

CHAPTER 91: NOISE CONTROL

Section

- 91.01 Unlawful to operate sound truck
- 91.02 Blowing of horns, bells, other devices
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- 91.99 Penalty

§ 91.01 UNLAWFUL TO OPERATE SOUND TRUCK.

It shall be unlawful for any person, firm, or corporation to operate or cause to be operated any vehicle or truck known as a sound truck, when the operation includes the sounding of, or causing to be sounded, any bell or horn amplifier, loud speaker, radio, record player, or other mechanical sound or noise-producing instrument or appliances operated by hand, steam, air, or electricity or other means, upon Second Street, Main Street, Railroad Street, and College Boulevard, at any hour or time of the day or night. It shall be unlawful for any person, firm, or corporation to operate or cause to be operated any such vehicle or truck in the manner hereinabove described at any other place or places within the corporate limits of the city, except between the hours of 9:00 a.m. and 6:00 p.m., because the vehicle or truck, when so operated, tends to and does disturb the public peace and tranquility, interferes with traffic, and endangers the public safety, welfare, and life and property.

(Ord. passed 6-9-59) Penalty, see § 91.99

§ 91.02 BLOWING OF HORNS, BELLS, OTHER DEVICES.

It shall be unlawful for any person, firm, or corporation, in the operation of any motor vehicle within the corporate limits of the city, to blow or cause to be blown, any horn, bell, or other device of warning unless the blowing or sounding shall be necessary in the avoidance of a collision with other vehicles or pedestrians, because the excessive and unnecessary horn blowing and noise making tends to and does disturb the public peace and tranquility, interferes with traffic, and endangers the public safety, welfare, and life and property.

(Ord. passed 6-9-59) Penalty, see § 91.99

§ 91.03 UNREASONABLY LOUD RADIOS, STEREOS, AND OTHER LOUDSPEAKER EQUIPMENT.

(A) Definitions. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONTINUOUS NOISE DISTURBANCE." Any noise disturbance which exists, essentially without interruption, for a period of five (5) minutes or more.

"DEVICE." Any mechanism which is intended to produce, or which actually produces, noise when operated or handled, including, but not

limited to, any loudspeaker, public address system, or mobile sound vehicle.

"DWELLING UNIT." One (1) room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, or as rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same building, and containing independent cooking and sleeping facilities.

"DWELLING UNIT BOUNDARY." A real or imaginary boundary which separates one (1) dwelling unit from another dwelling unit, including but not limited to walls, ceilings and floors in a building containing more than one (1) dwelling unit or, in situation involving detached single-dwelling units, the real property boundary line of the unit.

"MOTOR VEHICLE." Every vehicle defined as a motor vehicle in KRS 189.010.

"NOISE DISTURBANCE." Any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.

"POWERED MODEL VEHICLE." Any self-propelled airborne, waterborne or land borne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

"PUBLIC PLACE." A place to which the public or a substantial group or persons has access, including, but not limited to, highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(B) The following acts are in violation of this section:

(1) Using, operating or permitting the use or operation, for any commercial purpose, of any loudspeaker, public address system, mobile sound vehicle, or any other device amplifying sound which creates a continuous noise disturbance on a public right-of-way or public place.

(2) Using, operating or permitting the use or operation, for any noncommercial purpose, of any loudspeaker, public address system, mobile sound vehicle, or any other device to amplify sound which creates a continuous noise disturbance across a dwelling unit boundary between the hours of 10:00 p.m. and 7:00 a.m.

(3) Operating or permitting the operation of a powered model vehicle so as to create a continuous noise disturbance across a dwelling unit boundary or in a public place between the hours of 10:00 p.m. and 7:00 a.m., Eastern Standard Time.

(4) Operating, playing or permitting the operation of playing any radio, television, phonograph, drum, musical instrument or similar devices:

(a) Between the hours of 10:00 p.m. and 7:00 a.m., Eastern Standard Time, in such a manner as to create a continuous noise disturbance across a dwelling unit boundary; or

(b) In such a manner as to create a continuous noise disturbance at fifty (50) feet from the device, when operated in or on a motor vehicle on a public right-of-way, public place or private property.

(5) Repairing, rebuilding, modifying, testing or operating any motor vehicle, motorcycle, motor bicycle, or motor boat in such a manner as to cause a continuing noise disturbance across a dwelling unit boundary.

(6) Keeping or harboring within the city any dog that barks or yelps or otherwise creates a continuous noise disturbance across a dwelling unit boundary.

(7) Making, continuing, or causing to be made or continued, any continuous noise disturbance, including yelling, screaming, cursing, or other verbal outbursts, across a dwelling unit boundary line.

(C) Except as otherwise provided in division (B) above, the following shall be allowed and shall not be a violation of this section:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.

(2) Organized school-related programs, activities or events; parades or other public programs, activities or events authorized by the Mayor or his designated representative.

(3) The discharge of firearms by members of the Police Department or other sworn peace officers.

(4) Noncommercial public speaking and public assembly activities conducted by any public place or public right-of-way.

(D) Variances.

(1) The Mayor or his designated representative shall have the authority, consistent with this section, to grant special variances. Any person seeking a special variance pursuant to this section shall file an application with the Mayor or his designated representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this section would constitute an unreasonable hardship on the applicant, on the community, or on other

persons. Notice of an application for a special variance shall be given by the Mayor or his representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by the allowance of the special variance may file a statement with the Mayor or his representative containing any information to support his claim.

(2) In determining whether to grant or deny the application, the Mayor or his designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information to the Mayor or his representative may reasonably require. In granting or denying an application, the Mayor or his representative shall place on public file a copy of the decision and the reasons for denying or granting the special variances.

(Ord. passed 10-14-91; Am. Ord. 24-92, passed 11-9-92; Am. Ord. 02:97, passed 2-10-97)

§ 91.99 PENALTY.

(A) Any person, firm, or corporation violating this chapter may be issued a Notice of Violation. The notice shall specify a period of time the offender has to remedy the violation. If the offender fails or refuses to remedy the violation, the offender may be issued a citation by a Code Enforcement Officer of the city. If the Code Enforcement Officer believes that the violation presents a serious threat to the public health, safety, and welfare, or if, in the absence of immediate action, the effects of the violation will be irreparable or irreversible, or the violation is a repeated violation, the Code Enforcement Officer may issue a citation without a Notice of Violation. If the citation is not contested by the person, firm, or corporation charged with the violation, the following penalties shall apply; however, the Code Enforcement Board may waive all or any portion of said penalty if, in its discretion, the Code Enforcement Board determines that such waiver will promote compliance with Chapter 91.

- (1) First Offense: \$ 25.00
- (2) Second Offense: 50.00
- (3) All Others: 100.00

(B) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

- (1) First Offense: \$100.00
- (2) Second Offense: 200.00

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 (3) Third Offense: 300.00
(Ord. passed --; Am. Ord. 25:97, passed 8-25-97)