

**COMMONWEALTH OF KENTUCKY**

**CITY OF LOUISA**

**ORDINANCE NO. 2015-08**

**NOISE ORDINANCE**

**BE IT ORDAINED BY THE CITY OF LOUISA, KENTUCKY:**

**SECTION 1 - UNLAWFUL CONDUCT**

(A) It shall be unlawful for any person within the city to make, continue, or cause to be made or continued, any unreasonably loud, harsh, excessive or unnecessary or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the life, health or safety of a person or persons.

(B) The following acts are hereby declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or other such audible signaling device on any automobile, motorcycle or other vehicle on any highway, roadway, parking lot or other public place, except as a danger warning, for an unreasonable period of time;

(2) The use or operation of any radio, stereo, or other machine or device for the producing, reproducing or amplification of sound in any vehicle in such a manner as to create an unreasonably loud, harsh or excessive noise, that disturbs the peace, quiet or comfort of others between the hours of midnight and 6 am;

(3) The use or operation of, or allowing the use or operation of, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of others by creating or allowing a louder volume than is necessary for the convenient hearing of the person or persons who are voluntarily in the room, upon property, chamber, or vehicle in which any above described machine, device or musical instrument is located. The operation of any such machine, device or musical instrument in such a manner as to be plainly audible across a dwelling line or office unit boundary from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section;

(4) Use or operate any vehicle on any highway, roadway, or parking lot in such a manner as to produce any unreasonably loud, harsh or excessive noise, or to

discharge into the open air the exhaust of any vehicles except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Noise under this section is exclusive of the mufflers prohibited under the provisions of KRS 189.140;

(5) Create any unreasonably loud, harsh or excessive noise in connection with the loading or unloading of any vehicle, or by the operation of any such vehicle between the hours of midnight and 6:00 a.m.;

(6) Use any mechanical loud speaker, amplifier, sound system, stereo or radio on any moving or standing vehicle for advertising, entertainment or any other purpose, in such a manner as to create an unreasonably loud, harsh or excessive noise between the hours of midnight and 6:00 a.m.

(C) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of midnight and 6:00 a.m., prevailing local time, such that the sound there from creates a noise disturbance across a dwelling unit boundary, except for emergency work of public service utilities. This paragraph shall not apply to the use of domestic power tools subject to division (D) of this section.

(D) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or other similar device used outdoors that creates a noise disturbance across a dwelling unit boundary other than powered snow removal equipment, between the hours of midnight and 6:00 a.m., prevailing local time.

(E) Collecting refuse or operating refuse collection vehicles between the hours of midnight and 5:00 a.m., prevailing local time, in such a manner as to create a noise disturbance across a dwelling boundary.

## **SECTION 2 - STANDARDS FOR NOISE POLLUTION**

The standards which shall be considered in determining whether a violation hereof exists shall include, but not be limited to, the following:

- (A) The volume of the noise;
- (B) The intensity of the noise;
- (C) Whether the nature of the noise is usual or unusual;
- (D) The volume and intensity of background noise, if any;
- (E) The proximity of the noise to a residential area or place of public accommodation such as a hotel, motel, inn, campground and the like;

- (F) The nature and zoning of the area within which the noise emanates;
- (G) The density of inhabitation of the area within which the noise emanates;
- (H) The time of day or night the noise occurs;
- (I) The duration of the noise;
- (J) Whether the noise is recurrent, intermittent or constant.

### **SECTION 3 - EXEMPTIONS**

The following uses and activities shall be exempt from the provisions of this Ordinance:

- (A) Noises originating or emanating from safety signals, warning devices and emergency pressure relief valves;
- (B) Noises resulting from any authorized emergency vehicle or law enforcement training facilities;
- (C) Noises originating or emanating from religious activities, public recreational facilities such as, but not limited to, sports stadiums and other public amusement establishments.
- (D) The operation of any aircraft in conformity with, or pursuant to, federal law, federal air regulations and/or air traffic control instruction.
- (E) Organized school related programs, activities or events, or parades or other public programs, activities or events authorized by the City of Louisa.
- (F) The discharge of firearms by members of the police department or other sworn peace officers.
- (G) Any public safety service including snow removal, street sweeping, fallen tree removal, restoration of public utilities, flood containment, and any other necessary public safety service.

### **SECTION 4- PENALTY.**

Any person who violates any provisions of this chapter shall be guilty of a violation and be fined not less than \$25 dollars nor more than any amounts enumerated in KRS 534.040(2)(c). Each day of violation of any provision of this chapter shall constitute a separate offense. Failure to make payment to the City Clerk within 30 days from the date of issuance of the City Citation will result in a Uniform Citation being issued for the violation and the matter will be cited into the Lawrence District Court

**INTRODUCED, SECONDED AND GIVEN FIRST READING**, at a duly convened meeting of the Louisa City Council held on the 14<sup>th</sup> day of July, 2015.

**INTRODUCED, SECONDED AND GIVEN SECOND READING**, at a duly convened meeting of the Louisa City Council held on the 11<sup>th</sup> day of August, 2015.

PUBLISHED: 08-19-15



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HAROLD E. SLONE, MAYOR

ATTEST:



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KATHRYN COMPTON, CITY CLERK