

by one or more persons while carrying a banner, placard, or sign.

“House of worship” means any church, synagogue, mosque, or other structure that is regularly used for the exercise of religious beliefs.

“Religious event” means any scheduled worship service, wedding, funeral rite, memorial service for the dead, or other observance of a religious sacrament, ritual, ceremony or celebration that takes place at a house of worship or on the property where a house of worship is situated.

(b) Unlawful Acts. It is unlawful for any person to engage in focused picketing, during the time period from one-half hour prior to the beginning time of an announced religious event until one-half hour after the ending time of the event, on public property at any of the following locations:

- (1) On the sidewalk adjoining the property on which a house of worship is situated; or
- (2) In the street or roadway adjoining or adjacent to the property on which a house of worship is situated; or
- (3) On the public area between the house of worship and an adjoining or adjacent street or roadway, including but not limited to the curb, drainage, or area between the street and sidewalk (if a sidewalk exists) commonly referred to as the “parking” or “easement”; or
- (4) On any public property within 50 feet of the property line on which a house of worship is situated, if any entrance to the house of worship is located on that side of the property.

(c) Penalty. Any person violating this section may be punished by:

- (1) A fine of not more than \$499.00;
- (2) Imprisonment in jail for not more than 179 days; or
- (3) Both such fine and imprisonment not to exceed the limits set out in subsections (c)(1) and (c)(2) of this section. (Ord. 17068 §§ 1 – 3, 1-28-97; Ord. 16843 §§ 1 – 3, 7-11-95. Code 1995 § 54-135.)

Cross References: Definitions generally, TMC [1.10.020](#).

Article II. Noise

Cross References: Operation of noise-producing devices on buses prohibited, TMC [10.40.070](#).

9.45.150 Findings.

It is found and declared that:

- (a) The making and creation of loud, unnecessary or unusual noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises is increasing;
- (b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and
- (c) The necessity in the public interest for the provisions and prohibitions enacted and contained in this article is declared as a matter of legislative determination, and the public prohibitions enacted and contained in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants. (Code 1981 § 27-1. Code 1995 § 54-146.)

9.45.160 Standards.

The standards which shall be considered in determining whether a violation of this article exists shall include, but shall not be limited to, the following:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;
- (e) The volume and intensity of the background noise, if any;
- (f) The proximity of the noise to residences;
- (g) The nature and zoning of the area within which the noise emanates;
- (h) The density of the inhabitation of the area within which the noise emanates;
- (i) The time of the day or night the noise occurs;
- (j) The duration of the noise;
- (k) Whether the noise is recurrent, intermittent or constant; and
- (l) Whether the noise is produced by a commercial or noncommercial activity. (Ord. 19775 § 1, 10-23-12.)

9.45.170 Prohibition generally.

(a) It shall be unlawful for any person to make, continue or allow to be made or continued any excessive, unnecessary, unusual or loud noise which injures or endangers the comfort, repose, health, or safety of any person of reasonable sensibilities, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities, unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of an individual; provided, that the provisions of this article shall not apply to such occasional and infrequent uses as authorized by resolution approved by the city council, upon a showing by an applicant and determination by the council that the proposed use does not offend the spirit of the findings of TMC [9.45.150](#).

(b) The acts mentioned in the following sections of this article, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive. (Ord. 19775 § 2, 10-23-12.)

Cross References: City council – mayor, Chapter [2.15](#) TMC.

9.45.180 Horns and signaling devices.

(a) The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time is unlawful.

(b) The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up is unlawful. (Code 1981 § 27-4. Code 1995 § 54-149.)

9.45.190 Sound-producing device.

(a) The use or operation of any device capable of producing or amplifying sound in such manner as to disturb the peace, quiet and comfort of any person of reasonable sensibilities is unlawful.

(b) The use or operation of any device identified in subsection (a) of this section between the hours of 11:00 p.m. and 7:00 a.m. which is audible at a distance of 50 feet from the premises, building, structure or vehicle in which the device is located shall be prima facie evidence of a violation of this section. (Ord. 19775 § 3, 10-23-12.)

9.45.200 Loudspeakers, amplifiers for advertising.

The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, 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 is unlawful. (Code 1981 § 27-7. Code 1995 § 54-152.)

9.45.210 Steam whistles.

Repealed by Ord. 19775. (Code 1981 § 27-10. Code 1995 § 54-153.)

9.45.220 Exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom is unlawful. (Code 1981 § 27-11. Code 1995 § 54-154.)

9.45.230 Defect in vehicle or load.

Repealed by Ord. 19775. (Code 1981 § 27-12. Code 1995 § 54-155.)

9.45.240 Metal rails, pillars and columns – Transportation thereof.

Repealed by Ord. 19775. (Code 1981 § 27-13. Code 1995 § 54-156.)

9.45.250 Loading or unloading vehicle – Opening or destruction of boxes.

Repealed by Ord. 19775. (Code 1981 § 27-14. Code 1995 § 54-157.)

9.45.260 Yelling, shouting, etc.

Repealed by Ord. 19514. (Code 1981 § 27-8. Code 1995 § 54-158.)

9.45.270 Hawkers, peddlers.

Repealed by Ord. 19775. (Code 1981 § 27-9. Code 1995 § 54-159.)

9.45.280 Musical instruments.

The use of any musical instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale is unlawful. (Code 1981 § 27-6. Code 1995 § 54-160.)

9.45.290 Construction or repairing of buildings and exterior construction projects.

The erection (including excavating), demolition, exterior alteration or exterior repair of any building or exterior construction project is prohibited between the hours of 7:00 p.m. and 7:00 a.m. Exceptions may be granted in the interest of public health and safety with authorization from the city manager or designee. (Ord. 19775 § 4, 10-23-12.)

Cross References: Buildings and construction, TMC Title [14](#).

9.45.300 Pile drivers, hammers and derricks.

The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, is unlawful. (Code 1981 § 27-16. Code 1995 § 54-162.)

9.45.310 Blowers and internal combustion engines.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled, is unlawful. (Code 1981 § 27-17. Code 1995 § 54-163.)

9.45.320 In proximity to schools, courts, churches, hospitals.

Repealed by Ord. 19775. (Code 1981 § 27-18. Code 1995 § 54-164.)

9.45.330 Keeping of animals.

The keeping or harboring of any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity is unlawful. (Code 1981 § 27-19. Code 1995 § 54-165.)

Cross References: Animals, TMC Title [6](#).

The Topeka Municipal Code is current through Ordinance 19999, passed May 17, 2016, and Charter Ordinance No. 117, passed February 9, 2016.

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.