

First published in The
Johnson County Sun,
Friday, October 11, 1991.

**CITY OF WESTWOOD
HILLS, KANSAS
ORDINANCE NO. 155**

WHEREAS, The
Governing Body of
Westwood Hills, Kansas
has determined that it is
advisable to amend
Chapter X of the Municipal
Code of the City to delete
certain provisions of
Chapter X, to adopt the
most recent edition of the
Uniform Public Offense
code for Kansas Cities
prepared and published by
The League of Kansas
Municipalities with certain
additions and to provide for
certain additional public
offenses in a separate
article of Chapter X.

NOW, THEREFORE,
BE IT ORDAINED BY THE
GOVERNING BODY OF THE
CITY OF WESTWOOD
HILLS, KANSAS, as
follows:

Section 1. Chapter X of
the Code of the City of
Westwood Hills is hereby
amended by deleting all
Articles and Sections of
said Chapter X as they
currently exist and sub-
stituting the following in
their place and stead:

**CHAPTER X.
PUBLIC OFFENSES**

Article 1. Uniform Public
Offense Code
Article 2. Additional Public
Offenses

10-101. INCORPOR-
ATING 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," Edition of
1991, 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 traffic
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.

Section 2. Article 9 of
said Uniform Public
Offense Code is hereby
supplemented by adding
the following section:

**9.11 DISTURBING THE
PEACE.**

time shall be 8:00 a.m.),
shall be prima facie
evidence of a violation of
this section.

(e) Exemptions. Sounds
emanating from the
following shall be exempt
from the provisions of (a)
through (d) above:

- (1) Emergency vehicles;
- (2) Public safety vehicles;
- (3) Emergency activities
of the fire or police
department;
- (4) Emergency activities
of any utility company;
and
- (5) Emergency activities
of municipal mainten-
ance vehicles and
equipment.

(f) Statement of Intent.
No provision of this
ordinance shall be
construed to limit or
abridge the rights of any
person to peacefully
assemble and express
opinions. It is the purpose
of this ordinance to protect
individuals from unrea-
sonable intrusions caused
by excessive, unnecessary,
unreasonable or unusually
loud noises.

(g) Disturbing the Peace
is a Class C violation.

Section 3. Article 2 of
Chapter 10 of the Code of
the City of Westwood Hills
is hereby amended to read
as follows:

**ARTICLE 2.
ADDITIONAL PUBLIC
OFFENSES**

10-201. INJURING
BUILDINGS, FENCES,
FIREPLUGS, ETC. No
person shall willfully break,
destroy, daub with chalk,
charcoal, paint or any other
substance defacing or
injuring any house,
building, structure or
appurtenance thereto, or
sever therefrom, or from
any gate, fence, or
enclosure, or any part
thereof, any material of
which it is formed, or sever
from the freehold any
produce thereof, or
anything attached thereto,
or shall pull down, injure
or destroy any gate, post,
railing, fence or land-
scaping, or in any manner
injure any goods, wares,
merchandise, automobiles,
art objects, or other
personal property of
another, or shall willfully
break, injure, deface or
destroy any sign, tree, box,
notice, hydrant, fireplug,
curb, or other property
belonging to any person by
cutting, breaking, defacing
or daubing with paint or
other substance.

10-202. INJURING
PUBLIC PROPERTY. No
person shall willfully,
negligently, or carelessly
alter, break, injure, deface,
damage, carry away or
destroy in any manner any
property of the city. Ref.
K.S.A. 21-3720.

10-203. INJURING
PRIVATE PROPERTY. No
person shall willfully,
negligently, or carelessly
alter, break, injure, deface,
damage, carry away or
destroy in any manner any
property of another. Ref.
K.S.A. 21-3720.

violating any of the
provisions of Article II shall,
upon conviction, be
punished by (1) a fine of
not less than one dollar
(\$1) nor more than five
hundred dollars (\$500), or
(2) confinement in the
county jail for a period not
to exceed ninety (90) days
or (3) both such fine and
confinement.

**Section 5. REPEAL
AND SAVINGS CLAUSE.**

All other ordinances
inconsistent herewith are
repealed; however, the
repeal of said ordinances
does not affect any right
which has accrued, any
duty imposed, any penalty
incurred, nor any
proceeding commenced,
under or by virtue of the
ordinance repealed. The
provisions of any
ordinance, so far as they
are the same as those of
any prior ordinance, shall
be construed as a
continuation of such
provisions, and not as a
new enactment.

Section 7. This
Ordinance shall be
effective upon its passage,
approval by the Mayor and
publication once in the
official city newspaper.

PASSED by the
Governing Body, and
APPROVED by the Mayor
this 8th day of October,
1991.

(s) Al W. Tikwart, Jr., Mayor

(s) Patti J. Fuhrman, City Clerk

(9499-1F)

(a) It shall be unlawful
for any person to make,
continue, 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, phono-
graph, or other machine or
device for the producing or
reproducing of sound in
such 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 for 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 be in any
party or 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 said 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 immedi-
ately disperse in lieu of
being charged under this
section. 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) Prima facie
violation. The operation of
any tool, equipment,
vehicle, electronic device,
set, instrument, television,
phonograph, machine or
other noise or sound
producing device, at any
time in such a manner as
to be plainly audible at any
adjacent property line, or
for fifty (50) or more feet in
the case of a multiple-
family dwelling, between
the hours of 11:00 p.m.
and 7:00 a.m. (except on
Sundays, which such latter

10-204. THROWING
SUBSTANCES IN SEWERS.
No person shall deposit,
throw or cause to be
deposited or thrown into
any drainage way, storm or
sanitary sewer, sewer inlet,
manhole, any animal or
vegetable substance, or
any hay, straw, ashes,
cinders, sticks, shavings,
trash, cans, rubbish, rags,
pieces of iron, or other
material or any other article
or anything whatever that
is liable to cause the sewer
to choke up or otherwise
obstruct the free flow of
water therein.

10-205. DUMPING. No
person shall dump or
deposit or cause to be
dumped or deposited on
any property dedicated to
public use or upon the
property of any person nor
to allow to fall or wash
upon any street or upon
any property of any other
person any dirt, earth,
building material, cans,
garbage, grass clippings,
debris, rubbish or any
other material.

10-206. TRASH. Each
and every owner, tenant,
housekeeper, or other
person occupying any
dwelling, house, or other
building, in the City of
Westwood Hills, and
producing trash, shall
provide and renew when
necessary, a sufficient
number of trash cans to
hold the trash accumulated
thereat. All such trash cans
shall be of rigid
construction with tightfitting
covers and shall be
watertight. Such trash cans
shall be placed outside the
confines of the building in
which the trash is
produced no earlier than
the morning of 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.

10-207. TREE, BUSH
AND LAWN TRIMMINGS.
Each and every owner,
tenant, housekeeper or
other person occupying
any dwelling, 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. 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.

10-208. PROHIBITED
PARKING OF CERTAIN
VEHICLES. No person
shall park, place or cause
to be placed, other than in
an enclosed garage, any
vehicle not in operating
condition, upon any lot,
plot or tract within the City
of Westwood Hills for a
period of more than (1)
week.

10-209. PENALTY
FOR VIOLATION OF
ARTICLE 2. Any person

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty sworn,
Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a
semi-weekly newspaper printed in the State of Kansas, and published in and of general
circulation in JOHNSON County, Kansas, and that said newspaper in not a trade, religious or
fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so
published continuously and uninterruptedly in said county and state for a period of more than
five years prior to the first publication of said notice; and has been admitted at the post office of
SHAWNEE MISSION, KANSAS in said County as a second class matter.

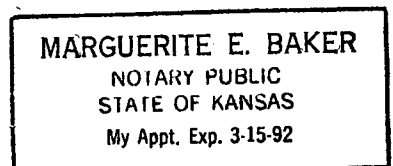
That the attached notice is a true copy thereof and was published in the regular and entire
issue of said newspaper for ----- *one* ----- consecutive
----- *day* ----- (weeks, days) the first publication thereof being made as aforesaid:
on the -- *11th* -- day of, *October* 19-- *91* --, with subsequent publications
being made on the following dates:

-----, 19-----, 19-----
-----, 19-----, 19-----

Georgiann Thacker

Subscribe and sworn to before me this-- *11th* -- day of -- *October* -- 19-- *91* --

Marguerite E. Baker
NOTARY PUBLIC



My Commission expires: ----- *3-15-92* -----
Printer's Fee\$ ----- *279.56* -----
Additional copies \$ -----

First published in The Johnson County Sun, Friday, October 11, 1991.

**CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 155**

WHEREAS, The Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend Chapter X of the Municipal Code of the City to delete certain provisions of Chapter X, to adopt the most recent edition of the Uniform Public Offense Code for Kansas Cities prepared and published by The League of Kansas Municipalities with certain additions and to provide for certain additional public offenses in a separate article of Chapter X.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

Section 1. Chapter X of the Code of the City of Westwood Hills is hereby amended by deleting all Articles and Sections of said Chapter X as they currently exist and substituting the following in their place and stead:

**CHAPTER X.
PUBLIC OFFENSES**

Article 1. Uniform Public Offense Code
Article 2. Additional Public Offenses

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," Edition of 1991, 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 traffic 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.

Section 2. Article 9 of said Uniform Public Offense Code is hereby supplemented by adding the following section:

9.11 DISTURBING THE PEACE.

time shall be 8:00 a.m.), shall be prima facie evidences of a violation of this section.

(e) Exemptions. Sounds emanating from the following shall be exempt from the provisions of (a) through (d) above:

- (1) Emergency vehicles;
- (2) Public safety vehicles;
- (3) Emergency activities of the fire or police department;
- (4) Emergency activities of any utility company; and
- (5) Emergency activities of municipal maintenance vehicles and equipment.

(f) Statement of Intent. No provision of this ordinance shall be construed to limit or abridge the rights of any person to peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

(g) Disturbing the Peace is a Class C violation.

Section 3. Article 2 of Chapter 10 of the Code of the City of Westwood Hills is hereby amended to read as follows:

**ARTICLE 2.
ADDITIONAL PUBLIC OFFENSES**

10-201. INJURING BUILDINGS, FENCES, FIREPLUGS, ETC. No person shall willfully break, destroy, daub with chalk, charcoal, paint or any other substance defacing or injuring any house, building, structure or appurtenance thereto, or sever therefrom, or from any gate, fence, or enclosure, or any part thereof, any material of which it is formed, or sever from the freehold any produce thereof, or anything attached thereto, or shall pull down, injure or destroy any gate, post, railing, fence or landscaping, or in any manner injure any goods, wares, merchandise, automobiles, art objects, or other personal property of another, or shall willfully break, injure, deface or destroy any sign, tree, box, notice, hydrant, fireplug, curb, or other property belonging to any person by cutting, breaking, defacing or daubing with paint or other substance.

10-202. INJURING PUBLIC PROPERTY. No person shall willfully, negligently, or carelessly alter, break, injure, deface, damage, carry away or destroy in any manner any property of the city. Ref. K.S.A. 21-3720.

10-203. INJURING PRIVATE PROPERTY. No person shall willfully, negligently, or carelessly alter, break, injure, deface, damage, carry away or destroy in any manner any property of another. Ref. K.S.A. 21-3720.

violating any of the provisions of Article II shall, upon conviction, be punished by (1) a fine of not less than one dollar (\$1) nor more than five hundred dollars (\$500), or (2) confinement in the county jail for a period not to exceed ninety (90) days or (3) both such fine and confinement.

Section 5. REPEAL AND SAVINGS CLAUSE.

All other ordinances inconsistent herewith are repealed; however, the repeal of said ordinances does not affect any right which has accrued, any duty imposed, any penalty incurred, nor any proceeding commenced, under or by virtue of the ordinance repealed. The provisions of any ordinance, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of such provisions, and not as a new enactment.

Section 7. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body, and **APPROVED** by the Mayor this 8th day of October, 1991.

(s) Al W. Tikwart, Jr., Mayor

(s) Patti J. Fuhrman, City Clerk

(9499-1F)

(a) It shall be unlawful for any person to make, continue, 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 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 for 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 be in any party or 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 said 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 section. 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) Prima facie violation. The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise or sound producing device, at any time in such a manner as to be plainly audible at any adjacent property line, or for fifty (50) or more feet in the case of a multiple-family dwelling, between the hours of 11:00 p.m. and 7:00 a.m. (except on Sundays, which such latter

10-204. THROWING SUBSTANCES IN SEWERS. No person shall deposit, throw or cause to be deposited or thrown into any drainage way, storm or sanitary sewer, sewer inlet, manhole, any animal or vegetable substance, or any hay, straw, ashes, cinders, sticks, shavings, trash, cans, rubbish, rags, pieces of iron, or other material or any other article or anything whatever that is liable to cause the sewer to choke up or otherwise obstruct the free flow of water therein.

10-205. DUMPING. No person shall dump or deposit or cause to be dumped or deposited on any property dedicated to public use or upon the property of any person nor to allow to fall or wash upon any street or upon any property of any other person any dirt, earth, building material, cans, garbage, grass clippings, debris, rubbish or any other material.

10-206. TRASH. Each and every owner, tenant, housekeeper, or other person occupying any dwelling, house, or other building, in the City of Westwood Hills, shall provide and renew when necessary, a sufficient number of trash cans to hold the trash accumulated thereat. All such trash cans shall be of rigid construction with tightfitting covers and shall be watertight. Such trash cans shall be placed outside the confines of the building in which the trash is produced no earlier than the morning of 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.

10-207. TREE, BUSH AND LAWN TRIMMINGS. Each and every owner, tenant, housekeeper or other person occupying any dwelling, 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. 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.

10-208. PROHIBITED PARKING OF CERTAIN VEHICLES. No person shall park, place or cause to be placed, other than in an enclosed garage, any vehicle not in operating condition, upon any lot, plot or tract within the City of Westwood Hills for a period of more than (1) week.

10-209. PENALTY FOR VIOLATION OF ARTICLE 2. Any person

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, and that said newspaper in not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 11th day of October 1991, with subsequent publications being made on the following dates:

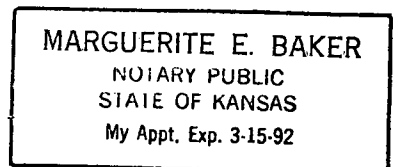
-----, 19-----, 19-----

-----, 19-----, 19-----

Georgiann Thacker

Subscribe and sworn to before me this 11th day of October 1991

Marguerite E. Baker
NOTARY PUBLIC



My Commission expires: 3-15-92
Printer's Fee\$ 279.56
Additional copies \$ -----

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 155

WHEREAS, the Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend Chapter X of the Municipal Code of the City to delete certain provisions of Chapter X, to adopt the most recent edition of the Uniform Public Offense Code for Kansas Cities prepared and published by The League of Kansas Municipalities with certain additions and to provide for certain additional public offenses in a separate article of Chapter X.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

Section 1. Chapter X of the Code of the City of Westwood Hills is hereby amended by deleting all Articles and Sections of said Chapter X as they currently exist and substituting the following in their place and stead:

CHAPTER X. PUBLIC OFFENSES

Article 1. Uniform Public Offense Code

Article 2. Additional Public Offenses

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," Edition of 1991, 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 traffic 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.

Section 2. Article 9 of said Uniform Public Offense Code is hereby supplemented by adding the following section:

9.11 DISTURBING THE PEACE.

(a) It shall be unlawful for any person to make, continue, 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 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 for 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 be in any party or 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 said 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 section. 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) Prima facie violation. The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise or sound producing device, at any time in such a manner as to be plainly audible at any adjacent property line, or for fifty (50) or more feet in the case of a multiple-family dwelling, between the hours of 11:00 p.m. and 7:00 a.m. (except on Sundays, which such latter time shall be 8:00 a.m.), shall be prima facie evidence of a violation of this section.

(e) Exemptions. Sounds emanating from the following shall be exempt from the provisions of (a) through (d) above:

- (1) Emergency vehicles;
- (2) Public safety vehicles;
- (3) Emergency activities of the fire or police department;
- (4) Emergency activities of any utility company;
- and
- (5) Emergency activities of municipal maintenance vehicles and equipment.

(f) Statement of Intent. No provision of this ordinance shall be construed to limit or abridge the rights of any person to

peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

(g) Disturbing the Peace is a Class C violation.

Section 3. Article 2 of Chapter 10 of the Code of the City of Westwood Hills is hereby amended to read as follows:

ARTICLE 2. ADDITIONAL PUBLIC OFFENSES

10-201. INJURING BUILDINGS, FENCES, FIREPLUGS, ETC. No person shall willfully break, destroy, daub with chalk, charcoal, paint or any other substance defacing or injuring any house, building, structure or appurtenance thereto, or sever therefrom, or from any gate, fence, or enclosure, or any part thereof, any material of which it is formed, or sever from the freehold any produce thereof, or anything attached thereto, or shall pull down, injure or destroy any gate, post, railing, fence or landscaping, or in any manner injure any goods, wares, merchandise, automobiles, art objects, or other personal property of another, or shall willfully break, injure, deface or destroy any sign, tree, box, notice, hydrant, fireplug, curb, or other property belonging to any person by cutting, breaking, defacing or daubing with paint or other substance.

10-202. INJURING PUBLIC PROPERTY. No person shall willfully, negligently, or carelessly alter, break, injure, deface, damage, carry away or destroy in any manner any property of the city. Ref. K.S.A. 21-3720.

10-203. INJURING PRIVATE PROPERTY. No person shall willfully, negligently, or carelessly alter, break, injure, deface, damage, carry away or destroy in any manner any property of another. Ref. K.S.A. 21-3720.

10-204. THROWING SUBSTANCES IN SEWERS. No person shall deposit, throw or cause to be deposited or thrown into any drainage way, storm or sanitary sewer, sewer inlet, manhole, any animal or vegetable substance, or any hay, straw, ashes, cinders, sticks, shavings, trash, cans, rubbish, rags, pieces of iron, or other material or any other article or anything whatever that is liable to cause the sewer to choke up or otherwise obstruct the free flow of water therein.

10-205. DUMPING. No person shall dump or deposit or cause to be dumped or deposited on any property dedicated to public use or upon the property of any person nor to allow to fall or wash upon any street or upon any property of any other person any dirt, earth, building material, cans, garbage, grass clippings, debris, rubbish or any other material.

10-206. TRASH. Each and every owner, tenant, housekeeper, or other person occupying any dwelling, house, or other building, in the City of Westwood Hills, and producing trash, shall provide and renew 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 shall be placed outside the confines of the building in which the trash is produced no earlier than the morning of 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.

10-207. TREE, BUSH AND LAWN TRIMMINGS. Each and every owner, tenant, housekeeper or other person occupying any dwelling, 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. 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.

10-208. PROHIBITED PARKING OF CERTAIN VEHICLES. No person shall park, place or cause to be placed, other than in an enclosed garage, any vehicle not in operating condition, upon any lot, plot or tract within the City of Westwood Hills for a period of more than (1) week.

10-209. PENALTY FOR VIOLATION OF ARTICLE 2. Any person violating any of the provisions of Article II shall, upon conviction, be punished by (1) a fine of not less than one dollar (\$1) nor more than five hundred dollars (\$500), or (2) confinement in the county jail for a period not to exceed ninety (90) days or (3) both such fine and confinement.

Section 5. REPEAL AND SAVINGS CLAUSE. All other ordinances inconsistent herewith are repealed; however, the repeal of said ordinances does not effect any right which has accrued, any duty imposed, any penalty incurred, nor any proceeding commenced, under or by virtue of the ordinance repealed. The provisions of any ordinance, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of such provisions, and not as a new enactment.

Section 7. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

8th PASSED by the Governing Body, and APPROVED by the Mayor this day of October, 1991.

Patt J. Fuhrman
City Clerk

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Al. W. Tikwart, Jr.
Al. W. Tikwart, Jr., Mayor

Tele 381-1010

To: Sun Publications ^{FAX} ~~381~~-9889
381-

City of Westwood Hills

5008 State Line

Westwood Hills, Kansas 66205

(913) 262-6622

10-10-91

Legal Publication:

Please publish this Ordinance in
the next available edition

Thank you.

Patti Fuhrman
City Clerk

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 155

WHEREAS, the Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend Chapter X of the Municipal Code of the City to delete certain provisions of Chapter X, to adopt the most recent edition of the Uniform Public Offense Code for Kansas Cities prepared and published by The League of Kansas Municipalities with certain additions and to provide for certain additional public offenses in a separate article of Chapter X.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

Section 1. Chapter X of the Code of the City of Westwood Hills is hereby amended by deleting all Articles and Sections of said Chapter X as they currently exist and substituting the following in their place and stead:

CHAPTER X. PUBLIC OFFENSES

Article 1. Uniform Public Offense Code

Article 2. Additional Public Offenses

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," Edition of 1991, 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 traffic 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.

Section 2. Article 9 of said Uniform Public Offense Code is hereby supplemented by adding the following section:

9.11 DISTURBING THE PEACE.

(a) It shall be unlawful for any person to make, continue, 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 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 for 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 be in any party or 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 said 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 section. 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) Prima facie violation. The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise or sound producing device, at any time in such a manner as to be plainly audible at any adjacent property line, or for fifty (50) or more feet in the case of a multiple-family dwelling, between the hours of 11:00 p.m. and 7:00 a.m. (except on Sundays, which such latter time shall be 8:00 a.m.), shall be prima facie evidence of a violation of this section.

(e) Exemptions. Sounds emanating from the following shall be exempt from the provisions of (a) through (d) above:

- (1) Emergency vehicles;
- (2) Public safety vehicles;
- (3) Emergency activities of the fire or police department;
- (4) Emergency activities of any utility company; and
- (5) Emergency activities of municipal maintenance vehicles and equipment.

(f) Statement of Intent. No provision of this ordinance shall be construed to limit or abridge the rights of any person to

peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

(g) Disturbing the Peace is a Class C violation.

Section 3. Article 2 of Chapter 10 of the Code of the City of Westwood Hills is hereby amended to read as follows:

ARTICLE 2. ADDITIONAL PUBLIC OFFENSES

10-201. INJURING BUILDINGS, FENCES, FIREPLUGS, ETC. No person shall willfully break, destroy, daub with chalk, charcoal, paint or any other substance defacing or injuring any house, building, structure or appurtenance thereto, or sever therefrom, or from any gate, fence, or enclosure, or any part thereof, any material of which it is formed, or sever from the freehold any produce thereof, or anything attached thereto, or shall pull down, injure or destroy any gate, post, railing, fence or landscaping, or in any manner injure any goods, wares, merchandise, automobiles, art objects, or other personal property of another, or shall willfully break, injure, deface or destroy any sign, tree, box, notice, hydrant, fireplug, curb, or other property belonging to any person by cutting, breaking, defacing or daubing with paint or other substance.

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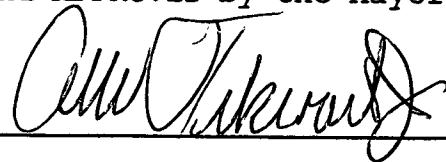
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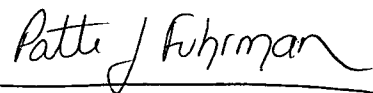
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Section 7. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body, and APPROVED by the Mayor this 8th day of October, 1991.





City Clerk