

## CHAPTER XI. PUBLIC OFFENSES

- Article 1. Uniform Offense Code
- Article 2. Local Regulations
- Article 3. Noise Nuisances
- Article 4. Controlled Substances

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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 Udall, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2005, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Udall, 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. 577, Sec. 2; Code 2005)

### ARTICLE 2. LOCAL REGULATIONS

- 11-201. CURFEW HOURS DECLARED; EXCEPTIONS. There is hereby added to the municipal code of the city, section 17-101, which is to read as follows:
- (a) It shall be unlawful for any minor under the age of 16 years of age to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, or any establishment, vacant lots or other unsupervised places between the hours of 11:00p.m. and 6:00 a.m. of the following day, except for Fridays and Saturdays, when the hours shall be 12:00 midnight to 6:00 am.
  - (b) The curfew restrictions set out in the preceding subsection (a) shall not apply under the following circumstances:
    - (1) When such minor is going to or from a place of lawful employment by the most direct route;
    - (2) When such minor, while accompanied by an adult, is traveling directly through the city from one location outside the city to another location outside the city;
    - (3) When such minor is accompanied by the minor's parent, guardian or some other person 18 years of age or older who has court ordered care, custody and control of such minor, or when such minor is on an emergency errand specifically directed by the minor's parent, guardian, or other person 18 years of age or older having court ordered care, custody and control of such minor.
- (Ord. 472, Sec. 1)

11-202.

RESPONSIBILITY OF PARENT OR OTHER PERSON HAVING COURT ORDERED CARE, CUSTODY AND CONTROL OF A MINOR. There is hereby added to the municipal code of the city, section 17-1 02, which is to read as follows:

(a) It shall be unlawful for the parent, guardian, or other person over 18 years of age having court ordered care, custody, and control of a minor under 16 years of age to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment or any establishment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except Friday and Saturday, when the hours shall be 12:00 midnight to 6:00 a.m.

(b) The curfew restrictions set forth in subsection (a) shall not apply under the following circumstances:

(1) When such minor is going to or from a place of lawful employment by the most direct route.

(2) When such minor, while accompanied by an adult, is traveling directly through the city from one location outside the city to another location outside the city.

(3) When such minor is accompanied by the minors parent, guardian or some other person 18 years of age or older who has court ordered care, custody and control of such minor, when such minor is on an emergency errand specifically directed by the minor's parent, guardian, or other person 18 years of age or older having court ordered care, custody and control of such minor.

(Ord. 472, Sec. 2)

### ARTICLE 3. NOISE NUISANCES

- 11-301.       LOUD NOISES. It shall be unlawful for any person to make or permit to be made, or caused upon any premises occupied by him, her or it, or in, or upon any public street, alley, thoroughfare or public park in the city, any loud or unnecessary noise or sound which is physically annoying to persons, or which is so harsh or so prolonged in this time and use and place as occasion physical discomfort, or which is injurious to the health, peace, comfort, privacy and tranquility of inhabitants of the city, or any of them. (Code 1975, 15-301)
- 11-301.       RADIO, TELEVISION, RECORD PLAYING DEVICE ANNOYANCES. It shall be unlawful for any person to play, use, operate or permit the same to be played, used or operated, any radio, television, phonograph or record playing device, or musical instrument at a louder volume than is necessary for the convenient hearing of the person so playing, using or operating such instrument or device, and of such other persons who are voluntary listeners thereto, and the same shall not be used in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants; provided, that nothing in this article shall be construed to prohibit the playing by a band or orchestra in a hall or building, or in the open air when publicly sponsored, or to prohibit the playing of church chimes or the ringing of church bells.  
(Code 1975, 15-302)
- 11-303.       SOUND ADVERTISING. It shall be unlawful for any person, for advertising purposes or for the purpose of attracting attention of the passing public, to play, use, operate, or permit to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loud speakers, sound amplifier, or other machine or device for producing or reproducing any sound on the streets or public places of the city, or in any place where the sound therefrom is cast directly upon the streets or public places, or which is so played or operated that the sound therefrom can be heard to the annoyance or inconvenience of travelers on any street or in any public place, or of persons in neighboring premises; provided, however, the same shall not prohibit the use of loud speakers in the city parks or fairgrounds, at any public meeting or gathering otherwise lawfully authorized, and nothing herein shall be construed to prevent any licensed circus, the merchant's association, chamber of commerce, or other authorized civic groups from using the streets or thoroughfares for any regularly scheduled celebration or public event, but a permit shall be obtained from the city marshal at least five days prior to the holding of same and, provided further, that the governing body, in its discretion, may grant or permit, on the making of an application for the broadcasting by sound truck or amplifier, of any information or date of unusual or noncommercial nature and of general interest to the public. Costs of each permit shall be \$15.00 each. (Code 1975, 15-303; Code 2006)
- 11-304.       HORNS, BELLS, MUFFLERS. It shall be unlawful or any person to sound any horn, bell or other warning device on any automobile or other vehicle, except when necessary as required by law, or when necessary to give warning of impending danger to person driving other vehicles, or persons upon or about to come upon a public street No person shall use or drive a vehicle which emits loud, annoying or unusual noise, fumes or smoke. (Code 1975, 15-304)

11-305. ANIMALS. It shall be unlawful for any person to keep in any building or upon any premises, any animal, bird or fowl which by unusual or loud continued noise, shall unreasonably disturb the comfort or repose of any person in the vicinity.  
(Code 1975, 15-305)

11-306. RELIGIOUS ORGANIZATIONS. Before any church or religious organization or society shall install any chimes, mechanical music device, loud speaker, sound amplifier or like device for producing or reproducing music or other sounds to be cast directly upon the streets or public places in the city, it shall file with the governing body of the city, application for the installation and operation of such device, stating the nature of such device, the proposed volume or sound to be produced or reproduced thereby. Upon the filing of such application, at its next regular meeting, the governing body shall consider the same and if the board finds that the use of the instruments or devices are in the public interest a permit shall be issued therefor, stipulating and controlling the volume of the sound which the instrument or device shall employ, the hours of the day or night during which the same may be used for the purpose stated in the application; provided, that the governing body may, upon notice to the society or organization having a permit for the purpose of this section, revoke the permit upon satisfactory evidence that the conditions of the permit have been or are being violated. Costs of an permit issued hereunder shall be \$1.00. (Code 1975, 15-306)

**ARTICLE 4. CONTROLLED SUBSTANCES, DRUG  
PARAPHERNALIA AND SIMULATED CONTROLLED SUBSTANCES**

- 11-401.       INCORPORATING UNIFORM CONTROLLED SUBSTANCES CODE. There is hereby incorporated by reference for the purpose of establishing a uniform code regulating the use and possession of controlled substances, drug paraphernalia and simulated controlled substances within the corporate limits of the City of Udall, Kansas, the code known as the "Uniform Controlled Substances Code for the City of Udall," Edition of 1994, prepared and published in book form by the City of Udall, Udall, Kansas. No less than three copies of the Uniform Controlled Substances Code for the City of Udall, 1994 Edition, shall be marked or stamped "Official Copy as Adopted by Ordinance No. 493," and to which shall be attached a copy of this ordinance. A copy of this ordinance shall be attached to each official copy and an official copy shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. The police department, the municipal judge and all administrative departments of the city charged with enforcement of this ordinance shall be supplied, at the city's cost, such number of official copies of such Uniform Controlled Substances Code for the City of Udall, Edition of 1994, similarly marked, as may be deemed expedient. (Ord. 493, Sec. 1)
- 11-402.       PENALTY FOR SCHEDULED FINES. The penalty for violation of the provisions of the Uniform Controlled Substances Code for the City of Udall, 1994 Edition, shall be a fine not to exceed \$2,500.00 and a term of imprisonment not to exceed one year, or both such fine and imprisonment. (Ord. 493, Sec. 2)