

## RESTATED LOCAL AMENDMENTS TO THE UPOC (2009)

September 21, 2009

*Note: The following three provisions remain in effect as the City of Rolla's Local Amendments to the Uniform Public Offense Code for Kansas Cities (2009).*

1. Establishment of Curfew
  - (a) Persons 14 years and younger.
    - (1) It shall be unlawful for any person 14 years of age and younger to loiter, lounge, loaf or wander or play in or upon any public street, sidewalk, alley, vacant lot, public place, or any place open to the public within the City, whether in a motor vehicle or on foot, after the hour of 10 p.m. and before the hour of 5 a.m.
    - (2) A person is considered 14 years of age until said person's 15th birthday.
  - (b) Persons 15 and 16 years of age.
    - (1) It shall be unlawful for any person 15 through 16 years of age to loiter, lounge, loaf or wander or play in or upon any public street, sidewalk, alley, vacant lot, public place, or any place open to the public within the City, whether in a motor vehicle or on foot, after the hour of 11 p.m. and before the hour of 5 a.m.
    - (2) A person is considered 16 years of age until said person's 17th birthday.
  - (c) Persons 17 years of age.
    - (1) It shall be unlawful for any person 17 years of age to loiter, lounge, loaf or wander or play in or upon any public street, sidewalk, alley, vacant lot, public place, or any place open to the public within the City, whether in a motor vehicle or on foot, after the hour of 12 p.m. and before the hour of 5 a.m.
    - (2) A person is considered 17 years of age until said person's 18th birthday.

- (d) Exceptions. The curfew restrictions set out in §1(a)-(c) shall not apply under either of the following circumstances:
  - (1) When the person is accompanied by such person's parent or guardian.
  - (2) When the person is attending a school-sponsored function, church-sponsored function, City-sponsored 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.
- (e) Permitting violation of curfew.
  - (1) It shall be unlawful for a parent, guardian or other person lawfully entitled to the care, custody or control of a person under 18 years of age to permit such person, whether knowingly or through ineffective control or supervision, to violate §§1(a)(1), 1(b)(1), or 1(c)(1) of this ordinance.
- (f) Penalty prescribed.
  - (1) Any person found guilty of violating any part of this section shall be punished by a fine of not less than \$50 nor more than \$250 for each offense.

2. Sound Amplification.

- (a) 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 plainly audible at a distance of 25 or more feet from the vehicle.
  - (1) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.
  - (2) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of 25 feet or more. Measurement standards shall be by the auditory senses, base upon direct line of sight. Words or phrases need not be discernable and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

- (b) Exceptions. The restrictions set forth above shall not apply under any of the following circumstances:
    - (1) When the sound amplification system is being operated to request medical or vehicular assistance or to warn off a hazardous road condition.
    - (2) When the vehicle was an emergency or public safety vehicle.
    - (3) When the vehicle was owned and operated by the City of Rolla or a gas, electric, communications or refuse company.
    - (4) When the sound amplification system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any person or assemblages of persons in compliance with ordinances of the City of Rolla.
    - (5) When the vehicle was used in an authorized public activity such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the City authorized to grant such approval.
  - (c) Penalty. Any person convicted of a violation of this section shall be punished by a fine not to exceed \$500 or by imprisonment of not more than six months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder.
3. Prohibiting minors from employment at places of business selling cereal malt beverages.
- (a) It shall be unlawful for any person under the age of 21 years to work in any place of business licensed to sell cereal malt beverage for the consumption on the premises or to enter or loiter therein.
  - (b) It shall be unlawful for any owner, operator, bartender or licensee of a place of business described in subsection (a) to permit any person under the age of 21 years to work in such place of business or to enter or loiter therein.
  - (c) Violation of this section is a Class C violation.
4. Urinating, defecating in public prohibited.

- (a) It shall be unlawful for any person to 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. This section shall not apply to urination or defecation utilizing appropriate fixtures in any restroom or other facility designed for the sanitary disposal of human waste.
  - (b) Violation of this section shall be a Class B violation as defined by the Uniform Public Offense Code for Kansas Cities.
5. Prohibition against loitering.
- (a) Definitions.
    - (1) “Loiter” or “Loitering.” When used herein, the terms “loiter” or “loitering” shall mean to linger, dawdle, and idly spend time after 7 p.m. and before 7 a.m.
    - (2) “Public Property.” When used herein, the term “public property” shall mean the property of the City of Rolla, including by way of illustration and not limitation, public streets, public sidewalks, public right-of-ways, and public grounds and buildings owned by the City of Rolla.
    - (3) “Private Property.” When used herein, the term “private property” shall mean business establishments not open for public use at the applicable time, or a business establishment open for business in which a person enters for some unlawful purpose.
  - (b) From and after the effective date of this ordinance, no person or persons shall loiter about, in, or upon any public property or private property as those terms are defined herein.
  - (c) Any person or persons who shall loiter in, upon, or about any public property or private property, as those terms are herein defined, shall be fined in any sum not less than \$10 nor more than \$100, and each separate violation shall constitute a separate offense.