

CHAPTER XI. PUBLIC OFFENSES

Article 1. Uniform Offense Code

Article 2. Local Regulations

ARTICLE 1. UNIFORM OFFENSE CODE

- 11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Phillipsburg, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2013, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Phillipsburg, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Code 2013)

ARTICLE 2. LOCAL REGULATIONS

- 11-201. ADDITIONAL PROVISIONS. The uniform public offense ordinance incorporated by section 11-101 is hereby amended by adding the following provisions. (Code 1999, 13-201)
- 11-202. WHEN OFFENDER IS MINOR. When any traffic offender under the age of 16 years or any person under the age of 18 years is arrested with or without a warrant for an offense under this chapter, such child shall be delivered into the custody of the probation officer or be taken forthwith before the juvenile court of Phillips County, provided that if such a person shall have been taken before the municipal court, it shall be the duty of the municipal judge to dismiss the charge or complaint and refer the case to such juvenile court. (Code 1971, 14-102; Code 1999, 13-202)
- 11-203. HOUSE OR STREET NUMBERS. It shall be unlawful to remove, destroy, carry away, or in any manner deface or disfigure any house number, street or avenue name or number. (Code 1971, 14-210; Code 1999, 13-203)
- 11-204. FRUIT, FLOWERS. It shall be unlawful to maliciously or mischievously enter the enclosure or lands of any person and pick, destroy or carry away any fruit, flowers, trees, shrubs, bush or vines. (Code 1971, 14-213; Code 1999, 13-204)
- 11-205. CURFEW. (a) It shall be unlawful for any person under the age of 16 years to be upon any street or other public place or places normally accessible to the general public for public use, between the hours of midnight and six a.m. on each day of the week unless accompanied by a parent, legal guardian, or other person exercising legal custody of such person.
(b) This prohibition shall not apply to those persons under the age of 16 enroute by the most direct and accessible route between their homes and their place of authorized employment, entertainment or place of attendance, or when performing an errand at the direction of their parent, guardian or the person exercising legal custody.
(c) Authorized as used in this section shall denote prior authorization by a parent, legal guardian or other person exercising legal custody.
(Code 1999, 13-206)
- 11-206. PARENT, GUARDIAN. It shall be unlawful for the parent, legal guardian or other person lawfully entitled to the custody of any person under the age of 16 to allow that person to be in violation of section 11-205. (Code 1999, 13-207)
- 11-207. RADIO, TV INTERFERENCE. It shall be unlawful for any person knowingly or wantonly to operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever within the city, the operation of which causes reasonable preventable electrical interference with radio or television reception within the city. This prohibition shall not apply to electrical machines or equipment used in providing medical treatment or examinations, provided such machines or equipment are properly equipped to avoid all unnecessary or reasonably preventable interference with radio and television reception and are not negligently operated. (Code 1971, 14-511; Code 1999, 13-208)

- 11-208. STORING VEHICLES ON PUBLIC PROPERTY. (a) It shall be unlawful for any person to park any vehicle or place or store any property of any kind on any portion of a street prepared and platted as parking. The governing body, however, may authorize the use of unimproved parking or the improvement of parking for the standing or parking of vehicles when the curb is removed and such portion of the street is improved for such purpose.
- (b) Previously authorizes street parking cutbacks and driveways which do not conform to this section may continue to be used until such use is revoked by the governing body.
- (Code 1971, 14-519; Code 1999, 13-209)
- 11-209. POSSESSION OF FRUIT, VEGETABLES, ETC. It shall be unlawful for any person within the city to have in his or her possession between the hours of 7:00 p.m. on October 25th and 7:00 a.m. on November 5th, while on any street, alley, city right-of-way, city property or other city public property, any eggs, paint, vegetables or fruit, other than apples or oranges.
- (Ord. 1158, Sec. 1; Code 1999, 13-210)
- 11-210. DISTURBING THE PEACE; VIOLATION; PENALTY. From 10:00 p.m., until 6:00 a.m.:
- (a) It shall be unlawful for any person to make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City of Phillipsburg, Kansas.
- (b) 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 and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing for the person or persons who are in the room or chamber in which such machine or device is operated and who are voluntary listeners thereto. "Neighboring inhabitants" shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.
- (c) No person shall congregate with other persons because of, participate in, or be in any part or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit wherein such party or gathering of people is taking place except persons who have gone there for the sole purpose of abating said disturbance. A police officer may order all persons present in any group or gathering from which such sound emanates, other than the owners or tenants of the dwelling unit, to immediately disperse in lieu of being charged under this section. Owners or tenants of the dwelling unit shall immediately abate the disturbance and, failing to do so, shall be in violation of this section.
- (d) It shall be unlawful for any person, while operating, driving, or parking in a motor vehicle, to use any sound amplification system that disturbs the peace, quiet and comfort of persons in the vicinity of the motor vehicle. It shall be a violation of this section if the sound emanating from the sound amplification system is plainly audible from a distance of fifty (50) feet. "Plainly audible" shall mean any sound produced by a sound amplification system from the vehicle. "Sound amplification system" shall

mean any radio, tape player, compact disc player, speakers, loud speaker, television, or other device for producing or reproducing sound in or on the motor vehicle used for the strengthening or increasing of sound. 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.

(e) Statement of Intent. No provision of this provision shall be construed to limit or abridge the rights of any person to peacefully assemble and express opinions. It is the purpose of this Section to protect individuals from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

(f) Costs and Fines. Any person convicted of a violation of this section shall be guilty of an Unclassified Misdemeanor Violation. Upon a first conviction of a violation of this section a person shall pay court costs. Upon a second conviction of a violation of this section, a person shall pay court costs and a fine not to exceed \$100.00. Upon a third or subsequent conviction of a violation of this section, a person shall pay court costs and a fine not to exceed \$250.00.

(g) Violations.

(1) Any police officer finding a person under 18 years of age in violation of 11-210 shall ascertain the name and address of the minor and warn the minor that he or she is in violation of 11-210 disturbing the Peace and shall direct the Minor to proceed at once to his or her home or usual place of abode.

(2) If any Minor refuses to heed the warning or direction by any police officer or refuses to give his or her correct name and address, he or she shall be taken to the Sheriff's Department and the parent, guardian or other adult having the care and custody of the Minor shall be notified to come and take charge of the Minor.

(h) Permitting Violation of Disturbing the Peace. It shall be unlawful for a parent, guardian or other person lawfully entitled to the care, custody or control of any person under 18 years of age to knowingly suffer or permit such person to violate 11-210, Disturbing the Peace.

(i) Penalty and Notice. Any police officer finding a Minor under the age of eighteen (18) years violating the provisions of 11-210 shall warn the child to desist from such violation and immediately return home. Any parent, guardian or person in charge of such child who shall permit such child again to violate the provisions of 11-210 after receiving notice of the first violation shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each such offense, plus court costs.

(Ord. 1296, Sec. 1; Code 2010)