

CITY OF DAYTON, KENTUCKY

ORDINANCE NO. 2024#10

AN ORDINANCE AMENDING SECTIONS 92.10, 92.11, 92.12, 92.13, 92.14, and 92.15 OF TITLE IX, GENERAL REGULATIONS, OF THE CITY OF DAYTON CODE OF ORDINANCES PROHIBITING EXCESSIVE NOISE, INCLUDING CRIMINAL PENALTIES AND OTHER ENFORCEMENT PROVISIONS FOR THE FAILURE TO COMPLY WITH THE ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

Chapter 92, Excessive Noise, including Sections 92.10, 92.11, 92.12, 92.13, 92.14, and 92.15 of Title IX, General Regulations, of the City of Dayton Code of Ordinances, is hereby repealed in its entirety and replaced as follows:

CHAPTER 92: EXCESSIVE NOISE

§ 92.10 FINDINGS.

Loud, unnecessary, and unusual noise is hereby declared to be a nuisance to the public health, safety, and, welfare and a detriment to the quality of life in the City of Dayton (“City”). Pursuant to KRS 224.30-175, the City hereby enacts this noise program to address this nuisance by prohibiting persons from making, causing, or continuing loud, unnecessary, or unusual noises that annoy or disturb reasonable persons of normal sensitivities, endangers or injures personal or real property within the City limits, or causes injury to the safety, health, or welfare of humans or animals or is otherwise detrimental to the quality of life in the City.

§ 92.11 LOUD, UNNECESSARY, AND UNUSUAL NOISES.

(A) It shall be unlawful for any person, firm, or corporation to create or assist in creating unreasonably loud and disturbing noises in the city (“prohibited noise,” as is more fully defined below), including those who grant, lease, or provide property or premises to persons creating such noise when such person, firm, or corporation or the employees or agents thereof were aware of or should have been reasonably aware of the prohibited noise.

(B) Noise of such character, intensity, and duration that is detrimental to the public health, safety, welfare, and peace is prohibited. The following acts, among others, are declared to be loud and disturbing noises in violation of this subsection, but this enumeration shall not be deemed to be exclusive or conclusive:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, boat, or other vehicle, except when the horn is used as a danger signal, which creates an unreasonably loud or harsh sound and/or or is made for an unreasonable period of time. Use of sirens or similar sound devices in or upon any vehicle -- other than police, fire, or other emergency vehicles -- is prohibited.

(2) The use of loudspeakers and/or amplified music or speech; the use of radios, phonographs, or other music- or voice-playback devices; electronic devices; machinery; musical

instruments; and singing, shouting, and crowd in such a manner or at such volume or for a sustained time period -- particularly between the hours of 10:00 p.m. and 7:00 a.m. -- which annoys a reasonable person of normal sensitivities or is at a louder volume than necessary for convenient hearing of persons who are in the room, structure, vehicle, or boat where the noise is created is prohibited.

(a) Prohibited noise made between the hours of 10:00 p.m. and 7:00 a.m. that is plainly audible at a distance of ten (10) feet from the room, structure, vehicle, or boat from which it emanates or twenty-five (25) feet from the prohibited noise if the noise is not located within room, structure, vehicle, or boat shall be prima facie evidence of a violation of this section, and under no circumstances shall any such noise created hereunder exceed fifty (50) decibels during this time period.

(b) Prohibited noise made at all other hours that is plainly audible at a distance of seventy-five (75) feet from the building, structure, vehicle, or boat or one hundred fifty (150) feet from the source of the noise if not located within a building, structure, vehicle, or boat shall be prima facie evidence of a violation of this section, and under no circumstances shall any prohibited noise exceed seventy-five (75) decibels.

(3) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) The use of any automobile, motorcycle, vehicle, or boat that is so out of repair, so loaded, or operated in such a manner as to create loud grating, grinding, rattling, or other noises.

(5) The blowing of a steam whistle attached to any stationary boiler or engine, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The sounding of any bell or gong attached to any building, premises, vehicle, or boat that disturbs the quiet or repose of persons in the vicinity thereof.

(7) Noise created by working on or repairing vehicles or other equipment; loading or unloading materials or equipment; or conducting recycling or scrapping activities in any residential area so as to cause loud or offensive noises between the hours of 9:00 p.m. and 8:00 a.m.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, hospital, medical building, or government building while they are open and operating, which unreasonably interferes with the work conducted in those institutions.

(9) The creation of any excessive noise on any street adjacent to any church.

(10) The erection, excavation, demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the city, which permit may be renewed for a period of three (3) days or less while the emergency continues.

(11) The use of any mechanical device operated by compressed air unless the noise created is effectively muffled and reduced.

(12) The shouting and crying of peddlers, barkers, hawkers, and vendors that disturbs the peace and quiet of a neighborhood.

(13) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention or otherwise by creation of noise to any performance, show, or sale or display of merchandise.

(C) Outdoor *live* music may be allowed, subject to applicable zoning restrictions and the sound/decibel limitations set forth § 92.11(B) above, between the hours of noon and 8:00 p.m., Sunday through Thursday, and between the hours of noon and 10:00 p.m. on Fridays and Saturdays.

§ 92.12 EXCEPTIONS.

The provisions of this subchapter shall not apply to the following:

(A) Noise caused during the performance of emergency work for the immediate safety, health, or welfare of the community or individuals within the community or to restore property to a safe condition following an emergency or calamity. This exception includes, but is not limited to, the sounding or sirens or horns of emergency vehicles and the sounding of a public-emergency siren.

(B) Noise caused at public sporting events, parades, fairs, circuses, or other similar public entertainment event provided that such event has received all permits otherwise required by law.

(C) City- and school-sponsored events and other events approved by the City via special-event permits.

§ 92.13 REMEDIES.

(A) Any person, firm, or corporation who violates any provision of this subchapter shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine not exceeding \$500 and/or a term of imprisonment not to exceed 12 months. A separate offense shall be deemed committed each day during which a violation of this ordinance occurs or continues to occur.

(B) In addition to the criminal penalty set forth § 92.13(A) above, the City also may institute appropriate legal action to restrain, correct, or abate noise violations prohibited under this subchapter.

Adopted by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: July 9, 2024
Second Reading: Aug 13, 2024


Published Aug 21, 2024

Ayes: 5 Nays: 0 Abstained: 0



MAYOR BEN BAKER

ATTEST:



TRISTAN KLEIN
CITY CLERK/TREASURER