

# LEXINGTON NOISE ORDINANCE

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Social Services & Public Safety Committee  
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**LEXINGTON**



## Noise Enforcement– History

- Noise Ordinance enforcement has been an ongoing issue for many years within the Lexington Fayette Urban County Government.
- Jan. 8, 2008, Council discussed this issue from the perspective of industrial noise in areas proximate to neighborhoods.
- Task Force
  - 33 meetings from March 2008 to May 2011
  - Four variables
  - Findings
    - Noise Officer
    - Noise Board
    - Penalty
  - Outcome – failed



## Current Ordinance Guidelines

- Sec. 14-71. - Noise disturbances—Generally: In addition to the specific prohibitions outlined in section 14-72, no person shall make, continue, or cause to be made, continued or permitted any noise disturbance on or across a public right-of-way or a public place. This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.
- Sec. 14-70. - Definitions applicable to sections 14-70 through 14-80: *Noise disturbance means any sound which:*
  - Endangers or injures the safety or health of humans or animals;
  - Annoys or disturbs a reasonable person of normal sensitivities;
  - or
  - Endangers or injures personal or real property.



## Current Ordinance Guidelines

- Specifically prohibited noise disturbances include, but are not limited to the following activities, if the noise disturbance also crosses the boundary of a dwelling unit:
  - operating tools or equipment including lawn mowers, between 11 p.m. and 7 a.m. any day and between 11 p.m. and 9 a.m. on Saturday and Sunday;
  - loudspeakers, public address systems, powered model vehicles, miscellaneous noises (loading or handling boxes, crates, building materials, etc.) between 11 p.m. and 7 a.m.;
  - music by radio, television, musical instrument or similar device;
  - repairing, testing or operating a motor vehicle, motorcycle, motorbike or motorboat; and
  - barking dogs, anytime, or any animal that creates a noise disturbance [Sections 14-70-80].



## Current Enforcement

### *Response*

- Lexington Police Department
  - Call / Witness noise
  - Investigate
- Citation
  - Court Date
- Outcome
  - Fine
    - \$50-\$500
    - \$100-\$500
    - \$250-\$500
  - Go to trial



## Current Enforcement

*Data - Noise Disturbance Calls  
from 5/01/2022 to 5/31/2023*

- Total Calls: 5,705
- Total Field-Initiated Calls: 49

Advised Warrant	1
Arrest Made	10
Assignment Finished	22
Assistance Given	34
Car Investigated	6
<b>Citation Given</b>	<b>33</b>
Cleared - Not Needed	39
Cleared - Trouble Settled	33
<b>Complaint Investigated</b>	<b>3710</b>
Disregard Call	8
Duplicate Call	13
False Alarm	1
FI Made	5
<b>Gone On Arrival</b>	<b>1295</b>
Handled by KSP	5
Handled by KVE	2
Handled by School Security	1
Not Listed	1
Notice Served/Summons	1
Open - Report Made	6
Physical Search Report	3
Subject Investigated	8
Unable To Locate	199
Unfounded	269
<b>Grand Total</b>	<b>5705</b>

## Sector 1 - West

1915 Calls

1-3A 407 Calls

## Sector 2 - Central

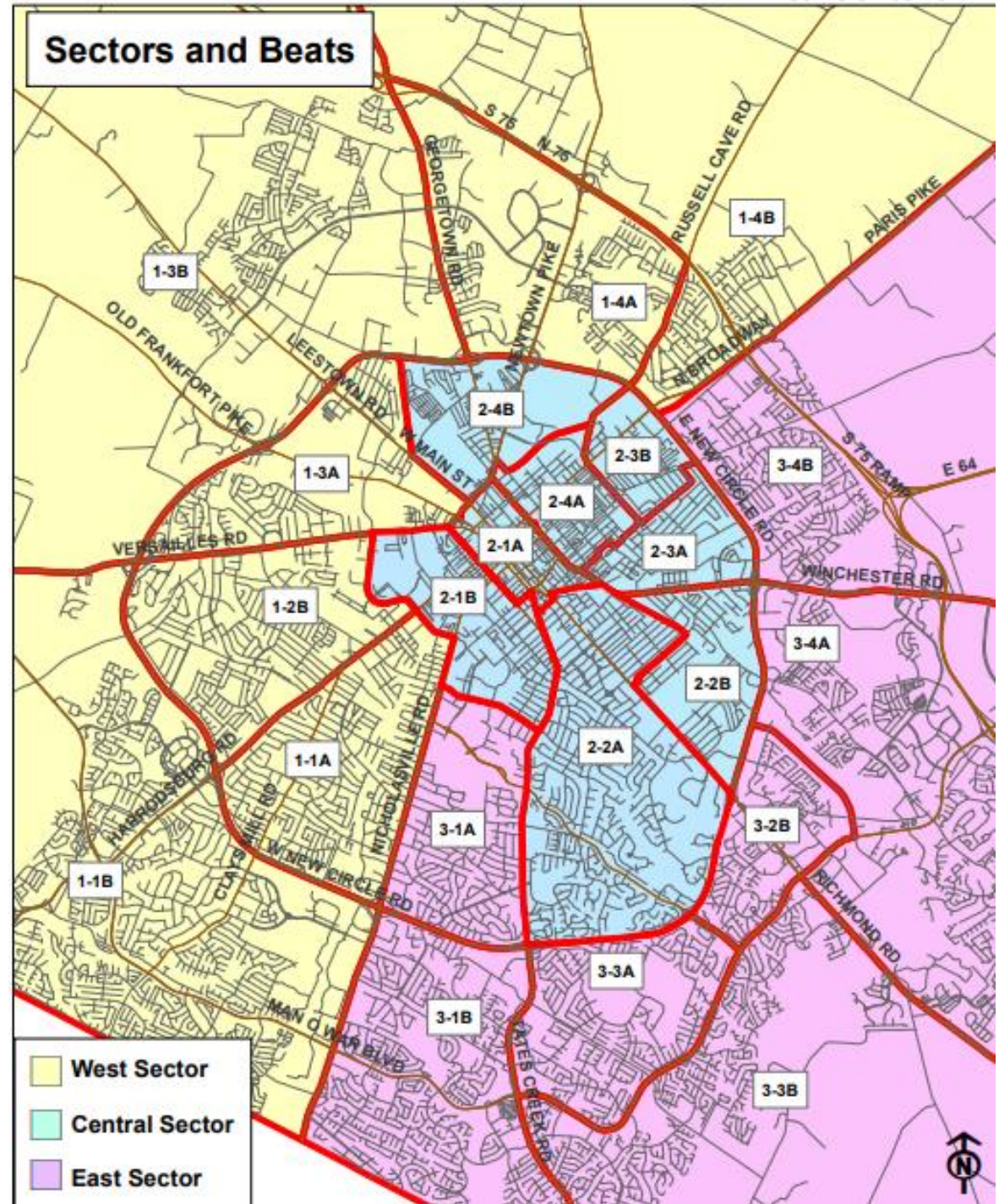
1741 Calls

2-1B 476 Calls

## Sector 3 - East

2046 Calls

3-3A 392 Calls



# Current Enforcement

*Data - Noise Disturbance Calls  
from 5/01/2022 to 5/31/2023*

<b>ANGLIANA AVE</b>	126
Assistance Given	1
Cleared - Not Needed	2
Complaint Investigated	79
Gone On Arrival	30
Unable To Locate	5
Unfounded	9
Grand Total	126

<b>CENTRE</b>	96
Assistance Given	1
Complaint Investigated	65
Disregard Call	1
Gone On Arrival	25
Unable To Locate	2
Unfounded	2
Grand Total	96

Street Name	Count of Calls
ANGLIANA	126
CENTRE	96
TWIN SPIRES	94
CAMBRIDGE	92
BROADWAY	90
ALEXANDRIA	82
SECOND	78
MCCULLOUGH	68
JENNIFER	62
LIMESTONE	61
GREENDALE	57
PIMLICO	56
BALLPARK	53
TRENT	51
VERSAILLES	50
HOLLOW CREEK	46
ROGERS	45
TOWER	45
TATES CREEK	44
CROSS KEYS	43
QUINTON	41
UPPER	40
SIXTH	37
RED MILE	36
MAIN	36
KIRKLEVINGTON	36
CODELL	36





## Case Study Analysis

### *Case 1: Elkhart, Indiana (pop: approx. 53,913)*

- Elkhart, Indiana has implemented an “anti-boom” zero-tolerance noise program since 2008
- The Elkhart County Noise Control Ordinance states quantitative guidelines for a citation as:
  - Any noise that exceeds a level of 83 dBA based on a distance from the noise source of not less than 15 feet, and irrespective of the 50 feet standard set forth in divisions (B)(1) through (B)(8) above, shall be prima facie evidence of a noise prohibited by this section.
- Enforcement by Noise Control Police Officer
- Penalty for Violations:
  - \$250-\$2500
  - \$500-\$2500
  - \$1,000-\$2500
  - \$1,500-\$2500
- Revenue source from citations



## Case Study Analysis

*Case 2: Knoxville, Tennessee (pop. approx. 192,648)*

- The Knoxville city ordinance mandates that the maximum noise allowed for most vehicles is 82 dBA on streets with a speed limit of 35 mph or lower.
- Exhaust mufflers must be in good working order and city ordinances ban muffler cutouts or bypasses.
- Pilot Program, Feb. 2022
  - Noise Camera
- Enforcement by Knoxville Police Department
  - Penalty for violation: \$114.50



## Case Study Analysis

*Case 3: Charlotte-Mecklenburg, North Carolina (pop approx. 879,709)*

- The Charlotte-Mecklenburg Noise Ordinance states that a noise violation occurs when sound exceeds specified limits – with consideration of location, time and circumstance – and is disruptive to the enjoyment and use of a residential property.
- The noise ordinance contains specifications re: the operation of motor vehicles within the city limits.
- Enforcement of the Noise Ordinance is shared by the Charlotte-Mecklenburg Police Department and the city's Housing and Neighborhood Services Code Enforcement.
  - Penalty for Violations: \$100, \$500, \$1000
  - Chronic Noise Producers
  - Noise Mitigation Plan



## Case Study Analysis

### *Case 4: Boulder, Colorado (pop: approx. 104,175)*

- The Boulder ordinance uses zoning districts to set maximum decibel levels
  - Nighttime Hours: Between the hours of 11 p.m. through 7 a.m., no person shall electronically amplify any sound, or make any noise by means of any electronic amplifier, which is loud enough to be audible to a person of normal hearing.
  - Daytime Hours: Between the hours of 7 a.m. through 11 p.m., no person shall electronically amplify any sound, or make any noise by means of any electronic amplifier, which is loud enough to be audible to a person of normal hearing two hundred or more feet beyond the property line of the property upon which the loudspeakers are located where they are located in a residential district.
- Maximum decibel levels for vehicles are based on their size and weight.
- The Boulder Police Department is responsible for enforcement and use Sound Level Meters when available.
- Penalty for violations: \$30 up to \$300



## Case Study Analysis

### *Case 5: Portland, Oregon (pop: approx. 641,162)*

- Portland has a Noise Ordinance that includes a maximum decibel level for each type of zone (Residential, Open Space, Commercial/ Mixed use, Industrial) and specific requirements for vehicles.
- Noise Program has the following:
  - Noise Control Officer
  - Noise Review
  - Penalty for Violation: Up to \$1,000 and possible monthly enforcement fee
- Vehicle enforcement is treated differently and is handled by the Portland Police Department.
- Decibel Meter loans to residents



## Next Steps

### *Challenges*

- Funding Mechanism
- Staffing for Enforcement
  - Current citation depends on LPD
  - No noise committee or noise officers
- Citation Process Challenges
  - Currently a criminal process, not civil
- Difficulty in Enforcement:
  - Moving noise violations
- No Current Use of Decibel Levels or Readers
- Neighborhoods and businesses are now more intertwined with an increase in density and mixed-use spaces.
  - ABC Businesses – safety, noise, crowd control



## Potential Next Steps

### *Further Analysis*

- Internal Working Group (if desired)
  - LPD
  - County Attorney
  - Councilmembers
  - Mayor's Staff
- Revisit Noise Board and Noise Officer proposal from the 2011 Noise Ordinance Task Force
- Explore Use of Decibel Readers
  - Cost associated
  - Training
  - Calibration
- Fine Structure Review
- Explore joint enforcement between Code Enforcement and LPD

# Questions?



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