

## RESOLUTION NO. 1321

### **A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ATCHISON COUNTY, KANSAS, CONCERNING NOISE LIMITATIONS BETWEEN THE HOURS OF MIDNIGHT AND 7:00 A.M.**

WHEREAS, it has been determined by the Board of County Commissioners of Atchison County, Kansas, that unusual or loud noises, especially during the nighttime hours, are injurious to the health, peace, welfare and quiet enjoyment of the public; and

WHEREAS, narrow restrictions upon the making, creation or maintenance of excessive, unnecessary or unusually loud noises during the nighttime hours are warranted to promote the health, peace, welfare and quiet enjoyment of the public; and

WHEREAS, it is also the purpose of this resolution to allow all residents of the county to coexist harmoniously in a manner which is mutually respectful of the interests, rights and obligations of all persons;

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Atchison County, Kansas:

1. It shall be unlawful for any person to permit, allow, make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, between the hours of midnight and 7:00 a.m.

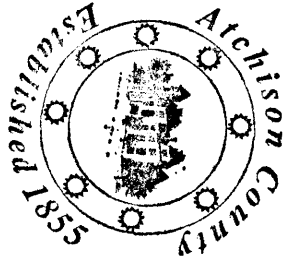
2. Any noise which is plainly audible at a distance of seventy five (75) feet from the source shall be prima facie evidence of a violation of this section.

3. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, shall be prima facie evidence of a violation of this section.

4. Any person violating this resolution shall be deemed guilty of a misdemeanor crime and, upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

5. This Resolution shall be in effect from its adoption and publication once in the official county newspaper

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Atchison County, Kansas, this 10<sup>th</sup> day of May, 2010.



By: *John E. Bishop*  
John E. Bishop, Chairman

By: *Jerry Madden*  
Jerry Madden, Commissioner

By: *Thomas D. Wagner*  
Thomas D. Wagner, Commissioner

ATTEST:

*Paulene M Lee*  
County Clerk