

(Summary of Ordinance Published in The Morning Sun on August 17th, 2012)

ORDINANCE NO. G-1167

AN ORDINANCE amending Section 54-133 of the Pittsburg City Code to provide for an affirmative defense to a charge under this Section if the owner, operator or occupier of the premises in compliance with the terms and conditions as set forth in a special event permit issued by the governing body.

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

Section 1. Section 54-133 of the Code of the City of Pittsburg, Kansas is hereby amended to read:

Sec. 54-133. Specific noises prohibited; standards.

The following acts, among others, are declared to be loud, excessive and unnecessary noises in violation of this division, but such enumerating shall not be deemed to be exclusive, namely:

(a) The playing, using, operating, or permitting to be played, used or operated, any radio, receiving set, musical instrument, phonograph, tape player, television, VCR, compact disc player, loudspeaker, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, repose, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the hotel, motel, residence, office, or upon the premises, in which such machines or device is operated. The operation of any such set, instrument, phonograph, tape player, television, VCR, compact disc player, loudspeaker, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a

manner as to be plainly audible at a distance of 50 feet from the hotel, motel, residence, office, or premises in or on which it is emanates shall be prima facie evidence of a violation of this Section. Measurement standards for plainly audible at a distance of 50 feet shall be by the auditory senses, based upon direct line of sight. Words and phrases need not be discernible and bass reverberations are included.

(b) Yelling, shouting, whistling or singing on the public streets, highways, alleys or sidewalks, or while on a private or public parking area or parking lot, or while in or upon a private residence, lot or driveway, so as to annoy or disturb the peace, quiet, comfort or repose of the persons in any residence, premises, office, hotel or motel. Such yelling, shouting, hooting, whistling or singing between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the boundary of such street, highway, alley, sidewalk, parking area or parking lot shall be prima facie evidence of a violation of this Section.

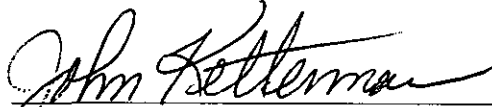
(c) It is an affirmative defense to a charge under this Section that the owner, operator or occupier of the premises was in compliance with the terms and conditions as set forth in a special event permit issued by the governing body.

(1) The following factors shall be considered by the governing body in making its determination to grant or deny a special event permit which alter the time restrictions applicable to noises prohibited by this division:

- (i) The public purpose to be served or advanced;
- (ii) Character of the surrounding neighborhood;
- (iii) Impact on public safety and welfare; and
- (iv) Availability of adequate parking.

Section 3. This Ordinance shall become effective following its passage and publication in the City's official newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF PITTSBURG, KANSAS, this 14th day of August, 2012.



John Ketterman, Mayor

ATTEST:



Tammy Nagel, City Clerk

(SEAL)

