in section 2, no person shall make, cause, suffer, allow or permit unreasonable noise in such a manner, or with such volume, intensity or duration, so as to disturb a reasonable person of ordinary sensibilities. A decibel level shall not be required for the enforcement of this subsection.

(b) This section is intended to apply to, but is not limited to, unreasonable noises in the form of:

(1) *Amplifiers in public right-of-way and on city property.* The use of a bullhorn, loudspeaker, or other amplification is prohibited in the public right-of-way and on city property, unless permitted as an exception below.

a. Public safety officials while performing their duties.

b. Persons with a noise ordinance waiver granted by the city clerk or the governing body.

(2) *Construction work.* Noise created by construction work within 300 feet of an occupied residential structure involving the erection, excavation, demolition, alteration, or repair of any building, structure, or flatwork is prohibited as follows:

Before 6:00 a.m. or after 8:00 p.m. Monday through Friday.

Before 7:00 a.m. or after 8:00 p.m. Saturday through Sunday.

(3) *Solid waste collection.* Noise created by solid waste haulers within 300 feet of residential zoning before 6:00 a.m. or after 11:00 p.m. is prohibited.

(4) *Music.* The playing of any music or musical instrument in such manner or with such volume or bass, particularly during the nighttime hours described in section 2 above, as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel, motel or other lodging facility, or any other type of residence.

(5) *Horns or other signal devices.* The continued or frequent sounding of any horn, air horn, or signal device on any vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.

(c) *Exemptions.* The following acts and sounds shall be exempt from the requirements or prohibitions of this section:

(1) Noise generated due to normal building conditioning and ventilation and property maintenance.

(2) Activities in the fields, grounds or facilities of any sporting arena, stadium, or sports complex to which the public has access.

(3) Noise which results from the reasonable use, recreational enjoyment or maintenance of residential property located in the city, including, but not limited to, noise made by children, lawn mowers, chippers, trimmers, blowers, and power tools.

(4) Noise which results from the reasonable maintenance of commercial and governmental property including, but not limited to, lawn mowers, chippers, trimmers, blowers, and power tools.

(5) Church bells and chimes.

(6) Noise made at events associated with public or private schools or religious institutions, such as fairs, festivals, cultural events, carnivals, or recreational activities.

(7) The emission of sound for the purpose of alerting the public of an emergency or the performance of emergency work.

(8) Noise made by children and adults on educational facility and athletic grounds during school curricular and extracurricular activities.

(9) Festivals or events occurring on public parks, sidewalks or streets which are permitted or approved by the city.

Section 4. Any person, partnership, corporation or association who violates any of the provisions of this section and upon conviction, shall be punished by a fine not to exceed \$500.00 (five hundred dollars). Each day any violation is found to exist shall be a separate offense and punishable as such under this chapter.

Section 5. Ordinance 561 and all other ordinances and parts thereof that are inconsistent with any provision of this ordinance are hereby repealed.

Section 6. This Ordinance shall take effect and be in force from and after the publication of its summary in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Garden Plain, Kansas this 7th day of October, 2020.



Kimberly McCormick
Kimberly McCormick, City Clerk

Kevin Hammond
Kevin Hammond, Mayor