

ORDINANCE NO. ____-2012

AN ORDINANCE AMENDING SUBSECTION 14-72(8) OF THE CODE OF ORDINANCES OF THE LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT PERTAINING TO OPERATING OR PLAYING RADIOS, TELEVISIONS AND OTHER RELATED ITEMS IN A MANNER AS TO CREATE A NOISE DISTURBANCE, AND CREATING SUBSECTION 14-72(11) OF THE CODE OF ORDINANCES TO PROHIBIT NOISE DISTURBANCES EMANATING FROM VEHICLES LOCATED IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC LAND WHICH ARE AUDIBLE MORE THAN TEN (10) FEET FROM THE VEHICLE.

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

Section 1 - That subsection 14-72(8) of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 14-72.

- (8) Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument or similar device in such a manner as to create a noise disturbance across a dwelling unit boundary.

Section 2 - That subsection 14-72(11) of the Code of Ordinances be and hereby is created to read as follows:

- (11) Consistent with the other provisions of section 14-70 through 14-80 of the code, and in addition thereto, no person shall use or operate any radio, stereo, tape player, record player, compact disc player or any similar device for the producing, reproducing or amplification of sound in or on any vehicle located within or on the public streets or rights-of-way or within or on any other public property, including, but not limited to parks, or public parking lots operated by the urban county government or the Lexington and Fayette County Parking Authority/LexPark, in such a manner as to create a noise disturbance that is audible to a person of normal hearing sensitivity more than ten (10) feet from such vehicle. Words and phrases need not be discernible for said sound to be "audible", and said sound shall include bass reverberation.

Section 3 - 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 4 - That this Ordinance shall become effective upon passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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