

CITY OF DERBY

**ORDINANCE REVIEW ADVISORY BOARD
REGULAR MEETING
October 20, 2009
6:00 P.M.**

UNAPPROVED MINUTES

Betty Wilken presiding.

ROLL CALL

Dan Billman
Jeff Boone
Rick Brown
Betty Wilken
Van Willis, absent

Also Present: Stephanie Knebel, Assistant City Manager
Robert Lee, Police Chief
Doug Chambers, Deputy Police Chief
Carolyn Morrison, Secretary

Agenda Item #1 – Approve Minutes

MOTION: Brown moved to approve minutes of regular meeting August 18, 2009.
Billman seconded.

VOTE: Motion carried 4-0, Willis absent.

Agenda Item #2 – Noise Ordinance

Background/Discussion

- The Derby Police Department routinely responds to noise complaints, primarily in residential areas.
- Sources of noise related to these complaints include; loud parties or gatherings at homes; public events that include public address systems, amplified music, and fireworks displays; and operation of power tools.
- Police officers investigate noise complaints and attempt to resolve the matter between the parties involved.
- If the matter cannot be resolved, it is up to the person being offended to sign a complaint. Citizens are reluctant to sign a complaint against a neighbor, in which case the complaint sometimes goes unresolved.
- The only ordinance available to enforce loud noise complaints is disorderly conduct, which is not specifically designed to address noise.
- Staff set out to establish an ordinance that would offer parameters for citizens to determine the level of sound that is acceptable and at what point they are in violation of

the law; and, to provide an ordinance that would allow an officer to take enforcement action, when necessary, without requiring citizen to sign a complaint.

- The ordinance under consideration sets specific, quantifiable limits on noise that officers can use to resolve complaints through enforcement or voluntary compliance.

Financial Considerations:

- None

Legal Considerations:

- The governing body has the authority to pass ordinances to maintain the public peace.

Policy Considerations:

- This ordinance contains exemptions for publicly authorized or sponsored events such as parades and sporting events, due to the public nature of the event and the restrictions that are in place to limit the time, place, nature and duration of such events.

Other Considerations:

- A copy of the ordinance has been provided to staff of USD 260 and the Derby Recreation Center for review and comment.
- Wichita, Haysville and Winfield have ordinances with similar restrictions and exemptions.

Recommendation:

Recommend adoption of a noise ordinance as presented.

DISCUSSION:

Chambers went over the changes that were made to the ordinance since the last ORAB meeting.

Chambers stated that a draft ordinance was reviewed with the school district. Derby Police Department also met with the DRC staff and were able to answer questions and concerns they had. We assured them that this ordinance is really more about controlling noise issues in residential areas as opposed to events.

Knebel advised that input from ORAB will be part of what goes to the City Council next week.

MOTION: Brown moved to approve the ordinance. Billman seconded.

VOTE: Motion carried 4-0, Willis absent.

Agenda Item #3 – Special Purpose Vehicles

Knebel stated that the state legislature approved golf carts to be on city streets. The Police Department has been reviewing the language to determine what modifications should be made to the City's Standard Traffic Ordinance.

Chief Lee advised that the City's golf carts are a **special purpose vehicle** which also includes micro utility trucks and worksite utility vehicles. Derby Police Department met with the school district, DRC, Public Works and Parks and golf course people and none of them use alternate vehicles. Regarding golf carts, we needed to determine how to confine the area where you can drive golf carts. We bounded area on the north by the south right-of-way line of Patriot Avenue, on the east by the west right-of-way line of Rock Road, on the south by the north right-of-way line of Meadowlark Boulevard and on the west by the east right-of-way line of Woodlawn Boulevard. Golf carts can be used for the sole purpose of traveling between the principal residence of the owner and a golf course, by the nearest and most direct route. All golf carts have to be licensed as follows:

1. Liability insurance,
2. Valid drivers license, and
3. Registered with the Police Department with a registration fee of \$25, which is non-transferable and good for the calendar year.

Derby Police Department looked at several different cities in putting together these requirements.

Billman suggested that they have a handout with the rules printed up and give it to people when they register the vehicle. Chief Lee agreed.

MOTION: Boone moved to accept the ordinance as presented. Brown seconded.
VOTE: Motion carried 4-0, Willis absent.

Knebel stated that this will come back to ORAB prior to the Standard Traffic Ordinance and Uniform Public Offense Code going to the Council in December. Knebel also gave update on alcohol ordinance.

Meeting adjourned at 6:30 p.m.