

CHAPTER XI. PUBLIC OFFENSES

- Article 1. Uniform Offense Code
- Article 2. Local Regulations

ARTICLE 1. UNIFORM OFFENSE CODE

- 11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Bentley, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2016, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Bentley, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 275; Code 2016)

ARTICLE 2. LOCAL REGULATIONS

11-201.

NOISE RESTRICTIONS. Subject to the exceptions below described, the following acts are declared to be loud, disturbing and unnecessary noises in residential areas and along the public ways, and constitute violations of this section:

(a) No person shall operate or cause or permit the operation of any sound-producing or sound-reproduction device between the hours of 10:00 p.m. and 7:00 a.m., whether from inside or outside a building, in such a manner or with such volume so as to emit sound which can be heard beyond the property line of any residential property. For purposes of these regulations, the term residential property is defined as any property upon which a residence or a residential living unit is located and which is located within any of the following zoning districts; R-S, R-1, R-2, R-3 (FMFD), PUD, M-H, M-P or P-O.

(b) No person shall operate or cause or permit the operation of any sound-producing or sound-reproduction device which is located within, upon or about any motor vehicle which is located on any public street, public parking lot or other public right-of-way by the playing of a sound-producing device so that the sound is plainly audible at a distance of 50 or more feet from the vehicle. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and base reverberations are included.

(c) For purposes of these regulations, the terms sound-producing device and sound-reproduction device is defined as including any of the following: (i) radios; (ii) record, tape and CD players; (iii) sound amplifiers; (iv) musical instruments; (v) loudspeakers; and (vi) any other similar device that produces, reproduces or amplifies sound.

(d) The provisions of this section shall not apply to any of the following:

(1) Any activities conducted as an approved part of a public activity, such as parades, fireworks, sports events, festivals, musical productions and other activities which have the approval within the scope of their authority as conferred by law on any local, state, or federal governmental entity, or by any state accredited private or parochial school.

(2) Any horn, siren, or other warning device that is being otherwise lawfully operated under a privilege granted by law.

(3) Any activities which are reasonably related to the conduct of any business, commercial, or industrial enterprise upon property that is zoned of such use or upon which such uses are otherwise lawful.

(4) Any bell tower or other similar device which is part of a permanent structure and which tolls the passage of time or is otherwise lawfully used for ceremonial purposes.

(5) The normal and customary engine noises produced by any motor vehicle that is otherwise being lawfully operated upon the public ways or in private driveways or parking lots.

(6) The normal and customary engine noises produced by any motor vehicle that is otherwise being lawfully operated upon the public ways or in private driveways or parking lots.

(e) Nothing in the exceptions set forth in subsection (d) above shall serve to allow or authorize any activity which would otherwise be regarded as a public nuisance other than by the provisions of this section.

(f) Violation of the provisions of this section shall be punishable as an unclassified violation under the Uniform Public Offense Code as adopted by the city. (Ord. 164; Code 2016)