

## **CHAPTER XI. PUBLIC OFFENSES**

Article 1. Uniform Offense Code

Article 2. Local Regulations

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### **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 Lincoln Center, 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 Lincoln Center, 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. (Ord. 701; Code 2014)

## ARTICLE 2. LOCAL REGULATIONS

- 11-201. ENTERING SWIMMING POOL. It shall be unlawful for any person to enter the enclosure or fence of the swimming pool of the city in any manner other than through the gate or entrance provided therefor, or to climb on or over the fence forming the enclosure, or to enter the enclosure at any other time than when the pool is open for admittance to any such person, except by the authority and consent of the duly authorized officers of the city. (Ord. 524; Code 2014)
- 11-202. CARRYING FIREARMS IN ANY BAR. It shall be unlawful to carry upon one's person, concealed or unconcealed, any revolver, pistol or other firearm in any establishment within the city wherein alcoholic beverages, alcoholic liquor or cereal malt beverages are sold or offered for sale, whether for on-premises or off-premises consumption. (Ord. 574; Code 2014)
- 11-203. CITY CURFEW. It shall be unlawful for any person under the age of 18 years to be upon the streets, alleys, parks, or other public place of the City of Lincoln Center, Kansas, after the hour of 12:00 midnight and before the hour of 5:00 a.m. unless such person is accompanied by his or her parent or guardian. Any such person under the age of 18 years found upon the streets, parks, alleys or other public places of said City between the hours stated above, unless accompanied by their parent or guardian, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided. (Ord. 642; Code 2014)
- 11-204. SAME; EXCEPTIONS. In addition to the parent or guardian exception contained in 11-203 the curfew restriction as set out in 11-203 shall not apply under the following circumstances:
- (a) When the person under eighteen (18) years of age is attending a school function or other activity under the supervision of a school or sponsored by parents or while returning home from any such function or activity by way of the most direct route;
  - (b) When the person under eighteen years of age is going to or from a place of lawful employment by way of the most direct route.
- (Ord. 642; Code 2014)
- 11-205. SAME; NOTICE AND WARNING. By this section it is made the special duty of the law enforcement officer who confronts the person in violation of this ordinance to (1) ascertain the name and address of the person in violation of this section; and (2) to give one warning to such person found to be in violation of this section to go immediately to his or her home or to his or her place of residence. If such person does not immediately obey such warning and leave the street, park, alley or public place then the law enforcement officer shall issue a ticket or citation requiring said person to appear before the municipal court at such time as stated in the citation or ticket by the law enforcement officer. The law enforcement officer may also utilize other means of notice or warning to the offending person or to the parents of the offending person so as to encourage compliance with the provisions of this section. Upon the failure of a person to comply with the provisions of this section, after first having received a warning or notice then the law enforcement officer may file a complaint against such person to be presented to the municipal court at the appropriate time established by the court. It shall also be the duty of the law enforcement officer to notify the parent or guardian of such person against whom the complaint is filed by letter or other appropriate means determined by the law enforcement officer. (Ord. 642; Code 2014)

- 11-206. SAME; PARENT OR GUARDIAN RESPONSIBILITY. It shall be unlawful for a parent, guardian or other person lawfully entitled to care, custody, or control of any person under eighteen years of age to knowingly allow or permit such person to violate the provisions of this ordinance. (Ord. 642; Code 2014)
- 11-207. SAME; PENALTY. Upon conviction for violation of this article the person under the age of eighteen years of age shall be assessed a fine not to exceed \$50 and costs or said fine and referral to the county attorney for proceedings under the juvenile code as provided by law. Upon conviction for violation of sections 11-203:206 by the parent, guardian or person having care and custody of the person under eighteen years of age, such parent, guardian or person with custody shall be assessed a fine not to exceed \$50 and costs for each violation of these sections.. (Ord. 642; Code 2014)
- 11-208. DISTURBING THE PEACE. It is unlawful for any person to make, continue, maintain or cause to be made or continue any excessive, unnecessary, unreasonable or unusually loud noise which either annoys, disrupts, injures or endangers the comfort, repose, health, peace or safety of others within the city. (Ord. 643; Code 2014)
- 11-209. LOUD AND UNNECESSARY NOISE PROHIBITED. It is unlawful for any person to make, continue or allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort of any person of reasonable sensibilities residing in or occupying the area or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such excessive noise is necessary for the protection and preservation of property or the health and safety of some individual. (Ord. 703; Code 2014)
- 11-210. ENUMERATED ACTS IN VIOLATION. The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this ordinance and are unlawful. This enumeration does not limit the application of 11-209 of this ordinance to other acts which fall within 11-209 of this ordinance.
- (a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 feet or more from the vehicle. "Plainly audible" means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based on direct line of sight. Words and 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, on either public or private property.
- (b) The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box," loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar devise which produces, reproduces, or amplifies sound when done in such a manner or with such volume, intensity, or with continued duration so as to distress, or to disturb the quiet, comfort, or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This subsection shall not apply to persons who have written authorization for an event which includes use of such a devise, or to the police or public authorities who are using such a devise in the performance of their duties.

(c) The racing or otherwise operating "off road vehicles" including but not limited to four wheelers, go-carts or other like non-highway or non-registered motor vehicles which produce or amplifies sound in such a manner or with such volume, intensity or continued duration so as to distress or disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This subsection shall not apply to persons who have written authorization for an event which includes use of such vehicle or to the police or public authorities who are using such a vehicle in the performance of their duties.

(d) It is an affirmative defense to a charge under this section that the operator 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 vehicle;

(3) The vehicle was owned and operated by the City of Lincoln Center or a gas, electric, communications, or refuse company; or

(4) The system or vehicle was used in authorized public activities such as parades, fireworks, displays, sporting events, and other activities conducted by governmental entities or organizations which have prior approval of the governing body of the City such as, but not limited to, activities conducted by Unified School District No. 298, Lincoln, Kansas, or the Lincoln County Chamber of Commerce, the Post Rock Festival or other activities representative of the City as a whole.

(Ord. 703; Code 2014)

11-211.

PENALTY. Any person convicted of a violation of sections 11-209:210 shall be punished by a fine of not more than \$100 or imprisonment for not more than 10 days or by both such fine and imprisonment. (Ord. 703; Code 2014)