

(First published in the Western Butler County Times July 22nd, 1971)

ORDINANCE NO. 157

AN ORDINANCE DEFINING THE TERM MOTORCYCLE AND PROHIBITING THE OPERATION OF THE SAME UPON ANY PUBLIC OR PRIVATE PROPERTY IN CERTAIN MANNERS WHICH COULD CREATE CERTAIN ODORS AND EXHAUSTS AND CERTAIN AMOUNTS OF DUST OR THE IMMISSION OF LOUD AND OFFENSIVE NOISES OR ANY ONE OF SUCH VIOLATIONS AND PRESCRIBING A TEST AS TO WHETHER OR NOT A VIOLATION HAS BEEN COMMITTED UNDER THIS ORDINANCE AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND PROVIDING A PROCEDURE TO DETERMINE SUCH VIOLATION AND PROVIDING A SAVINGS CLAUSE AND WAIVING THE EFFECT OF ORDINANCE NO. 147

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1. Definition For the purpose of this ordinance the term "motorcycle" shall be meant to include every motor vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding those vehicles commonly known and used as tractors or mowers, including but not limited to, so-called motor scooters, motor bikes and trail bikes.

Section 2. From and after the enactment of this ordinance it shall be unlawful for any person of any age whatsoever to operate a motorcycle upon public or private property in a manner so as to emit noxious odors or exhaust, or so as to create more than an unusual amount of dust, or causing said vehicle to emit, either by itself or in concert with other vehicles, loud and offensive noises.

Section 3. For the purpose of determining whether or not vehicle has been operated in one or more of the manners described in Section 2 above, either in one of the manners or more than one of the manners in concert, the test of whether or not a violation has been committed shall be whether or not such operation is in a manner which would offend the sensibilities of an ordinary individual residing or occupying real property in the City of Andover, Kansas, adjacent or contiguous to the area in said City in which such offense is being committed.

Section 4. That should the Marshal or any other police officer of the City of Andover, Kansas, find that a minor under the age of 14 years is operating a motor vehicle in violation of any portions of Sections 2 and 3 of this ordinance, then and in that event, he shall furnish written warning to the guardian or custodian of such minor child of the violation of this ordinance by such minor child, and should said minor child thereafter commit a similar offense for the second time, then and in that event, such guardian or custodian of said minor child, who has been notified and warned of the first offense, shall be liable under the penal provisions of this ordinance.

Section 5. Any person found guilty of the violation of any of the provisions of this ordinance may be fined not less than \$5.00 nor more than \$100.00, or sentenced to serve 30 days in jail, or both such fine and imprisonment.

Section 6. That should any section or portion of section of this ordinance be determined unconstitutional, then notwithstanding such unconstitutionality, the remaining section or portions of sections of such ordinance shall be in full force and effect.

Section 7. That pursuant to Section 2 of Ordinance No. 147 as adopted by the Governing Body of the City of Andover, Kansas, it is hereby declared that the adoption of this ordinance is urgent and necessary, and the first reading of the same is suspended by the Governing Body.

The above ordinance duly passed and adopted by the Governing Body of the City of Andover, Kansas, this 29th day of July, 1971.

June

Eugene Miller, Mayor

ATTEST:

(Seal)

Charles Clay
Charles Clay, City Clerk *acting*