

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Georglann Thacker being first Duly 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 is 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 17th day of, March 19 93, with subsequent publications being made on the following dates:

_____, 19____, _____, 19____

_____, 19____, _____, 19____

Georglann Thacker

Subscribe and sworn to before me this 17th day of March 19 93

Pearlie A. Peterson
NOTARY PUBLIC

My Commission Expires _____

Printer's Fees 160.26

Additional copies \$ _____

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. January 25, 1996

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 160

WHEREAS, the Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend Section 101 of Chapter X of the Municipal Code of the City to adopt the most recent edition of the Uniform Public Offense Code for Kansas Cities prepared and published by The League of Kansas Municipalities.

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

Section 1. Section 101 of Chapter X of the Code of the City of Westwood Hills is hereby amended to read as follows:

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 1992, 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 of 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. 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 4. 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 1st day of February, 1993.

1s/ Al W. Tikwart, Jr., Mayor

Attest:
1s/ Patti Fuhrman, County Clerk

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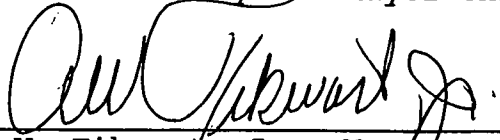
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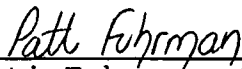
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