

(First published in the Times-Sentinel _____, 2004)

ORDINANCE NO. 561

AN ORDINANCE, PROHIBITING LOUD SOUND AMPLIFICATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN PLAIN, KANSAS.

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

SECTION 1. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway 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 fifty or more feet from the vehicle.

SECTOION 2. Definitions of Words and Terms

“Sound Amplification System” means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

“Plainly Audible” means any sound produced by a sound amplification from within the vehicle, which clearly can be heard at a distance of fifty feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernable and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

SECTION 3. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply;

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

The vehicle was an emergency or public safety vehicle;

The vehicle was owned and operated by the city or gas, electric, communications or refuse company;

The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any person or assemblages of persons in compliance with this code;

The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval.

SECTION 3. 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.

**PASSED AND APPROVED BY THE GOVERNING BODY ON THIS THE 3
DAY OF March, 2004.**

Paul E. McPhillips, Sr., Mayor

Attest:

Michelle Tucker, City Clerk