

**CITY OF OAK GROVE, KENTUCKY  
ORDINANCE NO. 2002-18**

**AN ORDINANCE BY THE CITY OF OAK GROVE, KENTUCKY  
ESTABLISHING THE PROHIBITION OF CERTAIN UNCONTROLLED  
NOISES.**

**WHEREAS**, the City Council wishes to ensure that public health, safety, and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive, or offensive noises in the city; and

**WHEREAS**, the residents of the city recognize that uncontrolled noise represents a damage to the health and welfare of themselves and their neighbors and that each resident of the city is entitled to live in an environment in which the level of impulse and amplified noise is minimized for the community good; and

**WHEREAS**, this ordinance applies to all persons, property, equipment, vehicles, appliances, instruments, and other sound emitting devices, as regulated herein; and

**WHEREAS**, subject to the provisions of this ordinance, the creating of any unreasonably loud, disturbing, and unnecessary noise within the limits of the city is prohibited.

**WHEREAS**, noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited.

**WHEREAS**, the provisions of this ordinance are not intended to interfere with, abrogate, or annul other laws, rules, regulations, or ordinances, including any applicable chapters of the Kentucky Revised Statutes or ordinances of the city. If more stringent standards concerning noise abatements are contained in other laws, rules, regulations, or ordinances, the more stringent standards shall apply.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY AS FOLLOWS:**

**SECTION I – MISCELLANEOUS PROHIBITED NOISES**

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

- (A) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while in motion, except as a danger signal if another vehicle is approaching, apparently out

of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

- (B) **Radios, phonographs, sound devices.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound either independently or in connection with motion pictures, radio, or television in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (C) **Yelling, shouting, hooting.** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence or of any person in the vicinity.
- (D) **Pets.** The keeping of any animal, bird or fowl which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.
- (E) **Use of vehicle.** The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
- (F) **Blowing whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (G) **Exhaust discharge.** To discharge into the open air the exhaust of any steam engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (H) **Building operations.** The erection (including excavation), demolition, alteration, or repair of any building in any residential district or section and the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector which may be granted for a period not to exceed thirty (30) days while the emergency continues.

If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m. and if he/she further determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

- (I) **Noises near schools and places of assembly.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.
- (J) **Loading and unloading operations.** The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (K) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.
- (L) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (M) **Loud sound amplification systems in vehicles.**
  - (i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.
  - (ii) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.
  - (iii) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of twenty-five (25) or more feet. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot,

or driveway on either public or private property.

- (iv) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
- a. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
  - b. The vehicle was an emergency or public safety vehicle;
  - c. The vehicle was owned and operated by the City of Oak Grove, or a gas, electric, communications, or refuse company; or
  - d. The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, or any activities at the Oak Grove War Memorial Walking Trail facilities, and other activities which have the approval of the city council or a department of the city authorized to grant such approval.

## SECTION II – EXCEPTIONS

None of the terms or prohibitions of this section shall apply to or be enforced against:

- (A) **City vehicles.** Any vehicle of the city while engaged in necessary public business.
- (B) **Repair of streets or public ways.** Excavations or repairs of bridges, streets, or highways by or on behalf of the City, Christian County, or the Commonwealth of Kentucky, during the night time hours when the public welfare and convenience renders it impossible to perform such work during the day.
- (C) **Noncommercial and nonprofit use of loudspeakers or amplifiers.** The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefore is secured from the Mayor or Chief of Police in each instance. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designated in the permit.

**SECTION III – PENALTY**

Any person violating any of the provisions of this section shall be fined an amount not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

**SECTION IV – UNCONSTITUTIONALITY**

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.


**SECTION V – EFFECTIVE DATE**

This Ordinance shall take effect upon publication.

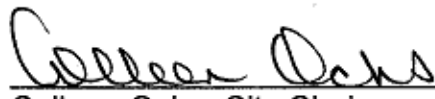
Approved on First Reading this 6<sup>th</sup> day of August, 2002.

Approved on Second Reading this 20<sup>th</sup> day of August, 2002.

APPROVED:

  
\_\_\_\_\_  
Jean Leavell, Mayor  
City of Oak Grove, Kentucky

ATTEST:

  
\_\_\_\_\_  
Colleen Ochs, City Clerk  
City of Oak Grove, Kentucky

*Published in full in the Kentucky New Era on the 27 day of August, 2002.*

# CITY OF OAK GROVE, KENTUCKY

ORDINANCE NO. 2002-18

## A SUMMARY OF ORDINANCE NO. 2002-18 BY THE CITY OF OAK GROVE, KENTUCKY ESTABLISHING THE PROHIBITION OF CERTAIN UNCONTROLLED NOISES.

WHEREAS, the City Council wishes to ensure that public health, safety, and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive, or offensive noises in the city; and

WHEREAS, the residents of the city recognize that uncontrolled noise represents a damage to the health and welfare of themselves and their neighbors and that each resident of the city is entitled to live in an environment in which the level of impulse and amplified noise is minimized for the community good; and

WHEREAS, this ordinance applies to all persons, property, equipment, vehicles, appliances, instruments, and other sound emitting devices, as regulated herein; and

WHEREAS, subject to the provisions of this ordinance, the creating of any unreasonably loud, disturbing, and unnecessary noise within the limits of the city is prohibited; and

WHEREAS, noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited; and

WHEREAS, the provisions of this ordinance are not intended to interfere with, abrogate, or annul other laws, rules, regulations, or ordinances, including any applicable chapters of the Kentucky Revised Statutes or ordinances of the city. If more stringent standards concerning noise abatements are contained in other laws, rules, regulations, or ordinances, the more stringent standards shall apply.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE, KENTUCKY AS FOLLOWS:

PURSUANT TO KRS §83a.060(9) the following is a summary of City of Oak Grove Ordinance No. 2002-18.

### SECTION I – MISCELLANEOUS PROHIBITED NOISES

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

- (A) **Blowing horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (B) **Radios, phonographs, sound devices.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound either independently or in connection with motion pictures, radio, or television in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- (C) **Yelling, shouting, hooting.** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the hospital, dwelling, hotel, or other type of residence or of any person in the vicinity.
- (D) **Pets.** The keeping of any animal, bird or fowl which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.
- (E) **Use of vehicle.** The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
- (F) **Blowing whistles.** The blowing of any steam whistle attached

7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

- (I) **Noises near schools and places of assembly.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.
- (J) **Loading and unloading operations.** The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (K) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.
- (L) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (M) **Loud sound amplification systems in vehicles.**
  - (i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of twenty-five (25) or more feet from the vehicle.
  - (ii) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of twenty-five (25) or more feet.
  - (iii) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
    - a. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
    - b. The vehicle was an emergency or public safety vehicle;
    - c. The vehicle was owned and operated by the City of Oak Grove, or a gas, electric, communications, or refuse company; or
    - d. The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, or any activities at the Oak Grove War Memorial Walking Trail facilities, and other activities, which have the approval of the city council or a department of the city authorized to grant such approval.

- (N) **Fireworks.** The use of any common fireworks (as defined in §93.01 of the Oak Grove Code of Ordinances) at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in a dwelling, hospital, hotel, or other type of residence or of any person in the vicinity.

### SECTION II – EXCEPTIONS

None of the terms or prohibitions of this section shall apply to or be enforced against:

- (A) **City vehicles.**
- (B) **Repair of streets or public ways.**
- (C) **Noncommercial and nonprofit use of loudspeakers or amplifiers.**

### SECTION III – PENALTY

Any person violating any of the provisions of this section shall be fined an amount not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

### SECTION IV – UNCONSTITUTIONALITY

### SECTION V – EFFECTIVE DATE

This Ordinance shall take effect upon publication.

- (E) **Use of vehicle.** The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.
- (F) **Blowing whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (G) **Exhaust discharge.** To discharge into the open air the exhaust of any steam engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (H) **Building operations.** The erection (including excavation), demolition, alteration, or repair of any building in any residential district or section and the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector which may be granted for a period not to exceed thirty (30) days while the emergency continues.

If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m. and if he/she further determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 p.m. and

(not more than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

**SECTION IV - UNCONSTITUTIONALITY**

**SECTION V - EFFECTIVE DATE**

This Ordinance shall take effect upon publication.

Approved on First Reading this 6<sup>th</sup> day of August, 2002.  
Approved on Second Reading this 20<sup>th</sup> day of August, 2002.

APPROVED:

*Jean Leavell*  
Jean Leavell, Mayor  
City of Oak Grove, Kentucky

ATTEST:

*Colleen Ochs*  
Colleen Ochs, City Clerk  
City of Oak Grove, Kentucky

PREPARED BY:

*J. Holland*  
Jason E. Holland  
Oak Grove City Attorney  
612 South Main Street  
P. O. Box 648  
Hopkinsville, KY 42241-0648  
(270) 886-8272

Published in full in the Kentucky New Era on the 27th day of August, 2002.

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**Legal Notices**

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**480. Home Electronics**

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**10. Legal Notices**

886-2750.

**Summer Clothes**  
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**Summer Clothes**  
Girls size 18 months. 40 pieces. \$20 for all. (270) 886-2750.

**Summer Clothes**  
Girls size 6-9 months. 15 outfits - all brand new - still have tags. \$30 for all. (270) 886-2750.

**Summer Clothes**  
Girls size 6-9 months. 45 pieces. \$25 for all. (270) 886-2750.

**Summer Clothes**  
Girls size 3-6 months. Several brand new - still have tags. 30 pieces. \$25 for all. (270) 886-2750.

**530. Building Materials**

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**10. Legal Notices**