

**CITY OF LAKESIDE PARK, KENTUCKY
ORDINANCE NO. 06-2024**

**AN ORDINANCE OF THE CITY OF LAKESIDE PARK, KENTUCKY
AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES,
ENTITLED "NUISANCES."**

WHEREAS, the need has arisen to update portions of Lakeside Park's Ordinances to address excessive noise; and,

WHEREAS, these updates are necessary to protect the health, safety, and general welfare of Lakeside Park citizens.

NOW, THEREFORE, be it ordained by the City of Lakeside Park, Kentucky, as follows:

SECTION I

That Chapter 50 of the City of Lakeside Park Code of Ordinances, entitled "Nuisances" is hereby amended to include the following:

§ 50.009 (W) UNUSUAL AND LOUD NOISE PROHIBITED.

(A) It shall be unlawful for any person, firm, or corporation to create or assist in creating any unreasonably loud and disturbing noise in the city. Noise of such character, intensity, and duration as to be detrimental to the public health, welfare, and peace is prohibited.

(B) The following acts, among others, are declared to be loud and disturbing noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of such device for an unreasonable period of time, or the use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle.

(2) The voice of an individual or group of individuals and/or the operation of any such radio, phonograph, electronic device, machine, sound system, or other musical instrument between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 15 feet from the building, structure, area, or vehicle in which it is located, which shall be *prima facie* evidence of a violation of this section.

(3) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in a manner as to create loud grating, grinding, rattling, or other noise.

(4) The blowing of any horn or 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.

(5) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(6) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within one hundred fifty (150) feet of any hospital or medical facility, which unreasonably interferes with the working of those institutions, provided conspicuous signs are displayed in those streets indicating that the area is a school, court, or hospital area.

(7) The erection (including 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 6:00 p.m., except in the case of urgent necessity in the interest of public safety.

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

(9) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.

(10) The repeated revving of a vehicle engine to create noise for no legitimate purpose or the use of a vehicle with loud exhaust system noise.

(11) This ordinance is not applicable to noise created by railroad whistles or horns on engines legally operating on railroad tracks.

§ 50.999 PENALTY.

The following penalties shall apply to violations of this chapter:

(A) Any person, firm, or corporation who violates any provision of this chapter shall be subject to a civil fine of not less than fifty dollars (\$50.00) per day per violation but not more than five hundred dollars (\$500.00) per day per violation, or the cost to the city to abate the public nuisance or both. Each day that a violation of this chapter continues after due notice has been served in accordance with the terms of this chapter may be deemed a separate offense to a maximum of ten thousand dollars (\$10,000.00) per citation.

(B) As an additional alternative remedy to the above penalty any violator who violates any provision of this chapter and has been previously issued two or more citations for violation of this chapter relating to the same property within a twelve (12) month period may be assessed additional civil penalties of five hundred dollars (\$500.00) per day per violation to a maximum of twenty thousand dollars (\$20,000.00) per citation.

(C) Whoever violates Section 50.009 (W) shall be guilty of a civil violation and shall be fined \$50 for the first offense within a one-year period, fined \$100 for the second offense within a one-year period, and fined \$500 for the third and any subsequent offenses within a one-year period. Each day's continued violation shall constitute a separate offense.

(D) Any citation for violations of Section 50.009 (W) may be appealed to the Kenton County Code Enforcement Board.

(E) Each day's continued violation shall constitute a separate offense.

SECTION II

Any and all ordinances or portions thereof in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION III

The provisions of this Ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION IV

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law. Publication may be in summary form by alternative Internet publication.

FIRST READING: April 8, 2024

SECOND READING: May 13, 2024

APPROVED:



HON. PAUL MARKGRAF MAYOR

ATTEST:



TERESA BRUCK
CITY CLERK/TREASURER

AYES: 4

NAYS: 1

ABSTAIN: 0

PUBLISHED: 5/15/2024