

## CHAPTER 99: NOISE

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### § 99.01 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BONA FIDE FARMING OPERATION.** The operation and maintenance of a farm, situated on five contiguous acres or more of land used for the production of livestock, poultry, poultry products, dairy, dairy products, or horticulture products or for the growing of crops such as, but not limited to, tobacco, corn, soybeans and wheat.

**CONSTRUCTION or DEMOLITION ACTIVITY.** The erection (including excavation), demolition, alteration, or repair of any building, structure or roadway, for which all necessary and proper governmental permits have been obtained.

**INTENSITY.** The magnitude and strength of noise.

**NOISE.** The intensity, frequency, duration and character of sound or sounds from a source or sources.

**PARKING LOTS.** Any off-street parking facility for public use, and the approaches to same, whether publicly or privately owned, and shall include but not be limited to: parks, shopping centers, restaurants, entertainment centers, taverns, car washes, banking or financial institutions, whether publicly or privately owned, operated, or controlled.

**PERSON.** Any person, firm, association, partnership, joint venture, corporation or any private entity of any nature.

**PLAINLY AUDIBLE.** Capable of being distinctly heard by a person with normal hearing.

**RIGHT-OF-WAY.** Any road, street, avenue, alley, boulevard, highway, lane, or court, including the berm, shoulder or any public property adjacent thereto, bridge, viaduct, trestle and the approaches to them, or sidewalk.

**UNREASONABLE PERIOD OF TIME.** A period of time in excess of that necessary to accomplish:

- (1) A danger warning with a horn or other audible signalling device; or
- (2) The preservation or protection of property or the life, safety, or welfare of a person or persons by use of an audible signalling device.

**UNREASONABLY LOUD, HARSH, or EXCESSIVE NOISE.** Any manufactured noise plainly audible at a distance of 50 feet from its point of origination or emanation.

**VEHICLE.** Any machine or device in, on, or by which any person or property is or may be transported or drawn on any right-of-way or parking lot.

(1994 Jeff. Code, § 98.01) (Jeff. Ord. 14-1993, adopted and effective 6-22-1993; Lou. Metro Am. Ord. No. 212-2003, approved 12-1-2003)

### § 99.02 UNLAWFUL CONDUCT.

(A) It shall be unlawful for any person within Louisville Metro to make, continue, or cause to be made or continued, any unreasonably loud, harsh or excessive 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 unreasonably loud, harsh or excessive noises in violation of this ordinance, but the 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 right-of-way, 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;**

(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 create an unreasonably loud, harsh or excessive noise **which disturbs 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, chamber, or vehicle in which any above described machine, device, or musical instrument is located;

(4) **The use or operation of any vehicle in such manner as to produce any unreasonably loud, harsh or excessive noise, or to discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent any unreasonably loud, harsh or excessive noises therefrom;**

(5) Creation of any unreasonably loud, harsh, or excessive noise in connection with the loading or unloading of any vehicle, except as provided for in § 99.03(B)(14), or by the operation of any such vehicle;

(6) The use of 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.

(1994 Jeff. Code, § 98.02) (Jeff. Ord. 14-1993, adopted and effective 6-22-1993; Lou. Metro Am. Ord. No. 212-2003, approved 12-1-2003) Penalty, see § 98.99

### **§ 99.03 STANDARDS FOR NOISE POLLUTION; EXEMPTIONS.**

(A) *Standards.* The standards which shall be considered in determining whether a violation of § 99.02 hereof exists shall include but not be limited to the following:

(1) The volume of the noise;

(2) The intensity of the noise;

(3) The volume and intensity of back-ground noise, if any;

(4) The proximity of the noise to a residential area, place of public accommodation such as a hotel, motel, inn, campground and the like, health care facilities, churches or schools;

(5) The nature and zoning of the area within which the noise emanates;

(6) The density of inhabitation of the area within which the noise emanates;

(7) The time of day or night the noise occurs;

(8) The duration of the noise;

(9) Whether the noise is recurrent, intermittent or constant;

(B) *Exemptions.* The following uses and activities shall be exempt from § 99.02:

(1) Noises originating or emanating from safety signals, warning devices, and emergency pressure relief valves;

(2) Noises resulting from any authorized emergency vehicle or law enforcement training facilities;

**(3) Noises resulting from construction or demolition activity, provided such activity takes place between the hours of 7:00 A.M. and 9:00 P.M.;**

(4) Noises relating from the use of farm machinery or other machinery for agricultural purposes in bona fide farming operations;

**(5) Noises relating to the use of lawn mowers or other machinery for landscaping purposes between the hours of 7:00 A.M. and 9:00 P.M.;**

(6) Noises originating or emanating from public recreational facilities, such as but not limited to fairgrounds, sports arenas, sports stadiums, amusement parks, racetracks and other public amusement establishments;

(7) The operation of any aircraft in conformity with, or pursuant to, federal law, federal air regulations and/or air traffic control instructions.

(8) Noises resulting from any and all transportation, flood control, utility company maintenance and construction operations at any time on right-of-ways and noises from situations which may occur on private real property, including in parking lots, deemed necessary to serve the best interest of the public and to protect the public's health and well being, including, but not limited to, street or hard surface sweeping or cleaning, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, snow removal, house moving, vacuuming catch-basins, removal of damaged poles and vehicles, repair of water hydrants and mains, gas lines, oil lines, and sewers;

(9) Noises from activities conducted on public parks or playgrounds and public or private school

grounds, including, but not limited to, school athletic and school entertainment events;

(10) Noises from activities conducted on property owned or operated by civic, charitable or religious organizations, including, but not limited to, neighborhood or church festivals and entertainment events;

(11) Noises from activities at parades and public assemblies, provided a valid permit has been obtained from the Metro Government;

(12) Noises from activities at firework displays, provided all necessary permits have been obtained;

(13) Noises from activities conducted on rights-of-way of the Metro Government, including, but not limited to, festivals and entertainment events, provided all necessary permits have been obtained; and

(14) Noises relating to the collection of refuse between the hours of 6:00 A.M. and 10:00 P.M.

(1994 Jeff. Code, § 98.03) (Jeff. Ord. 14-1993, adopted and effective 6-22-1993; Lou. Metro Am. Ord. No. 212-2003, approved 12-1-2003; Lou. Metro Am. Ord. No. 146-2007, approved 7-30-2007)

#### **§ 99.98 SEVERABILITY.**

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(1994 Jeff. Code, § 10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994)

#### **§ 99.99 PENALTY.**

(A) A violation of this chapter shall be classified as a civil offense and shall be enforced through the Code Enforcement Board ("Board") as provided in §§ 32.275 through 32.290, or as it may be amended.

(B) Any person violating any section of this chapter shall be fined not less than \$100 nor more than \$250 for a first offense within a two-year period. Any person violating any section of this chapter a second time within a two-year period shall be fined not less than \$250 nor more than \$500. Any person violating any section of this chapter a third time within a two-year period shall be fined not less than \$500 nor more than \$1,000. Each separate occurrence or each day such violation is committed or permitted to continue shall constitute a separate offense. It shall be a defense for an owner, lessee or occupant of any premises involved in an offense by some other party, if there is posted on said property a sign adequately noticeable in size (no larger than 12 square feet), which contains sufficient warnings as to the liability applicable for noise pollution violations. Said sign shall not contain any other messages such as advertising for said business.

(C) Any person cited pursuant to this chapter may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(1994 Jeff. Code, § 98.04) (Jeff. Ord. 14-1993, adopted and effective 6-22-1993; Jeff. Am. Ord. 1-1995, adopted and effective 1-11-1995; Lou. Metro Am. Ord. No. 212-2003, approved 12-1-2003; Lou. Metro Am. Ord. No. 37-2005, approved 3-16-2005)