

(Published in the Topeka Metro News September 7, 2015)

ORDINANCE NO. 19966

AN ORDINANCE introduced by Councilmember Jonathan Schumm, concerning sound amplification systems in vehicles, amending City of Topeka Code § 10.20.090 and repealing original section.

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

Section 1. That section 10.20.090, Loud sound amplification systems in vehicles, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

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 ~~400~~50 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 ~~400~~50 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;

(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~~ in accordance with TMC 1.10.070.

(e) Penalty; Subsequent Violations. Upon a second or subsequent offense committed within six (6) months after the previous offense, upon conviction thereof, a

51 fine of at least \$250 shall be imposed. The court may impose a lesser fine if the person
52 establishes that the sound amplification system has been removed from the vehicle.

53 Section 2. That original § 10.20.090 of The Code of the City of Topeka,
54 Kansas, is hereby specifically repealed.

55 Section 3. This ordinance shall take effect and be in force from and after its
56 passage, approval and publication in the official City newspaper.

57 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
58 or portions thereof, which are in conflict with the provisions of this ordinance.

59 Section 5. Should any section, clause or phrase of this ordinance be declared
60 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
61 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

62 PASSED AND APPROVED by the City Council on September 1, 2015.

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64 CITY OF TOPEKA, KANSAS
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Larry E. Wolgast, Mayor

70 ATTEST:

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75 Brenda Younger, City Clerk