

ORDINANCE NO. 2005-08

AN ORDINANCE RELATING TO THE PROHIBITION AGAINST NOISE POLLUTION IN THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY.

WHEREAS, KRS 82.082(1) authorizes the City of Pioneer Village to provide for abatement of a public nuisance, and;

WHEREAS, the City Council of the City of Pioneer Village finds and declares that:

(1) Unreasonably loud, harsh or excessive noise is a hazard to the public health, welfare and the quality of life in the City of Pioneer Village, Bullitt County, Kentucky.

(2) Each City of Pioneer Village citizen has the right to an environment free from noise that jeopardizes one's health or welfare or degrades the quality of life or lowers property values.

(3) It is the policy of the City of Pioneer Village to promote and protect the environment for all people, free from noise that unnecessarily jeopardizes the citizenry's health or welfare, degrades the quality of life, and lowers property values;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY AS FOLLOWS:

SECTION I: DEFINITIONS.

A. As used in this Ordinance, the following terms shall have the following definition:

1. "Noise" means the intensity, frequency, duration, and character of sound or sounds from a source or sources.
2. "Unreasonably loud, harsh, or excessive noise" means any noise plainly audible at a distance of 100 feet beyond the property line on which the sound originates. This shall include, but not be limited to music played in any public assembly in such a manner, amplified or non-amplified, as to disturb the peace and quiet of the neighborhood, having due regard for the proximity of places of residence, hospitals or other residential institutions and to any other conditions affected by such noise.
3. "Highway" means any road, street, avenue, alley, boulevard, lane, court, or bridge, viaduct, or trestle and the approaches to them.
4. "Parking lots" means any off-street parking facility for public use, and the approaches to same, whether publicly or privately owned, and shall include, but not be limited to: parks, shopping centers, restaurants, entertainment

centers, taverns, car washes, banking or financial institutions, whether publicly or privately owned, operated or controlled.

5. "Roadway" means that portion of the highway designed for ordinary use for vehicular travel, including the berm, shoulder or any public property adjacent thereto.
6. "Vehicle" means any machine or device in, on, or by which, any person or property is or may be transported or drawn on any highway, roadway, or parking lot.
7. "Person" means any person, firm, association, partnership, joint venture, corporation or any private entity of any nature.
8. "Construction or demolition activity" means the erection (including excavation), demolition, alteration, or repair of any building, structure or roadway, or any utility related construction or demolition, for which all necessary and proper governmental permits have been obtained.
9. "Unreasonable period of time" means a period of time in excess of that necessary to accomplish: (1) a danger warning with a horn or other audible signaling device, or, (2) the preservation or protection of property or the life, safety or welfare of a person or persons by use of an audible signaling device.
10. "Plainly audible" means capable of being distinctly heard by a person with normal hearing.

SECTION II: UNLAWFUL CONDUCT.

A. It shall be unlawful for any person within the City of Pioneer Village to make, continue, or cause to be made or continued, any excessive, loud, unnecessary, or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the life, health, or safety of a person or persons.

B. The following acts are hereby declared to be loud, disturbing, and unnecessary noise in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive:

1. The sounding of any horn or other such audible signaling device on any automobile, motorcycle, or other vehicle on any highway, roadway, parking lot or other public place, except as a danger warning, for an unreasonable period of time;
2. The use or operation of any radio, stereo, or other machine or device for the producing, reproducing, or amplification of sound in any vehicle in such a

manner as to create an unreasonably loud, harsh, or excessive noise, that disturbs the peace, quiet, or comfort of others;

3. The use or operation of, or allowing the use or operation of, any radio receiving set, musical instrument, phonograph, or other machine or device on the exterior of any structure as to disturb the peace, quiet, and comfort of others by creating or allowing a louder volume than is necessary for the convenient hearing of the person or persons who are voluntarily in the room, chamber, or vehicle in which any above described machine, device, or musical instrument is located. The operation of any such machine, device, or musical instrument between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 100 feet from the building, structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this section;
4. Use or operation of any vehicle on any highway, roadway, or parking lot in such a manner as to produce any unreasonably loud, harsh, or excessive noise, or to discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
5. Create any unreasonably loud, harsh, or excessive noise in connection with the loading or unloading of any vehicle, or by the operation of any such vehicle;
6. Use of any mechanical loudspeaker, amplifier, sound system, stereo, or radio on any moving or standing vehicle for advertising, entertainment or any other purpose, in such a manner as to create an unreasonable loud, harsh, or excessive noise.

SECTION III: STANDARDS FOR NOISE POLLUTION.

A. The standards, which shall be considered in determining whether a violation of Section II hereof exists, shall include, but not be limited to, the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. The volume and intensity of background noise, if any;
5. The proximity of the noise to a residential area or place of public accommodation such as a hotel, motel, inn, campground and the like;

6. The nature and zoning of the area within which the noise emanates;
7. The density of inhabitation of the area within which the noise emanates;
8. The time of day or night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant;

SECTION IV: EXEMPTIONS.

- a. The following uses and activities shall be exempt from Section II:
 1. Noises originating or emanating from safety signals, warning devices and emergency pressure relief valves;
 2. Noises resulting from any emergency vehicle, law enforcement vehicle, fire protection vehicle at any time, whether during use at any training facilities and/or upon any highway and/or parking lot;
 3. Noises resulting from construction or demolition activities upon any real estate located within the municipal boundaries of the City of Pioneer Village between the hours of 7:00 a.m. thru 7:00 p.m.;
 4. Noises relating from the use of farm machinery, lawn mowers or other machinery utilized for agricultural or landscaping purposes;
 5. Noises originating or emanating from public recreational facilities;
 6. The operation of any aircraft in conformity with, or pursuant to, federal law, federal air regulations and/or air traffic control instructions;
 7. Noise resulting from any clock, bells, chimes generated by any educational, government or religious organization.

SECTION V: PENALTIES.

Any person violating any section of this Ordinance shall be fined and/or confined in the Bullitt County Jail as follows:

- A. For the first offense within a twelve (12) month period a written warning;

B. For the second offense within a twelve (12) month period a fine of not less than Two Hundred Fifty Dollars (\$250.00) and/or confinement in the County Jail for a period of no more than fifty (50) days.

C. For a third offense within a twelve (12) month period a fine of not less than Five Hundred Dollars (\$500.00) and/or confinement in the County Jail for no more than fifty (50) days.

D. For a fourth offense within a twelve (12) month period a fine of not less than One Thousand Dollars (\$1,000.00) and/or confinement in the County Jail for no more than fifty (50) days.

SECTION VI: INJUNCTIVE RELIEF.

In addition to the penalties set forth in Section V hereof, multiple or continuous violations of any provision of this Ordinance is declared to be a public nuisance subject to abatement by restraining order or injunction sought from a court of competent jurisdiction by the City of Pioneer Village acting through any authorized agency or officer.

SECTION VII: ENFORCEMENT.

Any individual who hears "noise" as defined in this Ordinance may seek enforcement of this Ordinance by the taking of a complaint through the office of the Bullitt County Attorney.

SECTION VIII: EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

SECTION IX: PUBLICATION.

This Ordinance shall be published according to law.

SECTION X: REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are repealed.

SECTION XI: SEVERABILITY.

Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 22nd day of November, 2005. Given second reading, voted upon and passed at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 28th day of February, 2006.

Votes for 6 ;

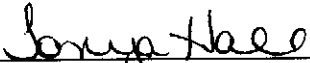
Votes against 0 ;

Not Voting 0 .



GARY HATCHER, MAYOR

ATTESTED BY:



TONYA HALL, CITY CLERK