

HOME RULE RESOLUTION NO. HR 2005-14

**A RESOLUTION ESTABLISHING STANDARDS FOR NOISE
IN THE UNINCORPORATED AREA OF SHAWNEE COUNTY**

SPONSORED BY COMMISSIONER MILLER

WHEREAS, The Board of County Commissioners of the County of Shawnee, Kansas finds that the making and creation of certain loud, unnecessary, or unusual noises within the unincorporated area of the County is a condition which has existed for some time and the extent and volume of such noises is increasing; and

WHEREAS, The Board of County Commissioners of the County of Shawnee, Kansas finds that the making, creation, or maintenance of certain loud, unnecessary, unnatural, or unusual noises which are prolonged, unusual, and unnatural in their time, place, and use are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the unincorporated area of the County; and

WHEREAS, The Board of County Commissioners of the County of Shawnee, Kansas finds that the adoption of a resolution prohibiting certain noises is in the interest of the public health, comfort, convenience, safety, welfare, prosperity, and the peace and quiet of the residents of the unincorporated area of the County;

NOW, THEREFORE, The Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session on this 25th day of July, 2005, and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

SECTION 1.0 PROHIBITIONS

1.1 The acts mentioned in the following sections of this resolution are declared to be loud, disturbing, and unnecessary noises in violation of this resolution.

1.11 Fireworks

1.11a The discharge, explosion, or use of any fireworks is prohibited except from June 27 to July 4 between the hours of 8:00 a.m. to midnight.

1.12 Canines

1.12a The keeping or harboring of any canine which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity is unlawful.

Section 2.0 - EXCEPTIONS

2.1 The provisions of this resolution shall not apply to the following:

2.12 The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.

2.13 Organized school-related programs, activities, or parades or other public programs, activities, or events authorized by the Board of County Commissioners, a Township Board, or their designated representative.

SECTION 3.0 ENFORCEMENT

3.1 Violation of any provision of this resolution shall be enforced by the appropriate Law Enforcement Agency in a manner consistent with that Law Enforcement Agency's policy for misdemeanor offenses.

3.2 If any person is convicted of any violation of this resolution, the following fines and penalties shall be imposed:

3.21 For the first violation, a fine in the amount of Fifty and No/100 Dollars (\$50.00);

3.22 For the second violation, a fine in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00);

3.23 For the third or any subsequent violation, a fine in the amount of One Thousand and No/100 Dollars (\$1,000.00).

SECTION 4.0 - OTHER REMEDIES

4.1 No provision of this resolution shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this resolution or from other law. Any person allegedly aggrieved by another person's violation of this resolution may seek, in a civil action, a declaratory judgment and/or an injunction, or other appropriate relief against another person for committing the act or practice that violates this resolution.

SECTION 5.0- OTHER PROVISIONS

5.1 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this resolution or any part thereof, is for any reason held to be unconstitutional or invalid or

ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution or any part thereof.

5.2 This resolution shall take effect thirty (30) days after publication in the official County newspaper.

**BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS**

/s/ Vic Miller, Chairman

/s/ Theodore D. Ensley, Vice-Chairman

/s/ Marice A. Kane, Member

ATTEST:

/s/ Cynthia A. Beck, Shawnee County Clerk

Approved as to legality And Form: Date 7/25/05 /s/ Jonathan C. Brzon
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