

ORDINANCE NO. 7056

**AN ORDINANCE OF THE CITY OF LAWRENCE,
KANSAS CREATING THE TRAFFIC INFRACTION OF
OPERATING A MOTOR VEHICLE WITH CERTAIN
LOUD SOUND AMPLIFICATION SYSTEMS**

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

Section 1. **Findings.** The governing body hereby makes the following findings contained within this section: a) the safe and lawful operation of vehicles within and upon the streets, highways, alleys, parking lots, and driveways of the City requires the reasonably undistracted attention of drivers; b) the operation of sound amplification systems in an excessively loud manner disturbs the attentiveness of vehicle drivers, vehicle passengers, drivers of other vehicles, and pedestrians and disturbs the peace and repose of inhabitants along and near public streets, highways, alleys, parking lots, and driveways; c) the operation of sound amplification systems in or on vehicles in an excessively loud manner dangerously interferes with the opportunity for vehicle drivers to respond to emergency public safety vehicles using sirens to warn vehicle drivers; and d) reasonable time, place, and manner restrictions on the operation of sound amplification systems in or on vehicles leaves ample opportunities for alternative avenues of expression.

Section 2. **Supplemental to Standard Traffic Ordinance.** This ordinance shall be supplemental to the Standard Traffic Ordinance adopted by the City pursuant to Section 17-101 of the Code of the City of Lawrence, Kansas, 1997 Edition, as amended.

Section 3. **Definitions.** For the purpose of this Ordinance:

(a) "Audible" means any sound produced by a sound amplification system from within a vehicle which can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon a direct line of sight. Words or phrases need not be discernible and bass reverberations shall be included.

(b) "Sound amplification system" means any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of sound.

All other definitions shall be those in the Standard Traffic Ordinance adopted by the City pursuant to Section 17-101 of the Code of the City of Lawrence, Kansas, 1997 Edition, as amended.

Section 4. **Prohibition of the Certain Operation of Loud Sound Amplification Systems.** No person or persons operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within or upon the vehicle so that the sound is audible at a distance of fifty (50) feet or more from the vehicle. Nothing in this ordinance shall require the witnessing law enforcement officer to physically measure the distance from the officer to the allegedly offending vehicle operator and

vehicle prior to the issuance of a citation.

Section 5. Defense to Prosecution. It shall be an affirmative defense to a charge issued pursuant to this ordinance 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.

- a) The sound amplification system was being operated by a law enforcement officer, fire fighter personnel, emergency medical personnel in the lawful performance of their public safety duties;
- b) The sound amplification system was being operated by a person to request medical or vehicular assistance or to warn of a hazardous road condition;
- c) The sound amplification system was being operated pursuant to an authorized public activity or event requiring the broadcast of auditory information or music beyond fifty (50) feet to reach a receptive and invited audience, including such public activities and events as parades, fireworks events, sporting events, musical productions with all necessary City approvals allowing the operation of a vehicle with a sound amplification system.

Section 5. Ordinance Traffic Infraction; \$50.00 Minimum Fine. Any person who violates the provisions of this ordinance shall, upon conviction, be guilty of an ordinance traffic infraction and shall be fined a minimum of \$50.00. Each violation of this section shall constitute a separate offense and shall be punishable as a separate offense.

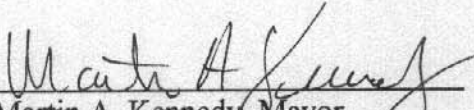
Section 6. Amendment to Disturbing the Peace Ordinance. Section 14-416 of the Code of the City of Lawrence, Kansas, 1997 Edition, is hereby enacted:

Section 7. No Violation of Disturbing the Peace if Violation of Loud Sound Amplification System Ordinance. The provisions of 14-413 through 14-415 shall not apply to violations of the prohibition against the operation of loud sound amplification systems from within or upon vehicles as established in Ordinance No. 7056.

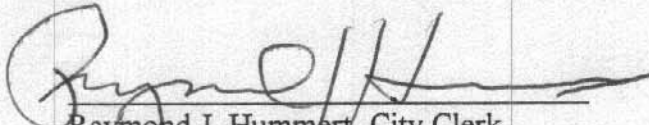
Section 8. Effectiveness. This ordinance shall be take effect and be in force from and after January 1, 1999.

Adopted by the governing body of the City of Lawrence, Kansas, this 8th day of December, 1998.

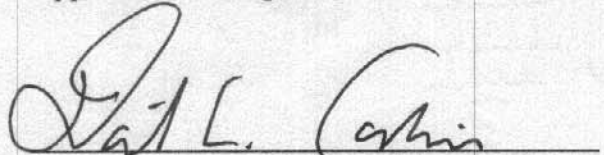
PASSED:


Martin A. Kennedy, Mayor

ATTEST:


Raymond J. Hummert, City Clerk

Approved as to legal form:


David L. Corliss, Director of Legal Services

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 8th day of Dec 1998; that the record of the final vote on its passage is found on page _____ of Journal ✓ that it was published in the Lawrence Daily Journal-World on the 17th Day of Dec; 1998
Raymond J. Hummert
City Clerk dg