

CITY OF WESTWOOD HILLS, KANSAS  
ORDINANCE NO. 185

AN ORDINANCE CONCERNING UNNECESSARY NOISE WITHIN THE CORPORATE LIMITS OF THE CITY OF WESTWOOD HILLS, KANSAS AND REGULATING THE TIME SUCH NOISE IS PERMITTED

WHEREAS, the Governing Body has determined that noise which is or may be harmful or injurious to human health or welfare, or that interferes with the enjoyment of life or property of a reasonable person with normal sensibilities is an unnecessary noise and should be prohibited or regulated as to the time such noise will be permitted.

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

Section 1. The Municipal Code of the City of Westwood Hills, Kansas is hereby amended to add the following Article 6 to Chapter 10 of said code as follows:

"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 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, including, but not limited to, ambulances, police department motorcycles, automobiles and vehicles, and fire department automobiles, apparatus and vehicles.
- B. **Radios, Phonographs, Etc.** Any sound from any radio, phonograph, stereo, musical instrument or other electrical 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:
    - a. From 9:00 a.m. to 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday,

and Thursday; or and

- b. From 9:00 a.m. on Friday, Saturday, and any legal holiday, to 12:30 a.m. on the following day.

C. **Construction Work Noise.** 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 on Sundays, legal holidays, and on all other days 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.

D. **Operation of Machinery, Equipment or Tools for any Purpose.** Except as provided in Section 6-602.D.3., all hammering, sawing, pounding, or the running or operation of any tractor, trash truck, bulldozer, grader, cement mixer, plaster mixer, emergency power generator, air conditioning unit, pool equipment or other machinery, motor, equipment or tool activity of any kind or nature which produces or causes loud, annoying, disturbing or disagreeable noise if:

1. At any time, it is detrimental to the health, safety or general welfare of the public; or
2. Any such noise. (except noise from emergency power generators, air conditioning units or pool equipment) occurs on Sundays, legal holidays, or any other day except:

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

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3. **Operation of Certain Lawn Maintenance Machinery.**

Gas 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.

E. **Loading and Unloading Operations.** The creation of a loud and excessive noise in

connection with loading or unloading any vehicle.

- F. **Bells and Gongs.** The sounding of any bell or gong in or upon any street, sidewalk, park, public square or other public place, or in or upon any porch, balcony, steps or platform over, upon, near or adjoining any such street, sidewalk, park, public square or other public place, or attached to any building or premises, which disturbs the quiet or repose of persons in the vicinity thereof.
- G. **Hawkers and Peddlers.** The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood. It shall be unlawful for any huckster to cry aloud and announce the sale of wares or merchandise upon any of the public streets of the City.
- H. **Noises to Attract Attention.** The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- I. **Loudspeakers or Amplifiers.** The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles, or stationary stands for advertising or any other purpose is an unnecessary noise.

**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 \$200.00, or confinement for a period not exceeding 10 days, or both such fine and confinement."

Section 2. 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 7th day of February, 2000.

---

E. Allen Roth, Mayor

Attest:

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Patti Fuhrman, City Clerk

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**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:

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  2. Any such sound is audible to any person on any other property except:
    - a. From 9:00 a.m. to 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday,

and Thursday; or and

- b. From 9:00 a.m. on Friday, Saturday, and any legal holiday, to 12:30 a.m. on the following day.

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

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connection with loading or unloading any vehicle.

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- G. **Hawkers and Peddlers.** The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood. It shall be unlawful for any huckster to cry aloud and announce the sale of wares or merchandise upon any of the public streets of the City.
- H. **Noises to Attract Attention.** The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- I. **Loudspeakers or Amplifiers.** The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles, or stationary stands for advertising or any other purpose is an unnecessary noise.

**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 \$200.00, or confinement for a period not exceeding 10 days, or both such fine and confinement."

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PASSED by the Governing Body, and APPROVED by the Mayor this 7th day of February, 2000.

\_\_\_\_\_  
E. Allen Roth, Mayor

Attest:

\_\_\_\_\_  
Patti Fuhrman, City Clerk

Stop  
Newspaper  
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fee  
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# The Legal Record

Lewis Legal News, Inc.  
213 E. Santa Fe, Suite 2  
Olathe, KS 66061  
(913) 780-5790

ORD185

Publication Fees: \$30.84

CITY OF WESTWOOD HILLS  
ATTN: PATTI FUHRMAN  
2117 W 50TH ST  
WESTWOOD HILLS, KS 66205

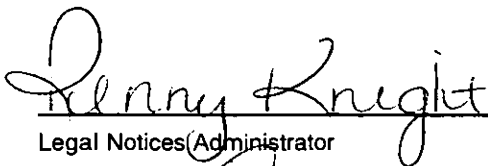
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## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Penny Knight, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter (now called periodicals class). That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by

the following case number, if any) for 1 consecutive week(s), as follows:

ORDINANCE NO. 185--2/15/00

  
\_\_\_\_\_  
Legal Notices Administrator

Subscribed and sworn to before me on this date:

FEBRUARY 16, 2000

  
\_\_\_\_\_  
Notary Public

DEBRA VALENTI  
Notary Public - State of Kansas

My appointment expires: August 21, 2003

\$30.84



**ORDINANCE NO. 185**

First published in The Legal Record, Tuesday, February 15, 2000.

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**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:

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  - 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:
    - a. From 9:00 a.m. to 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday; or and
    - b. From 9:00 a.m. on Friday, Saturday, and any legal holiday, to 12:30 a.m. on the following day.
- C. **Construction Work Noise.** 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 on Sundays, legal holidays, and on all other days except:
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  - 4. In case of urgent necessity or in the interest of public safety and then only with a permit from the City Clerk.
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connection with loading or unloading any vehicle.

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Section 2. 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 7th day of February, 2000.

/s/ E. Allen Roth  
E. Allen Roth, Mayor

Attest:

/s/ Patti Fuhrman  
Patti Fuhrman, City Clerk

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- D. Operation of Machinery, Equipment or Tools for any Purpose.** Except as provided in Section 6-602.D.3, all hammering, sawing, pounding, or the running or operation of any tractor, trash truck, bulldozer, grader, cement mixer, plaster mixer, emergency power generator, air conditioning unit, pool equipment or other machinery, motor, equipment or tool activity of any kind or nature which produces or causes loud, annoying, disturbing or disagreeable noise if:
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Gas 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
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over, upon, near or adjoining any such street, sidewalk, park, public place, or attached to any building or premises, which disturbs the quiet in the vicinity thereof.

- G. Hawkers and Peddlers.** The shouting and crying of peddlers, hawk disturbs the quiet and peace of the neighborhood. It shall be unlawful to cry aloud and announce the sale of wares or merchandise upon any street in the City.
- H. Noises to Attract Attention.** The use of any drum, loudspeaker or other device for the purpose of attracting attention by creation of noise for the purpose of show or sale or display of merchandise.
- I. Loudspeakers or Amplifiers.** The use of mechanical loudspeakers on trucks or other moving vehicles, or stationary stands for advertising purposes is an unnecessary noise.

**10-603. Penalty.** Anyone causing an unnecessary noise or anyone failing to stop an unnecessary noise after being requested to do so shall upon conviction be fined not more than \$200.00, or confinement for a period not exceeding 30 days, or both such fine and confinement.

Section 2. This Ordinance shall be effective upon its passage, approval and publication once in the official city newspaper.

PASSED by the Governing Body, and APPROVED by the Mayor on February 20, 2000.

E. Allen Roth  
E. Allen Roth, Mayor

Attest:

Patti Fuhrman  
Patti Fuhrman, City Clerk

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