

**HOME RULE RESOLUTION NO. HR 11-7-3**

**A HOME RULE RESOLUTION AMENDING THE REGULATIONS  
PROHIBITING EXCESSIVE NOISE WITHIN THE UNINCORPORATED AREAS  
OF DOUGLAS COUNTY, KANSAS**

**WHEREAS**, K.S.A. 19-101a, and amendments thereto, authorizes the Board of County Commissioners (hereinafter after the “Board”) to transact all County business and perform all powers of local legislation and administration it deems appropriate, including the enactment of legislation designed to protect the health, safety, welfare, and quality of life of the citizens of Douglas County; and

**WHEREAS**, by Resolution No. 10-6-3, as Codified at Article 2 of Chapter VII of the Douglas County Code, the Board has adopted Noise Control regulations; and

**WHEREAS**, the Board finds that excessive noise, generally and not solely during night-time hours, is a hazard to the health, safety, welfare, and the quality of life of the citizens of Douglas County; and

**WHEREAS**, the Board desires to make certain amendments to the Noise Control regulations so that they are not applicable solely during the night-time hours.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS 6th DAY OF JULY, 2011 AND INTENDING TO EXERCISE THE POWERS OF HOME RULE LEGISLATION PURSUANT TO K.S.A. 19-101a, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Amendment to Regulated Hours. Noise Disturbances should not be regulated solely during the night-time hours. As such, Section 7-201 of the Douglas County Code is amended to read as follows:

7-201. NOISE DISTURBANCE PROHIBITED. No person or group of persons, regardless of number, shall make, continue, or cause to be made, or assist in making or continuing to make, any Noise Disturbance in the unincorporated areas of Douglas County. Any person creating any such Noise Disturbance and/or permitting such Noise Disturbance to be created in, or emanate from, any property under his or her care, custody or control shall be presumed responsible for any such noise.

SECTION 2. Amendment to Exemption f. Exemption f should be amended to place time limits on the applicability of the exemption. As such, Section 7-203.f. of the Douglas County Code is amended to read as follows:

7-203. EXEMPTIONS. The prohibitions of Section 7-201 shall not apply to any of the following:

\* \* \*

- f. The lawful discharge of firearms between the hours of 7:00 a.m. and 10:00 p.m. or in connection with lawful hunting activities; and

\* \* \*

The remaining provisions of Section 7-203, including exemptions a, b, c, d, e, g, h, and i are not amended.

SECTION 3. Resolution No. 10-6-3. Resolution No. 10-6-3 is amended consistent with the provisions of this Resolution.

SECTION 4. Effective Date. This is a home rule resolution and shall take effect and be in force from and after its publication once in the official County newspaper.

**ADOPTED** THIS 6<sup>th</sup> day of July, 2011.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Jim Flory, Chair

\_\_\_\_\_  
Nancy Thellman

\_\_\_\_\_  
Mike Gaughan,

ATTEST:

\_\_\_\_\_  
Jameson Shew, County Clerk

**Affidavit in Proof of Publication**

STATE OF KANSAS  
Douglas County

Erika Gray of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

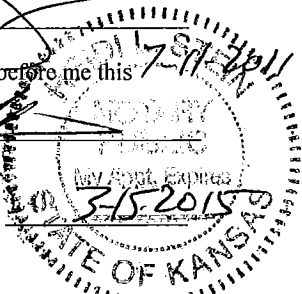
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 07/11/2011 with publications being made on the following dates:

07/11/2011

Subscribed and sworn to before me this

  
Notary Public

My Appointment expires:



Publication Charges	\$160.80
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<u>                    </u>
	\$160.80

(Published in the Lawrence Daily Journal-World July 11, 2011)

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BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

/s/ Jim Flory  
Jim Flory, Chair  
/s/ Nancy Thellman  
Nancy Thellman  
/s/ Mike Gaughan  
Mike Gaughan

ATTEST:  
/s/ Jameson Shew  
Jameson Shew,  
County Clerk