

Ordinance No. 1125

AN ORDINANCE AMENDING CHAPTER 11 OF THE CLEARWATER MUNICIPAL CODE BY REPEALING AND REPLACING SECTION 11-401 REGARDING NOISE.

WHEREAS, the Governing Body of the City of Clearwater, Kansas, has identified a need to modify the Offenses Against Public Peace and

WHEREAS, the City of Clearwater, Kansas, wishes to amend Chapter 11 Article 4 Section 11-401 to the Code of the City of Clearwater

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER KANSAS:

SECTION 1.

Chapter 11 Article 4 Section 11-401 of the Code of the City of Clearwater, Kansas, is hereby amended to read as follows:

(a) 11-401. Offenses Against Public Peace — Unreasonable Noise.

LOUD AND UNNECESSARY NOISE PROHIBITED

- (1). It shall be unlawful for any person to permit, make, continue, maintain or cause to be made or continue any excessive, unreasonable or unusually loud noise which disturbs, injures, endangers the repose, health, peace or safety of other people of ordinary sensitivity within the vicinity of the noise.
- (2). 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 or repose of the neighboring inhabitants of ordinary sensitivity.
- (3). No person shall permit or participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this section; provided; however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants of the location where the party or gathering occurs shall, upon request of a police officer, cooperate fully in immediately abating the disturbance. Failing to immediately cooperate with law

enforcement efforts to remedy and resolve the noise disturbance shall be in violation of this section.

- (4). No property owner shall permit their property to be used in violation of this section. Property owners shall make a reasonable effort to notify all tenants, lessees, and invitees of the City's noise restrictions, and shall make every effort to assist law enforcement with immediately abating the disturbance occurring upon their property when requested by law enforcement. Multiple complaints occurring against a single property may be evidence that a property owner is permitting their property to be used in violation of this section.
- (5). DEFINITIONS. For purposes of this section, these terms shall be defined as follows:
 - i. Neighboring inhabitants includes those persons residing in single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms, or businesses within the vicinity of the noise.
 - ii. Excessive, unreasonable or unusually loud noise shall be a determination of legal fact based upon those indicators that a reasonable person would objectively find to 1) disturb the peace, quiet or repose of the area, 2) cause physical injury or property damage, or 3) endanger the safety of the area, when any individual actually experiences such harm.
- (6). The following situations are exempt from noise ordinance regulations:
 - i. Emergency work necessary to restore property to a safe condition or to protect a person and property from eminent danger;
 - ii. Emergency vehicles;
 - iii. Alarm systems;
 - iv. Residential and Commercial trash and solid waste collection service during the hours outlined in Chapter 8 of this Code;
 - v. Aircraft or railroads;
 - vi. Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
 - vii. Air conditioners
 - viii. Lawn care equipment operated between 7:00 a.m. and 9:00 p.m.;
 - ix. Construction operations operated between 7:00 a.m. and 9:00 p.m.; and
 - x. Church bells and campanile chimes.
- (7). Penalty, Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$500.00 or be imprisoned in jail for a period not to exceed one (1) month, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- (8). EXCEPTIONS. The following activities, as long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition, are exempted from the provisions of this chapter:

- i. Lawn maintenance;
 - ii. Repair of personal use vehicles;
 - iii. Home repair of place of residence
- (9). PENALTY. Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$500.00 or be imprisoned in jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Section 2. Repeal

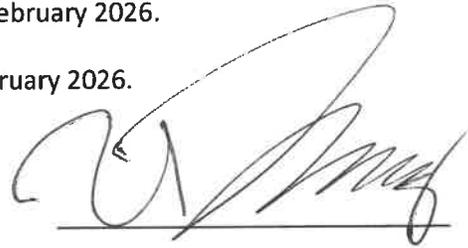
All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 10th day of February 2026.

Approved by the Mayor this 10th day of February 2026.

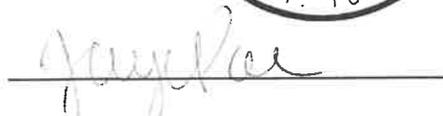


Mayor, Burt Ussery



SEAL

ATTEST:



City Clerk, Jaye Poe