

ORDINANCE # 2023-03:

AN ORDINANCE ESTABLISHING A COMPREHENSIVE NOISE REGULATION PROGRAM AND NOISE CONTROL PLAN IN CAMARGO, KENTUCKY

BE IT ORDAINED by the City of Camargo, Kentucky, by and through its City Commission, as follows:

**WHEREAS**, excessive sound constitutes a menace to the public health and welfare and the quality of life; and,

**WHEREAS**, a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

**WHEREAS**, Kentucky Revised Statutes 224.710-224.800 establishes the right of the people to an environment free from excessive and unnecessary sound; and,

**WHEREAS**, excessive and unnecessary sound that may jeopardize human health or welfare or may substantially degrade the quality of life.

**WHEREAS**, it is the desire of the City of Camargo to eliminate non-commercial excessive and unnecessary sound.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CAMARGO, KENTUCKY IT SHALL BE UNLAWFUL FOR ANY PERSON TO MAKE, CONTINUE, OR CAUSE TO BE MADE OR CONTINUED, ANY EXCESSIVE NOISE THAT JEOPARDIZES THE HEALTH, WELFARE OR QUALITY OF LIFE OF OTHERS WITHIN THE JURISDICTION OF THE CITY OF CAMARGO.**

**Section 1 EXCESSIVE NOISE DEFINED**

(1) "Excessive noise" means a noise level exceeding the maximum permissible noise level set forth in Table 1 when a level of noise is measured for a period of one (1) minute continuously. Noise is also excessive if three (3) or more times in a fifteen (15) minute period the measurable noise level exceeds the maximum permissible noise level limit set forth in Table 1. Noise level measurement shall be made with a Type 2 or better sound level meter using the A-weighted scale in accordance with the standards promulgated by the American National Sound Institute and may be measured at any location off the subject property where the noise is capable of being perceived.

(2) "Person", in addition to its ordinary meaning; means an individual, corporation, partnership, association, organization or other legally recognized entity.

(3) "Noise" means the intensity, frequency, duration, and character of sounds from a source or number of sources. Noise includes vibrations of sub-audible frequency.

**Section 2 EXEMPTIONS**

The following are exempt from the sound level limits set forth in Table 1:

- (1) Domestic power tools, lawn mowers, and agricultural equipment, when operated with a muffler during daylight hours.
- (2) Noises from any authorized emergency vehicle when responding to an emergency.
- (3) Noises from church bells and chimes operated on a periodic basis for the purpose of tolling the hour.
- (4) Noises from construction activity so long as said activity has received proper permitting and authorization as may be required by law, is conducted during daylight hours and does not exceed 90dB(A).
- (5) Any noise resulting from activities of a temporary duration, for which a variance has been granted pursuant to this Ordinance and which conforms to the conditions and limits stated thereon.
- (6) Noises created by warning alarms sounding as a result of criminal activity or potential criminal activity or flooding, provided however, that noises emitted from warning alarms that have previously sounded three (3) or more times within a twelve (12) month period due to malfunction, equipment failure, or user error shall not be exempt. The twelve (12) month period shall be measured from the date of the most recent emission of noise.
- (7) Noise created by the collection and compaction of waste, garbage, or recyclable materials; provided such noise is created by a vehicle authorized to engage in such practice.
- (8) Noise created by any lawful noncommercial public speaking and public assembly activities conducted on any public space, public right-of-way or private property.
- (9) Noise created by any aircraft being operated in compliance with Federal Aviation Administration standards.
- (10) Sounds associated with the use of legal fireworks.
- (11) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or other events authorized by the city commission or another appropriate governmental entity.
- (12) Noise from storm warning siren.

### **Section 3      SPECIFIC PROHIBITIONS**

The following activities are specifically prohibited:

- (A) Yelling, shouting, or whistling on the public streets as to annoy or disturb the quiet, comfort, or repose of persons in the vicinity;
- (B) The sounding of any horn or signaling device on any vehicle except as a danger warning;
- (C) The use, operation, or permitting the playing of, use, or operation of any radio, television, musical instrument, loudspeaker, phonograph, or any other machine or device for the production or reproductions of sound on the public rights-of-way in such a manner as to be plainly audible to any person other than the operator of the device. This provision shall apply to the operation of such equipment in public parks, public places, and sidewalks, when measured at a distance of fifty (50) feet. The use of such devices for the purpose of attracting the attention of the public or for commercial advertising is expressly prohibited regardless of the time of day or night unless permission has been specifically granted by the city.
- (D) Animals: Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes sounds which creates excessive and unnecessary noise. Barking dog is defined as any dog that barks, bays, howls, cries or makes any other noise continuously for five (5) minutes or intermittently for thirty (30) minutes or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property. A dog is not deemed a "barking dog" if the times it is making noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is located or for any similar cause which teased or provoked the dog.

#### **Section 4 SPECIAL PERMITS**

(A) Any person desiring relief from any provisions of this article shall apply for a special permit to cause or create a noise at sound levels that would otherwise be in violation of this article. Applications for a special permit shall be made in writing to the City Clerk who will place the request on the docket and submit it to the full city commission at its next regularly scheduled meeting. The commission may consider granting the special permit upon a showing by the applicant:

- (1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this ordinance;
- (2) The activity, operation, or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this ordinance: or
- (3) No reasonable alternative is available to the applicant. Any permit granted pursuant to this section shall contain all conditions upon which the permit has been granted, including, but not limited to the effective date, time of day, location, sound level limit, or equipment limitation.

(B) No special permit shall be issued for a period in excess of thirty (30) consecutive days. Any special permit granted under this section may be renewed upon application in writing to the City Commission and upon demonstrating that the reasons for which the permit was granted, still exist.

#### **Section 5 ENFORCEMENT AND PENALTY**

(1) All law enforcement agents, code enforcement officers, city, county, and commonwealth's attorneys shall have concurrent jurisdiction to enforce the provisions of this Ordinance and seek recovery of penalties from any person who violates any of the provisions of, or who fails to perform any duties imposed by, this Ordinance.

(2) Any person who violates this Ordinance shall be guilty of a violation for the first offense, and shall be fined an amount not to exceed \$250.00 for said violation; and shall be guilty of a misdemeanor for a second violation and may be fined an amount not to exceed \$250.00 or imprisoned in the county jail for a period not to exceed thirty (30) days. Each day during which such violation continues shall constitute a separate offense.

(3) Any owner, lessee, occupant or other person having charge of a premises where any violation is caused, maintained or kept in violation of this Ordinance, who fails to remove or abate the noise, after actual or constructive notice, shall be subject to the penalties contained in this section. Each day a violation continues after notice shall constitute a separate offense.

#### **Section 6 SEVERABILITY**

If any provision of this Ordinance shall be found by a court of competent jurisdiction to be invalid, void, illegal or unenforceable with respect to any particular party, person or entity, it shall in no way affect, impair or invalidate any other provisions hereof, or its enforceability with respect to any other person, entity or party.

#### **TABLE 1 TIME AND SOUND LEVEL RESTRICTIONS**

Sunday-Thursday

7:00 a.m. – 9:00 p.m. 75dB(A)

9:00 p.m. – 7:00 a.m. 60dB(A)

Friday and Saturday  
7:00 a.m. -- 10:00 p.m. 75dB(A)  
10:00 p.m. -- 7:00 a.m. 60dB(A)

**TABLE 2 NOISE LEVELS**

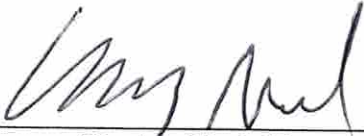
130 dB +	Immediate hearing damage.	
110 dB +	Deafening	12" Cannon firing, at 12'. Close to a train
90 dB +	Very Loud	Car horn at 5'.
	Regular exposure to sounds above 90dB can cause hearing damage.	
70-80 dB +	Loud	Police whistle, curbside of a busy highway, front-end loader.
45-60 dB	Moderate	Normal conversations, small gatherings and office noise.
30-40 dB	Faint	Quiet conversation.

This ordinance shall be in full force and effect after passage and publication as required by law.

ENACTED THIS 2<sup>nd</sup> day of October, 2023.

First Reading: September 11<sup>th</sup>, 2023

Second Reading: October 2<sup>nd</sup>, 2023

  
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Clayton Neal, Mayor

ATTEST:   
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Kim Kirby, City Clerk