

**CITY OF WALTON, KENTUCKY  
ORDINANCE NO. 2021-14**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY,  
AMENDING SECTION 92.13 OF THE WALTON CODE OF  
ORDINANCES IN ORDER TO REGULATE DISTURBING AND  
UNNECESSARY FACTORY, INDUSTRIAL AND MECHANICAL  
NOISES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON,  
KENTUCKY AS FOLLOWS:

**SECTION ONE**

Section 92.13 of the Walton Code of Ordinances is hereby amended by adding subsection (M) as follows:

§ 92.13 DISTURBING AND UNNECESSARY NOISES.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumerations shall not be deemed to be exclusive, namely:

(A) *Horns, signaling devices and the like.* The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the city, except as a danger warning signal; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

(B) *Radios, phonographs, and the like.* The using, operating, or permitting to be played, used or operated any radio, stereo, television, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the location thereof shall be prima facie evidence of a violation of this section.

(C) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated or any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, unless the permit for such amplification has been obtained from the Mayor or City Clerk.

(D) *Yelling, shouting, and the like.* Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.

(E) *Animals, birds, and the like.* The keeping of any animal or bird which by causing frequent. or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(F) *Operation of equipment.* The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads, or projects within the city between the hours of 10:00 p.m. and 7:00 a. m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or City Clerk.

(G) *Exhausts.* The discharging into the open air of the exhaust of internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Exhaust noise which is plainly audible at a distance of one hundred (100) feet from the location thereof shall be prima facie evidence of a violation of this section.

(H) *Repairing, rebuilding, or testing of motor vehicles.* The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet and comfort of the residents in the area.

(I) *Construction and repair on real estate/structures.* The construction, repair or any other work on any real estate and/or structures located within the city limits between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

(J) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, or so loaded or in any such manner as to emit grinding, rattling, or other noise.

(K) *Schools, courts, churches, hospitals.* The creating of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on such streets indicating that same is a school, hospital, court, or church street.

(L) The use of any mechanical devices operated by containing the engine's compression and used for purposes of assisting braking on any semi-tractor or other large truck, commonly known as "jake brakes", except in emergency circumstances. The City Council shall cause notices to be posted and/or erect signs indicating such prohibition.

**(M) It shall be a violation of this section if any noise generated by or emanating from a factory, industrial or manufacturing facility exceeds the decibel (dB) levels and lengths of exposure set forth on the following table:**

dB Level	Examples	Permitted Exposure (Hours per Day)
10	Breathing	
20	Whisper	
30	Library	
50	Quiet Office	
60	Conversational Speech, Electric shaver	
65	Piano Practice	
70	Noisy Restaurant	
75	Alarm Clock	
80	Vacuum Cleaner	
85	Garbage Disposal / Busy Hotel Lobby	
90	Tractor / Subway	8
100	Blender, Factory Noise	2
105	Motorcycle, Orchestra	1
110	Power Saw, Heavy Truck, Power Mower	0.5
115	Uncomfortable Feeling Starts	0.25
120	Disco / Loud Bar Music / Shotgun	0
130	Cymbal Crash, Air Raid Siren	0
140	Rock Concert Front Row / Jet	0
150	Chest begins to vibrate	0
160	Eardrum bursts	0
190	Loudest Possible Sound	0

**... provided however, it shall be a violation of this section if any noise generated by or emanating from a factory, industrial or manufacturing facility is detectable for any length of time outside the real property limits of that facility in excess of one hundred twenty (120) decibels between the hours of 7:00 a.m. and 10:00 p.m., or in excess of one hundred fifteen (115) decibels between the hours of 10:00 p.m. and 7:00 a.m.. Further, any noise generated by or emanating from a factory, industrial or manufacturing facility in the nature of a mechanical, shrill, screech, explosion or blast noise, that either annoys, disturbs, frightens, alarms, injures, or endangers the comfort, repose, health, peace or safety of others of normal sensitivities beyond the limits of the real estate where the noise originated, or wakes or disturbs the peace, quiet, and good order of two or more of the inhabitants of two or more homes in a residential area is a violation of this section. It is also a violation of this section if the noise is of such a character, intensity, pitch or volume so as to result in hearing loss, speech interference, either indoors or outdoors, and annoyance, so as to constitute a menace to the public health, welfare and quality of life, or is physically harmful**

**and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of life or business.**

**SECTION TWO**

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

**SECTION THREE**

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

**SECTION FOUR**

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, 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 FIVE**

This ordinance may be read and published in summary form.

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PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 20th DAY OF SEPTEMBER, 2021.

PASSED AND APPROVED ON SECOND READING BY 4 OF 4 MEMBERS OF CITY COUNCIL ON THE 12th DAY OF OCTOBER, 2021.

APPROVED:

\_\_\_\_\_  
GABRIEL D. BROWN, MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

DATE OF PUBLICATION: \_\_\_\_\_