

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 Argonia, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2015, 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 Argonia, 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. 559; Code 2016)

ARTICLE 2. LOCAL REGULATIONS

- 11-201. TRUCK AND TRAILER; PARKING RESTRICTION. No motor vehicle connected to a semi-trailer or a semi-trailer alone, shall hereafter stand or park upon any street or alley for period of time longer than one hour, except when providing proof of ongoing loading and unloading. Provided, that any person may make prior written application to the city clerk to suspend the provisions of this section for purposes of public welfare, convenience or necessity which suspension shall also be in writing. (Ord. 413; Code 2016)
- 11-202. SAME; PENALTY. Upon a first conviction for a violation of 11-201 the fine shall not exceed \$100. A second or subsequent conviction shall be punishable by a fine not to exceed \$500, imprisonment for not more than 6 months, or both such fine and imprisonment. (Ord. 413; Code 2016)
- 11-203. CURFEW FOR PERSONS UNDER 16. It shall be unlawful for any persons under sixteen years of age to loiter, lounge, loaf, wander, or play in, or upon, any public street, sidewalk, alley, vacant lot, public place, or any place open to the general public, within the City of Argonia, Kansas, whether in a motor vehicle, or on foot, or by any other means, after the hour of 11:00 p.m. and before the hour of 6:00 a.m. (Ord. 415; Code 2016)
- 11-204. CURFEW FOR PERSONS OVER 16 AND UNDER 18. It shall be unlawful for any person under eighteen years of age, but over and including sixteen years of age, to loiter, lounge, loaf, wander, or play in, or upon any public street, sidewalk, alley, vacant lot, public place, or any place open to the general public, within the City of Argonia, Kansas, whether in a motor vehicle, or on foot, or by any other means, after the hour of 12:00 midnight and before the hour of 6:00 a.m. (Ord. 415; Code 2016)
- 11-205. SAME; EXCEPTIONS. The curfew restrictions set out in 11-203 and 11-204 shall not apply under the following circumstances:
- (a) When the person under eighteen years of age is accompanied by his or her parent or guardian;
 - (b) When the person under eighteen years of age is on an emergency errand and has in his or her possession a written statement, signed and dated that day by the person's parent or guardian, stating that the named person is on an emergency errand and stating the nature of that emergency;
 - (c) When the person under eighteen years of age is attending a school or city function, or other activity, under the supervision of a school, or the city, and is returning home from said function, or activity, by way of the most direct route;
 - (d) While the person under eighteen years of age is engaged in lawful employment, or is going to and from lawful employment, by the most direct route.
- (Ord. 415; Code 2016)
- 11-206. SAME; CURFEW: PARENTS, GUARDIANS AND OTHERS. It shall be unlawful for a parent, guardian or other person, lawfully entitled to the care, custody or control of any person under the age of eighteen years of age, to knowingly allow or permit such person to violate any of the sections of this article pertaining to curfew. (Ord. 415; Code 2016)

- 11-207. SAME; PENALTIES. Any person found guilty of violating the provisions of this article shall be punished the same as a Class B misdemeanor under the Uniform Public Offense Code, which is a sentence of confinement in the city or county jail for a period of time fixed by the district court, not to exceed six months; and instead of, or in addition to said confinement, a fine not to exceed \$1,000. (Ord. 415; Code 2016)
- 11-208. DISTURBING THE PEACE; STATEMENT OF PURPOSE. It is the purpose of this section to protect individuals in the city from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises, it is not the intent or purpose of this article to limit or abridge the rights of any person to peacefully assemble and express opinions, and no provision of this section shall be so construed. (Ord. 466; Code 2016)
- 11-209. SAME; PROHIBITED ACTS.
- (a) It shall be unlawful for any person to make, continue, and maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.
- (b) It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. Neighboring inhabitants shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.
- (c) No person shall congregate with other persons because of, participate in, or being any part of gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit or within the vicinity of a residential dwelling unit wherein such party or gathering of people is taking place except persons who have gone there for the sole purpose of abating the disturbance. A police officer may order all persons present in any group or gathering from which such sound emanates, other than the owners or tenants of the dwelling unit, to immediately disperse in lieu of being charged under this article. Owners or tenants of the dwelling unit shall immediately abate the disturbance and, failing to do so, shall be in violation of this section.
- (d) 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 50 or more feet from the vehicle.
- (1) Sound Amplification System means any radio, tape player, compact disc player, loudspeaker, or other electronic device user for the amplification of sound.
- (2) 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.

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

- (i) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
- (ii) The vehicle was an emergency or public safety vehicle;
- (iii) The vehicle was owned and operated by the city, or a gas, electric, communications or refuse company;
- (iv) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of person in compliance with ordinances of the city;
- (v) 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.

(Ord. 466; Code 2016)

11-210. SAME; PENALTY. Any person who shall violate the provisions of 11-209 shall, upon conviction thereof, be fined not more than \$100, or be imprisoned for not more than 30 days, or both such fine and imprisonment.

(Ord. 466; Code 2016)

11-211. PUBLIC URINATION OR DEFECATION. It shall be unlawful for any person to urinate or defecate in or upon any public street, highway, alley, roadway or other public place. (Ord. 520; Code 2016)

11-212. SAME; PENALTY. Violation 11-211 shall be punishable as a Class B violation under Article 12 of the Uniform Public Offense Code for Kansas Cities.

(Ord. 520; Code 2016)