

## CHAPTER 10. PUBLIC OFFENSES

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## ARTICLE 1. UNIFORM PUBLIC OFFENSE CODE

**10-101. 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 Westwood Hills, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities," Edition of 2011, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard public offense ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Westwood Hills, 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.

## ARTICLE 2. ADDITIONAL PUBLIC OFFENSES

**10-201. TRASH.** Each and every owner, tenant, or other person acting on behalf of an owner or tenant of any dwelling or other building in the City of Westwood Hills shall provide, and replace when necessary, a sufficient number of trash cans to hold the trash accumulated thereat. All such trash cans shall be of rigid construction with tight-fitting covers and shall be watertight. Such trash cans and any recycling containers may be placed at the curb for collection no earlier than 5:00 o'clock p.m. of the day preceding the day upon which the trash is anticipated to be collected by the regular trash collection service subscribed to by the occupant or provided by the City or any homes association. Such trash cans and recycling containers shall be removed from the curb no later than evening of the day after the day on which regular trash collection has occurred. At all other times, trash cans and recycling containers shall be stored inside a building or structure located on the property or shall be stored behind the front building line of the house located on the property or otherwise screened from view.

**10-202. TREE, BUSH AND LAWN TRIMMINGS.** Each and every owner and tenant, or other person acting on behalf of an owner or tenant of a residence or other building in the City, shall place lawn trimmings, tree and bush trimmings, and any other yard debris in suitable containers or tied in bundles to await waste collection. Such containers and bundles shall not be placed at or within thirty feet (30') of the street curb for more than twenty-four (24) hours prior to the anticipated time of collection of such debris.

**10-203. PENALTY FOR VIOLATION OF ARTICLE 2.** Any person violating any of the provisions of Article 2 shall, upon conviction, be punished by a fine of not more than five

hundred dollars (\$500), or confinement for a period not to exceed thirty (30) days, or both such fine and confinement.

### **ARTICLE 3. CIVIL DISTURBANCES**

**10-301. PROCLAMATION OF EMERGENCY.** Whenever, the Mayor, or in the event of his inability to act, the president of the Governing Body, determines that an emergency exists as a result of mob action or other civil disobedience within the Kansas City Standard Metropolitan Statistical Area causing danger or injury to or damage to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the City:

a. To impose a curfew upon all or any portion of the City thereby requiring all persons in such designated curfew areas to forthwith remove themselves, and/or their motor vehicles, from the public streets, alleys, public parking lots, parks or other public places, provided that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.

b. To order the closing of any business establishment anywhere within the City for the period of the emergency.

c. To designate any public street, thoroughfare or vehicle parking area closed to motor vehicles and pedestrian traffic.

d. To call upon regular and auxiliary law enforcement agencies and organizations within or without the City, including the sheriff's department under provisions of mutual emergency police protection compact, to assist in preserving and keeping the peace within the City.

e. That any and all of said regular and auxiliary law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other city ordinances that might be violated as a result of any mob action or other civil disobedience.

f. The Mayor is hereby authorized to enter into a mutual emergency police protection compact with any and all governing bodies of Johnson County, Kansas, and any other duly authorized governing body within the Kansas City Standard Metropolitan Statistical Area.

**10-302. EFFECTIVE PERIOD.** The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

**10-303. EXPIRATION OR EXTENSION OF EMERGENCY.** Any emergency proclaimed in accordance with the provisions of this ordinance shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first, provided, however, that such emergency may be

extended for such additional periods of time as determined necessary by resolution of the Governing Body.

**10-304. PENALTY FOR VIOLATION OF ARTICLE 3.** Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of not more than five hundred dollars (\$500) and/or by imprisonment in the city or county jail for a period not to exceed ninety (90) days.

**10-305. NO RELEASE OF CIVIL DAMAGES.** Nothing herein contained shall be in lieu of any civil damages.

#### **ARTICLE 4. DRUGS**

**10-401. CONTROLLED SUBSTANCES; INCORPORATION BY REFERENCES.** The provisions of Article 41 of Chapter 65 of the Kansas Statutes Annotated entitled "Controlled Substances," and amendments thereto, are hereby incorporated by reference.

#### **ARTICLE 5. ALARM SYSTEMS**

**10-501. PERMIT REQUIRED; UNLAWFUL ACTS; EXCEPTION.** No person, firm or corporation, or its principal officer, agent, servant or employee, shall possess or operate an alarm system designed with the intent of eliciting a police response without first obtaining a permit for such alarm system. The provisions of this section are not applicable to local alarm systems affixed to motor vehicles.

**10-502. APPLICATION FOR PERMIT; NON-TRANSFERABILITY; EXCEPTIONS.** Every alarm user shall obtain an alarm user's permit from the Chief of Police within thirty (30) days after the effective date of this ordinance or prior to use of an alarm system. Alarm permits are non-transferable. Each building, structure or facility maintaining one or more alarm systems must obtain an alarm user's permit. Each permit shall bear the signature of the Chief of Police, shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police, his designate or any officer. An alarm user which is a governmental political unit shall be subject to this Ordinance; but such governmental unit shall not be subject to any fees or the imposition of any penalty as provided herein.

#### **10-503. REGULATIONS; REQUIREMENTS AND DUTIES.**

a. Any seller, vendor or installer of any type of alarm system shall obtain a permit from the Chief of Police prior to the selling or installing of any alarm system within the City.

b. The Chief of Police or his designate may require inspection of any and all alarm systems installed within the City.

c. Local alarm systems shall be equipped to automatically discontinue emitting an audible sound within fifteen (15) minutes after activation.

d. The Chief of Police or his designate shall have the right to discontinue any alarm emitting an audible sound.

e. With the permit application, alarm users shall submit to the Chief of Police a release of liability releasing the City, any police officer and any other City employee from damages caused either personally or to any property when in response to the activation of such alarm system and also releasing the City, any police officer and any other City employee from damages from disconnecting, resetting or not resetting the alarm system.

**10-504. NUISANCE ALARM SYSTEMS PROHIBITED.** It shall be unlawful for any person or business to own or operate any burglary, robbery, fire, medical, or panic alarm system deemed to be a nuisance. Nuisance alarm systems shall be defined as follows:

a. False Alarms. Any alarm which elicits a response from the Police and/or Fire Departments more than six (6) times in any twelve (12) month period when no emergency exists. Exempt from this definition are newly installed systems, which shall receive a grace period of thirty (30) days or four (4) false alarms, whichever occurs first; alarm signals caused by violent conditions of nature or other extraordinary circumstances beyond control of the owner or operator; and alarm systems owned or operated by any governmental political unit.

b. Direct Telephone Alarms. Any alarm which is programmed to automatically dial any telephone number, listed or unlisted, directly into any City building for the purpose of transmitting a voice recording of an emergency message.

c. Disturbing Alarms. Any alarm which emits an audible signal which is not automatically discontinued within fifteen (15) minutes of activation.

**10-505. DIRECT ALARM SYSTEMS TO BE DISCONNECTED.** It shall be unlawful for any alarm user to fail to disconnect any direct telephone alarm as defined in Section 10-504 within seventy-two (72) hours of receipt of written notice from the Police Department that such a programmed connection exists.

**10-506. DISTURBING ALARMS TO BE DISCONNECTED OR MODIFIED.** It shall be unlawful for any alarm user to fail to disconnect or modify any disturbing alarms as defined in Section 10-504 within seventy-two (72) hours of receipt of written notice from the Police Department that such a condition exists.

**10-507. NOTIFICATION OF NUISANCE ALARMS.** At the time of the sixth false alarm in any twelve (12) month period, the City shall notify the responsible party by first class mail of such occurrence and that additional false alarms shall require the payment of fees as set out in Section 10-509 below. Such written notification shall be assumed to have been delivered three (3) days after mailing.

**10-508. RESPONSIBLE PARTY.** The responsible party shall be the resident for a residential alarm system and the business owner or manager for a business alarm system, regardless of whether such system is owned, leased, rented or otherwise controlled.

**10-509. FALSE ALARMS; FEES REQUIRED.** Any alarm system which has recorded more than six (6) false alarms within any twelve (12) month period shall be subject to fees in such amounts as shall be determined and set administratively by the Governing Body: The

payment of the fee provided for shall be submitted to the City of Westwood Hills within ten (10) days of receiving notice that such fee is due.

**10-510. APPEALS.** An alarm user who desires to appeal a fee imposed by Section 10-509 shall submit a written request for a hearing to the Chief of Police, who shall notify the Governing Body. The Governing Body shall consider the appeal at a regularly scheduled council meeting.

**10-511. DESIGNATION OF ALARM COORDINATOR; DUTIES.** There is hereby established the position of Alarm Coordinator. The Alarm Coordinator shall:

- a. Maintain records necessary to carry out the terms of this ordinance. Such records shall be confidential.
- b. Make notifications as outlined in Section 10-407.
- c. Establish, distribute and enforce such rules and regulations as may be necessary for implementation of this ordinance, and make such rules and regulations available upon request.
- d. Determine which alarms constitute false alarms as defined in Section 10-504.

**10-512. CHIEF OF POLICE, DEFINED.** As used in this ordinance, "Chief of Police" shall mean the official designated by the City Council as the Chief of Police for the City and, if not so designated, such term shall mean the person having the superintending control over the law enforcement authority employed by the City for the year.

**10-513. PENALTY.** Any person convicted of a violation of any provisions of or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a public offense and punished by a fine of not more than \$500.00 or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the City ordinances is committed, continued or permitted by any such person.

## **ARTICLE 6. NOISE**

**10-601. UNNECESSARY NOISES.** Subject to the provisions of Section 10-602, any sound at decibel levels that are or may be harmful or injurious to human health or welfare, or any sound that interferes with the enjoyment of life or property of a reasonable person with normal sensibilities is an unnecessary noise and is prohibited.

**10-602. UNNECESSARY NOISES - ENUMERATION.** The following sounds, among others, are declared to be loud, disturbing and unnecessary noises, in violation of Section 10-601, but such enumeration shall not be deemed to be exclusive, namely:

- a. Horns or Signal Devices. The sounding of any horn or signal device of any automobile, taxicab, motorcycle, bus, streetcar or other vehicle, whether or not in motion, except when necessary to give warning of threatened collision with another vehicle or with a pedestrian; provided however, that nothing herein contained shall be deemed to apply to

emergency vehicles.

b. Radios, Etc. Any sound from any radio, stereo, musical instrument or other electrical or electronic device on any property in the City if:

1. At any time, the volume of such sound annoys or disturbs the quiet, comfort or repose of any person inside any dwelling; or

2. Any such sound is audible to any person on any other property except from 9:00 a.m. to 11:00 p.m. on any day of the week.

c. Construction Work Noise and Operation of any Machinery, Equipment or Tools. Any noise that is audible to any person on any other property and is associated in any manner with the construction, erection, excavation, demolition, alteration or repair of any structure and any noise from the operation of any machinery, equipment or tools except:

1. From 8:00 a.m. to 8:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday;

2. From 8:00 a.m. to 6:00 p.m. on Saturdays;

3. From 10:00 a.m. to 5:00 p.m. on Sunday; or

4. In case of urgent necessity or in the interest of public safety and then only with a permit from the City Clerk.

5. Notwithstanding the foregoing, gas or electric powered lawn mowers, lawn edging equipment, leaf blowers, weed trimmers and rotary tillers may be operated between 8:00 a.m. and 8:00 p.m. on any day of the week.

6. Notwithstanding the foregoing, air conditioning units, emergency power generators and pool equipment may be operated at any time provided that any noise generated by such equipment is not detrimental to the health, safety or general welfare of the public.

**10-603. PENALTY.** Anyone causing an unnecessary noise or anyone failing to immediately abate an unnecessary noise after being requested to do so shall upon conviction thereof be punished by a fine of not more than \$500.00, or confinement for a period not exceeding 30 days, or both such fine and confinement.