

CHAPTER XI. PUBLIC OFFENSES

Article 1. Uniform Offense Code
Article 2. Local Regulations

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 Ogden, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2016, 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 Ogden, 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. 714; Code 2017)
- 11-102. AMENDMENTS. That Article 10, Section 10.13 of said Uniform Public Offense Code is hereby deleted in its entirety. (Ord. 714; Code 2017)

ARTICLE 2. LOCAL REGULATIONS

- 11-201. CURFEW FOR MINORS; HOURS OF CURFEW. It shall be unlawful for an person under the age of 18 years to be on, or present in, any public street, avenue, alley, park or other public place in the city, between the hours of 12:00 p.m. on Friday and Saturday nights and 5:00 a.m. of the following day, and between the hours of 11:00 p.m. on Sunday through Thursday nights and 5:00 a.m. of the following day, official city time, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that the child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any street, alley, or public place after the above-stated times, shall be prima facie evidence that the child is there unlawfully and that no reasonable excuse exists therefor. (Ord. 363, Sec. 1; Code 1999)
- 11-202. SAME; PARENT NOT TO ALLOW MINOR TO VIOLATE CURFEW. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody or control of any person under the age of 18 years, to allow or permit such person to violate the provisions of section 11-201. (Ord. 363, Sec. 2; Code 1999)
- 11-203. URINATING OR DEFECATING IN PUBLIC. It shall be unlawful for any person to urinate or defecated upon any public street, alley, sidewalk, or while in any park, parking lot, or other public place except in sanitation facilities provided. (Ord. 395; Code 1999)
- 11-204. WINDOW PEEPING. It shall be unlawful for any person to go upon the property owned or occupied by another for the purpose of looking into or peeping into any window, door, skylight, or other opening in any house or building located thereon without having a lawful purpose for such observation. (Ord. 401; Code 1999)
- 11-205. EXCESSIVE, UNNECESSARY OR UNUSUALLY LOUD NOISE. (a) It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of subsection (a), but the enumeration shall not be deemed to be exclusive, to-wit:
- (1) Radios, Phonographs, Etc.: The playing, using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a 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 by the person or persons who are in the room, vehicle, or on the property upon which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the house of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle, or property upon which it is located shall be prima facie evidence of a violation of subsection (a).

(2) Loud speakers, Amplifiers for Advertising: The playing, using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(3) Animals and Birds: The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(c) The factors which shall be considered in determining whether a violation of subsection (a) exists shall include, but shall not be limited to, the following:

- (1) The volume of the noise
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates, as well as whether the noise can be heard.

(8) The density of inhabitation of the area within which the noise emanates.

(9) The time of the day or night the noise occurs.

(10) The duration of the noise.

(11) Whether the noise is recurrent, intermittent, or consistent.

(12) Whether the noise is produced by a commercial or noncommercial activity.

(d) The following uses and activities shall be exempt from the provision of subsection (a):

(1) Noises emanating from a park, or similar open space, owned and maintained by a governmental entity.

(2) Noise resulting from activities permitted by law, and for which a license or permit, or other authorization, has been granted by a governmental entity.

(e) Applications for a permit for exemption from the provisions of subsection (a) may be made to the city council. Upon such application, the city council may issue a permit which exempts the holder thereof from the provisions of subsection (a). Any permit granted by the city council hereunder shall contain all conditions upon which such permit has been granted and shall specify the time which the permit shall be effective. The city council shall prescribe any conditions or requirements he or she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood. The city council may revoke such permit in the event the conditions prescribed are violated.

(Ord. 403, Sec. 1:5; Code 1999)

11-206. PUBLIC NUDITY PROHIBITED. (a) It is unlawful for any person to engage in public nudity within the corporate limits of the City.

(b) It shall be unlawful for any supervisor, manager, property owner, business owner, or employer to knowingly suffer or permit any person to engage in public nudity on premises under their control, or to knowingly suffer or permit any person to remain on such premises after that person has, while on the premises, engaged in public nudity. (Ord. 494; Code 2017)

- 11-207. SAME; DEFINITIONS.
- (a) Public nudity is any person knowingly and intentionally, in a public place:
- (1) Engaging in actual or simulated sexual inter-course, masturbation, sodomy, or any sex act which is prohibited by law;
 - (2) Appearing in a state of nudity; or
 - (3) Fondling the genitals of himself, herself, or another person.
- (b) Nudity means the showing, in a public place, of the human male or female genitals, anus, anal cleft or cleavage, or the showing of the female breast below a horizontal line across the top of the areola at its highest point with less than a fully opaque covering. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part. Nudity also means the showing, in a public place, of the covered male genitals in a discernibly turgid state.
- (c) Public Place means any location frequented by the public or where the public is present or likely to be present. Public place includes but is not limited to streets, sidewalks, parks, and business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement).
(Ord. 494; Code 2017)
- 11-208. SAME; EXCEPTIONS. The provisions of this section of the Code of the City of Ogden, Kansas, shall not apply to:
- (a) Enclosed single sex public restrooms or restrooms designed for family use.
 - (b) Enclosed single sex functional baths, showers, locker and/or dressing room facilities.
 - (c) Enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations.
 - (d) Medical facilities, hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home.
(Ord. 494; Code 2017)
- 11-209. SAME; VIOLATIONS/PENALTY. Upon conviction of a violation of 11-206, a person shall be guilty of a misdemeanor, and shall be punished by a fine of not more than \$2,500 or 1 year of imprisonment, or both such fine and imprisonment
(Ord. 494; Code 2017)
- 11-210. SAME SEVERABILITY. If any section, subsection, or clause of this Article shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.
(Ord. 494; Code 2017)