

SCOTT COUNTY FISCAL COURT  
ORDINANCE NO 10-05

**AN ORDINANCE RELATING TO NOISE**

SECTION 1: PURPOSE OF ORDINANCE.

The purpose of this ordinance is:

(A) To provide the public health, safety and welfare of the County by prohibiting excessive and disturbing noise; and

(B) To prevent noise which is:

(1) Prolonged or unsuitable for the time and place; and

(2) Detrimental to the peace and good order of the community.

© It is the goal of this chapter to allow all residents of our country to peacefully coexist in a manner which is mutually respectful of the interests and rights of others. (Reference KRS 224.30-185)

SECTION 2: GENERAL PROHIBITION.

It shall be unlawful for any person, business, organization or any other entity to make or cause to be made any loud or unreasonable noise as defined in this ordinance. Unreasonable noise disturbs, injures and/or endangers the peace or health of another or the health, safety or welfare of the community. Such noise constitute; the disturbance of the peace and is a public nuisance. Loud and unreasonable noise, for the purpose of this ordinance, is defined as noise that is plainly audible to a reasonable person of normal sensitivities using his or her unaided faculties at such times and distances proscribed below. To be plainly audible does not require the listener to be able to determine specific characteristics of the noise (e.g., the words of a song being played), but only that the listener hears the noise (e.g. the boom of the song's base).

SECTION 3: EXPRESS PROHIBITIONS.

The following acts are noise disturbances:

(1) Radios, television sets, musical instruments, phonographs, and similar devices, including motor vehicle sound equipment. The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound in such a manner as to certainly audible;

- (a) From the source of the noise through the walls separating dwelling units within the same multifamily building; or
  - (b) From the source of the noise to within a dwelling unit located on another property than that from which the noise emanates; or
  - (c) From the source of the noise within the right-of-way to within a dwelling unit or
  - (d) From the source of the noise a distance of fifty (50) feet or greater.
- (2) Parties and other social events. In the event the source of the proscribed noise is a private party or social event, the responsible person for the offense shall be any or all of the following:

- (a) The owner of the premises;
- (b) The occupant of the premises; or
- (c) The person authorize to make use of the premises for such event.

#### SECTION 4: EXEMPTIONS.

Noise from the following sources is exempt from the prohibition specified Above:

- (1) Governmental activities. Government vehicles and equipment while in use for county purposes, including, but not limited to, safety signals, warning devices, snow removal, public events, law enforcement, emergency construction or repair work. Events conducted by or permitted by the county must comply with all conditions of such permits with respect to noise control issues;
- (2) Special events. Special events permitted by the appropriate agency, e.g. Festival of the Horse; Scott County Fair; and
- (3) Essential activities. Activities for which an exemption has been obtained from the office of the County Judge/Executive, which exemptions shall be issued only for those activities for which there is a substantial need and the effectiveness of which would be significantly reduced or eliminated by the enforcement of this prohibition. Exemptions under this section shall issue for only that period during which the need for the activity can be demonstrated.
- (4) Agricultural purposes. Activities that are defined as "agriculture operations" and/or "silvicultural operations" as defined in KRS 413.072(3)(4). (and as they be amended from time to time) shall be exempt from the enforcement of this ordinance.

#### SECTION 5: ENFORCEMENT OF THIS ORDINANCE.

(A) Authority to enforce this ordinance is given to any peace officer and/or by private citizen complaint.

(B) The penalty for the violation of this ordinance is as follows:

(a) First offense. A first offense shall be a violation with a penalty of up to a \$250.00 fine.

(b) Second offense. A second offense shall be a Class "B" misdemeanor with a penalty of up to 90 days incarceration and/or a \$250.00 fine.

(c) Third offense. A third offense shall be a Class "A" misdemeanor with a penalty of up to 365 days incarceration and/or a \$500.00 fine.


SECTION 6: VALIDITY.

If any section, subsection, penalty, clause, clause or portion of this ordinance be declared invalid or unconstitutional. By any Court of competent jurisdiction, such portion shall be deemed a separate, distinct or independent provision and such holding shall not affect the validity of the remaining portions hereof.

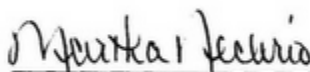
SECTION 7: EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication.  
WHEREUPON, this ordinance, after being duly read, was given first reading on August 13, 2010, and second reading and approved on August 27, 2010.

SCOTT COUNTY FISCAL COURT

BY:   
GEORGE LUSBY  
SCOTT COUNTY JUDGE/EXECUTIVE

ATTEST BY:

  
MARTHA NECLERIO  
SCOTT FISCAL COURT CLERK