

ORDINANCE NO. 1861

AN ORDINANCE PROHIBITING THE GENERATING OF EXCESSIVE NOISE FROM SOUND AMPLIFICATION SYSTEMS OPERATED FROM WITHIN MOTOR VEHICLES WITHIN THE CITY OF BURLINGAME, KANSAS, AND PROVIDING FOR PENALTIES IN VIOLATION OF SAID ORDINANCE.

WHEREAS, the use of loud amplification systems in motor vehicles presents a safety hazard to the citizens and motoring public of the City of Burlingame, Kansas; and

WHEREAS, the use of loud amplification systems can prevent the operator of a motor vehicle from hearing approaching or overtaking emergency vehicles, and can distract driver's attention from safe operation of motor vehicles within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS:

SECTION 1. Prohibited Operation of Sound Amplification Systems:

A. No person operating or occupying a motor vehicle on a street, highway, public park, 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.

B. Sound amplification system means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

C. 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 the direct line included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway.

D. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law for operating the sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
2. The vehicle was an emergency or public safety vehicle.
3. The vehicle was owned and operated by the City of Burlingame, Kansas, or a gas, electric communications or refuse company.
4. The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages or persons in compliance with the ordinances of the City of Burlingame, Kansas.

5. The vehicle was used in authorized public activities, such as fireworks, sports events, music productions, and other activities which have the approval of the department of the City authorized to grant such approval.

SECTION 2. Penalties. Any person, individual, partnership, corporation or association who violates any of the provisions of this ordinance is guilty of an ordinance violation, and upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment of not more than six months or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.

SECTION 3. Effective Date. This Ordinance shall take effect upon passage by the Governing Body and publication in the official City newspaper.

PASSED by the Governing Body of the City of Burlingame,

Kansas, and APPROVED by the Mayor, this 9th day of April, 1999.

/s/ Raymond L. Hovestadt, Mayor

ATTEST: /s/ Cheryl D. Holloway, City Clerk