

**CITY OF HIGHLAND HEIGHTS, KENTUCKY
ORDINANCE #07-2019**

**AN ORDINANCE TO DECLARE AND ADDRESS
LOUD, UNNECESSARY OR UNUSUAL NOISES
AS A NUISANCE.**

WHEREAS, loud, unnecessary or unusual noises are a detriment to the health, safety, welfare and convenience of the residents of City of Highland Heights

WHEREAS, the City of Highland Heights has determined that loud, unnecessary or unusual noises are a public nuisance to residents of the city; and

WHEREAS, the City of Highland Heights finds that it is necessary to enact this ordinance to protect and preserve the health, safety and welfare of its citizens through the abatement of these public nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY:

Section I

That City of Highland Heights Ordinance No. 368 is rescinded.

Section II

That a new chapter with the following sections shall be added in the Code of Ordinances for the City of Highland Heights:

CHAPTER 99: EXCESSIVE NOISE

§99.01 FINDINGS.

The City of Highland Heights finds that loud, unnecessary, or unusual noises to be a detriment to the health, safety, welfare and convenience of the residents of the city. Furthermore, such loud, unnecessary or unusual noises adversely affects property values and economic development in the city. Therefore, it is declared that such loud, unnecessary or unusual noise to be a public nuisance and to abate said nuisance, it is the public policy of this city to prohibit loud, unnecessary or unusual noise in the City of Highland Heights.

§99.05 LOUD, UNNECESSARY OR UNUSUAL NOISE.

No person shall make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise or any noise that either annoys or disturbs a reasonable person of normal sensitivities, injures, or endangers the comfort, repose, health, peace or safety of property or persons within the city.

The following loud, unnecessary, or unusual noises are considered public nuisances and violations of this ordinance, but said list shall not be deemed all-inclusive:

(A) Horns, signaling devices. Excluding locomotives or trains, the sounding of any horn or signaling device on any motor vehicle, except for a danger warning, when such horn or signaling device is:

- (1) Unreasonably loud or harsh;
- (2) Sounded for an unnecessary and unreasonable period of time;
- (3) Operated by a means other than by hand or electricity, including a device operated by engine exhaust; or
- (4) Used when traffic is for any reason delayed or held up.

(B) Radios, stereos and other devices. The use or operation, or permitting the use or operation, of any radio, receiver, stereo, speaker, amplifier, television, musical instrument, phonograph, computer, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of neighbors or other persons with volume louder than is necessary for convenient hearing of person(s) who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operations of any such radio, receiver, stereo, speaker, amplifier, television, musical instrument, phonograph, instrument, or other machine, or device between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday and 11:00 p.m. to 7:00 a.m., Friday and Saturday in such a manner as to be plainly audible at a distance of 30 feet from building, structure, or vehicle in which it is located shall be prima facie evidence of a violation. The operation of any such set, instrument, phonograph, machine, or device at all other times in such a manner as to be plainly audible at a distance of 100 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation.

(C) Yelling, shouting. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday and 11:00 p.m. to 7:00 a.m., Friday and Saturday or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(D) Whistles, horns. The sounding of any whistle or horn, except when permitted by federal statutes, state statutes or other city ordinances, or the sounding of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper city authorities.

(E) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises from the engine.

(F) Defect in vehicle or loud. The use of any motor vehicle, railroad train, or vehicle so out of repair, so lauded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

(G) Loading, unloading, opening boxes and shipping vessels. The creation of a loud and excessive noise in connection with lauding or unloading any vehicle or shipping vessels, or the opening or destruction of bales, boxes, crates, and containers, or metal material or piping of any kind.

(H) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while such place is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed indicating the institutions are nearby.

(I) Hawkers, peddlers. The shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet.

§99.10 EXCESSIVE NOISES DESIGNATED BY DISTANCE.

No person shall cause any excessive sound or noise that can be heard from a distance of 100 feet away from the source of the sound or noise.

§99.15 DECIBEL LIMITATIONS.

Without limiting the prohibitions contained in 92.10, it shall be a prima facie violation for any person to create a noise measured at street level in excess of the following:

- (A)** Seventy-five (75) decibels at any time; or
- (B)** Fifty (50) decibels between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday and 11:00 p.m. to 7:00 a.m., Friday and Saturday or for more than one hour during any 24-hour period.

§99.20 EXEMPTIONS. The following sounds are exempt from the provisions of this chapter:

- (1)** Sounds caused by natural phenomena or wildlife;
- (2)** Sounds created by emergency equipment and work necessary for law enforcement or for the health, welfare and safety of the community;
- (3)** Sounds created by portable generators during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
- (4)** Sounds created by stationary generators at any property line during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
- (5)** Sounds originating from aircraft in flight;
- (6)** Sounds created by safety and protective warning devices where noise suppression would render the device ineffective;
- (7)** Sounds created by bells, chimes and carillons not operating continuously for more than five minutes in any one hour;
- (8)** Sounds created by the repair or installation of essential utility services, streets, and sidewalks;
- (9)** Sounds relating to the repair, addition, or maintenance of existing single-family homes, their grounds, and appurtenances;
- (10)** Sounds emanating from officially sanctioned parades, festivals, or other civic events;
- (11)** Sounds emanating from discharge of firearms on legally established shooting ranges;
- (12)** Amplified sounds that comply with a permit; issued by the city; and

(13) Sounds created by construction and emanating from construction sites between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays, which are not legal holidays. Sounds emanating from construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited. The hours during which sound caused by construction or construction sites may be expanded upon a showing of good cause by an applicant and such expanded hours are authorized by the City Administrator or his or her designee.

(14) Sounds originating from public parks, playgrounds, and recreation areas are exempt from the provisions of this chapter during the hours the parks, playgrounds or recreation areas are open for public use.

§ 99.25 REMEDIES.

Upon determination by any law enforcement officer or citation officer that a source of noise is being conducted in violation of this subchapter, in addition to other remedies provided in this subchapter or by other federal, state or local laws, the city may cause to be instituted any appropriate legal actions to restrain, correct or abate such violations or otherwise prevent the unlawful use of such noise operation by any person.

§ 99.95 PENALTY

Any person who violates the provisions of this Chapter shall be guilty of a Class B Misdemeanor punishable by confinement in jail for a period of not more than ninety (90) days, or a fine of not more than two hundred and fifty dollars (\$250.00), or both confinement and a fine.

Section III

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 3rd day of September, 2019.

Passed on second reading this 1st day of October, 2019.


MAYOR GREGORY V. MEYERS

ATTEST:


JEANNE PETTIT
CITY CLERK/TREASURER