

ORDINANCE NO. G-10-03

AN ORDINANCE AMENDING CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC), ARTICLE II (OPERATION OF VEHICLES GENERALLY), OF THE CODE OF ORDINANCES OF THE CITY OF COFFEYVILLE, KANSAS, BY ADDING A NEW SECTION 15-22, RELATING TO LOUD SOUND AMPLIFICATION SYSTEMS IN VEHICLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COFFEYVILLE, KANSAS:

SECTION 1. That Chapter 15 (Motor Vehicles and Traffic), Article II (Operation of Motor Vehicles Generally), of the Code of Ordinances of the City of Coffeyville be and is hereby amended by adding a new section relating to loud sound amplification systems in vehicles, as follows:

“Sec. 15-22. Loud Sound Amplification Systems in Vehicles.

(a) Prohibition. No person operating or occupying a motor vehicle on a street, highway, 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 audible at a distance of 100 or more feet from the vehicle.

(b) Definitions. For the purpose of this section:

“Audible” means any sound produced by a sound amplification system from within a vehicle which can be heard at a distance of 100 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

“Sound amplification system” means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of sound.

(c) Defense to Prosecution. It is an affirmative defense to a charge under this section that the operator of the vehicle was not otherwise prohibited by law from 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 or a gas, electric, communications or refuse company, or operated as an ice cream truck;

(4) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblage of persons in compliance with ordinances of the city; or

(5) The vehicle was used in authorized public activities, such as parades, fireworks, sporting events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval.

(d) Penalty. Any person who violates any of the provisions of this section 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 of this section is found to exist or continues to exist shall be a separate offense and punishable as such under this section.

SECTION 2. This Ordinance shall take effect and be in force from and after its publication, as provided by law.

Passed and approved this 28th day of September 2010.

Alec Hendryx, Mayor

ATTEST:

Cindy Price, City Clerk