

ORDINANCE NO. 10, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK HILLS, KENTUCKY CREATING SECTION 96 OF TITLE IX: GENERAL REGULATIONS OF THE CODE OF ORDINANCES REGARDING AND TO BE TITLED NOISE CONTROL

BE IT ORDAINED BY THE CITY OF PARK, HILLS, KENTUCKY, as follows:

SECTION I

That there is hereby created Section 96 of Title IX: General Regulations of the official Code of Ordinances of the City of Park Hills, Kentucky to read as follows:

TITLE IX: GENERAL REGULATIONS

SECTION 96 NOISE CONTROL

96.1 DEFINITIONS

LOUD, UNREASONABLE OR EXCESSIVE NOISE. Noise measured in excess of 85 dBa (decibels), as measured within one hundred (100) feet of the source of the noise or from the nearest property line from its origination, either being projected outside of any building or structure or out-of-doors.

PERSON. Any individual, corporation (for profit or non-profit), limited liability company, partnership, joint venture or any other business entity, charitable or social association.

SOUND AMPLIFICATION DEVICE. Any instrumentality, device or apparatus for the amplification of sounds from any radio, television, stereo, phonograph, record player, tape player, cassette player, compact disc player or other electronic device; any band, musical group or orchestration; any drum, synthesizer or musical instrument(s); or, any car alarm. Sound amplification shall also mean any other sound making or sound producing device or attachment, including any apparatus for the amplification of the human voice.

96.2 GENERAL PROHIBITION

No person shall make or cause to make any loud, unreasonable or excessive noise in the city, by whatever means or from whatever source such may emanate, such constituting a disturbance of the peace.

96.3 RESIDENTIAL IMPACT

It shall be unlawful to carry out the following activities within the City between the hours of 11 p.m. and 7 a.m., current local time, during any day of the week.

- a. Operate refuse collection machinery or loaders, unless otherwise set forth in any refuse collection contract with the City.

- b. Operate construction machinery for the erection, demolition, excavation, alteration or repair of any building, structure, roadway or parking lot unless otherwise permitted by the City, excepting public utility repairs during emergencies.
- c. Operate or use any sound amplification device.
- d. Operate industrial machinery.
- e. Operate lawn mowers and other gardening or domestic related tools or machinery, out-of-doors.
- f. The ignition of fireworks or any explosive device.

#### 96.4 AMPLIFIED SOUND

It shall be unlawful to operate at anytime any sound amplification device or similar equipment, including musical instruments, so as to create noise which is plainly audible at a distance of one hundred (100) feet from the source by a person of normal hearing.

#### 96.5 AUTOMOBILE SAFETY DEVICES

The use of any device whose purpose is to protect an owner's motorized vehicle through the mechanical creation of a warning or alert noise of sufficient magnitude to be plainly audible at a distance of one hundred (100) feet from its source which does not automatically terminate within five (5) minutes of its activation, shall be unlawful.

#### 96.6 MOTOR VEHICLES/MOTORCYCLES

It shall be unlawful for any person to operate a motor vehicle or motorcycle in the City which has its muffler or exhaust equipment removed, altered or maintained in such a condition as to create loud, unreasonable or excessive noise which is disturbing to the neighborhood. It shall also be unlawful to spin tires, race engine or undertake "jackrabbit" starts which would create loud, unreasonable or excessive noise.

#### 96.7 AMPLIFICATION DEVICES IN MOTOR VEHICLES

It shall be unlawful for any person to operate a sound amplification device or similar equipment which causes loud, unreasonable or excessive noise in or on a motor vehicle while it is either moving or standing within any public rights-of-way of the City.

#### 96.8 AMPLIFICATION DEVICES IN PUBLIC PLACES

It shall be unlawful for any person to operate a sound amplification device or similar equipment which may cause loud, unreasonable or excessive noise on a public rights-of-way or upon or within any public place within the City.

#### 96.9 ANIMALS

It shall be unlawful for any person to own, keep, possess or harbor any dog or other animal or bird which, by frequent or habitual howling, yelping or barking causes loud,

unreasonable or excessive noise which produces an annoying disturbance to any person or neighborhood.

#### 96.10 USE OF SOUND LEVEL METER

Any properly calibrated sound level meter or device complying with the provisions of the American National Standards Institute's specifications for sound level meters may be utilized to determine and verify the sound level in decibels for the purposes set forth herein.

#### 96.11 EXEMPTIONS

The following are exempted from the provisions hereof and shall not constitute loud or excessive noise:

- a. Noise from law enforcement vehicles.
- b. Noise from fire and emergency vehicles.
- c. Noise made where such person has received and maintains a valid permit from the City.
- d. Noise emanating from premises located within the Institutional Zone of the City.

#### 96.12 PERMIT REQUIREMENT

In the event any person desires to utilize any sound amplification device for additional amplification (by way of example, but not limited to, concerts, parades, etc.) or to operate such devices within the restricted hours of operation, such person shall be required to first obtain a permit issued by the City permitting the same to occur.

Applications for such permit shall be made on a form provided by the City and submitted to, reviewed and approved by the city Police Department or Mayor and shall set forth the time duration, location, manner, conditions and additional sound level restrictions on the use of any sound amplification device so granted or approved in addition to the payment of any requisite fee, if assessed.

#### 96.13 ENFORCEMENT

The provisions hereof may be enforced by any police officer or code enforcement officer employed or contracted to enforce the same on behalf of the City.

#### 96.14 PENALTY

Any person who shall violate any of the provisions hereof shall, upon citation, be subject to a civil fine of \$100 for the first violation which shall increase by \$100 for each subsequent violation thereof not to exceed a maximum of \$500.

### SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, published and be effective upon publication.

1<sup>ST</sup> Reading: August 9, 2021

2<sup>nd</sup> Reading: August 23, 2021

---

MAYOR KATHY ZEMBRODT

ATTEST:

---

JULIE ALIG, CITY CLERK

Publication: