

ORDINANCE NO. ____-2012

AN ORDINANCE CREATING SECTION 18-40 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PROHIBITING THE USE OF OR OPERATION OF ANY ENGINE BRAKE, COMPRESSION BRAKE OR MECHANICAL EXHAUST DEVICE DESIGNED TO AID IN THE BRAKING OR DECELERATION OF ANY VEHICLE WHICH RESULTS IN A NOISE DISTURBANCE, EXCEPT ON LIMITED-ACCESS HIGHWAYS OR IN CERTAIN EMERGENCY CIRCUMSTANCES, AND ESTABLISHING A FINE FOR AN OFFENSE OF NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; ALL EFFECTIVE ON JULY 1, 2012.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 18-40 of the Code of Ordinances be and hereby is created to read as follows:

(A) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in a noise disturbance, except on limited-access highways. This prohibition shall not apply to personnel of the urban county government who are driving vehicles related to providing emergency services or any driver of a vehicle who is responding to an emergency event.

(B) *A noise disturbance* means any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property.

(C) Any person who violates any provision of this section shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense.

Section 2 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 – That this Ordinance shall become effective on July 1, 2012.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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