

CHAPTER XI. PUBLIC OFFENSES

ARTICLE 2. LOCAL PROVISIONS

SECTIONS

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11-201. PENALTIES. Unless otherwise specified, the penalties for violation of any provision of this Article 2, will be classed in the manner set out in Article 12 of the Uniform Public Offense Code for Kansas Cities, as may be amended and as incorporated by reference by Section 11-101 of this Chapter.

(Code 2000)
(Ord. 1905C; 08-06-01)
(Ord. 1959C; 11-04-02)

11-202. GIVING A WORTHLESS CHECK. Repealed by Ord. No. 1362C, 7-19-93. (See Code Section 11-103)

(Ord. 1362C; 07-19-93)
(Code 2000)
(Ord. 1905C; 08-06-01)

11-203. SMOKING ON COMMON CARRIER. No person shall smoke or carry in his or her hand a lighted cigar, cigarette or pipe, while in or upon any buses operated in common carrier passenger service upon the streets or public ways of the city.

A conviction upon violation of this section is punishable by a fine not to exceed \$100.

(Code 1973, 10-601)

11-204. PERMITTING, MAINTAINING, OR KEEPING A PUBLIC NUISANCE.

- (a) Nuisance Defined. For the purpose of this section, the term “nuisance” is defined to mean a thing, condition or use of some continuity as distinguished from a solitary act, which through offensive odors, noises, substances, disturbances, emanations, sights, or the like, works hurt, annoyance, inconvenience or damage to the public or to another, with respect to his or her comfort, health, repose or safety or with respect to the free use and comfortable enjoyment of his or her property, whether it does so by reason of its nature or by reason of conditions and circumstances, where the cause of these effects has no legal sanction, or where, if the cause is sanctioned, the effects, nevertheless, are unreasonably harmful or annoying to persons of normal sensibility, and constitute a legal wrong.
- (b) Nuisance Prohibited. No person owning, leasing, occupying or having charge of any premises, shall permit, maintain or keep any nuisance thereon.

(Ord. 1039C; 03-07-88)

11-205 DISTURBING THE PEACE

- (a) It shall be unlawful for any person to make, continue, maintain or cause to be made or continued any excessive, unreasonable or unusually loud noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City of Leawood, when such noise would disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person.
Prima Facie Violation: It shall be prima facie evidence of a violation of this section for the operation of any tool, construction equipment, construction operations in such a manner as to be plainly audible at any adjacent property, or for 50 feet or more in the case of a multiple-family dwelling, between the hours of nine o'clock p.m. and seven o'clock a.m.
- (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 convenient hearing for the person or persons who are in the room, vehicle 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 party 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, when such sound would disturb the peace, quiet or repose of a reasonable person. 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 to use or operate any loudspeaker, radio or phonograph device, either in or attached to any automobile or other vehicle operated on the streets of the City for the purpose of advertising, announcing or otherwise calling the attention of others; provided, however, that any individual or business having the applicable approvals under this Code, may use such devices between the hours of 8:00 A.M. to 9:00 P.M., provided that the noise level produced does not violate any other section of this Code.
- (e) Exemptions. Sounds emanating from the following shall be exempt from the provisions of (a) through (c) above:
- (1) Emergency vehicles;
 - (2) Public safety vehicles;
 - (3) Emergency activities of the fire or police department;
 - (4) Emergency activities of any utility company;
 - (5) Municipal maintenance vehicles and equipment;(6) Parades, fun run, race, festival, fiesta, concert, or other public gathering, within city limits, which are sponsored or permitted by the City;
 - (6) Any noise or sound from church bells, or similar chimes, when used as part of a religious observance or service and which does not exceed five [5] continuous minutes in duration;
 - (7) Any noise or sound from lawful school activity;
 - (8) Any noise or sound from lawful fireworks displays.
- (f) Statement of Intent. No provision of this section 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.

(Ord. 1691C; 08-18-97)

(Code 2000)

(Ord. 1899C; 07-16-01)

(Ord. 2042C; 05-01-04)

(Ord. 2325C; 06-16-08)

11-206. DECLARATION. It is declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants; obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and without resort to such practice full opportunity exists, and under the terms and provisions of this section will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth and are enacted by the Governing Body of the City of Leawood pursuant to the Home Rule provisions of the Kansas Constitution, the City's police powers, and all other lawful authority available to the City.

(Ord. 1067C; 09-19-88)

11-207. PICKETING RESIDENCE OR DWELLING UNLAWFUL. It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the City of Leawood.

(Ord. 1067C; 09-19-88)

11-208. PENALTY FOR VIOLATIONS. Any person violating the provisions of Sections 11-206, 11-207 of the Code of the City of Leawood shall be deemed guilty of a public offense and upon conviction therefore shall be punished by a fine of not more than \$500, and/or by imprisonment for a period not to exceed six months or by both such fine and imprisonment.

(Ord. 1067C; 09-19-88)

11-209. WINDOW PEEPING. Window peeping is the going upon property owned or occupied by another without such person's consent for the purpose of looking into any window, door, skylight, or other opening into a house, room, or building.

Window peeping is a Class B violation.

(Ord. No. 1271C; 02-18-92)

11-210. URINATING OR DEFECATING IN PUBLIC. No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, public building, public property, private parking lot or in any place open to the public or exposed to public view. Urination or defecation utilizing appropriate fixtures in any lavatory or other facility designed for the sanitary disposal of human waste shall not constitute an offense under this Section.

Violation of this Section shall constitute a Class C violation.

(Ord. 1571C; 04-01-96)

11-211. LANDING OF AIRCRAFT. No person shall, without the prior written approval of the Governing Body of the City of Leawood, use any land for the landing or departure of any aircraft. For purposes of this Section, aircraft shall be defined to include any aircraft, airplane or helicopter designed to carry at least one passenger and/or cargo but shall not include any manned, free balloon that derives lift exclusively from heated air.

(Ord. 1965C; 11-04-02)

11-212 CARRYING OF FIREARMS PROHIBITED. –REPEALED

(Ord. 2184C; 10-02-06)

(Ord. 2231C; 05-21-07)

(Ord. 2713C; 01-20-15)