

# Kentucky Noise Related Statutes

## TITLE 15 MOTOR VEHICLES CHAPTER 189 TRAFFIC REGULATIONS

### **189.020 Equipment of vehicle not to be nuisance or menace.**

Every vehicle when on a highway shall be so equipped as to make a minimum of **noise**, smoke or other nuisance, to protect the rights of other traffic, and to promote the public safety.

### **189.080 Horns and other sound devices.**

Every motor vehicle, when in use on a highway, shall be equipped with a **horn** or other device capable of making an abrupt sound sufficiently loud to be heard from a distance of at least two hundred (200) feet under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians or other vehicles, but shall **not sound** the horn or sound device unnecessarily. A **bell** may be used on a bicycle.

### **189.140 Mufflers -- Noise regulation.**

(1) Every motor vehicle with an internal-combustion, steam or air motor shall be equipped with a suitable and efficient muffler. No person while on a highway shall operate a motor vehicle with the muffler cut out or removed. No cutout shall be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving.

(2) No person shall modify the exhaust system of a motor vehicle or an off highway vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle. The original muffler shall comply with all of the noise requirements of KRS Chapter 224 and regulations promulgated pursuant thereto. No person shall operate a motor vehicle with an exhaust system so modified.

### **189.940 Exemptions from traffic regulations.**

(1) The speed limitations set forth in the Kentucky Revised Statutes do not apply to emergency vehicles:

- (a) When responding to emergency calls; or
- (b) To police vehicles when in pursuit of an actual or suspected violator of the law; or
- (c) To ambulances when transporting a patient to medical care facilities; and
- (d) The driver thereof is giving the warning required by subsection (5)(a) and (b) of this section.

No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

(2) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.

(3) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a

medical care facility and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.

(4) The driver of an emergency or public safety vehicle may stop or park his vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.

(5) The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:

(a) By illuminating the vehicle's warning lights continuously during the period of the emergency; and

(b) By continuous sounding of the **vehicle's siren, bell, or exhaust whistle**; unless

(c) The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.

(6) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.

(7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property on the highway.

## TITLE 18 PUBLIC HEALTH

### CHAPTER 224 ENVIRONMENTAL PROTECTION

#### SUBCHAPTER 30 NOISE CONTROL

##### **224.30-050 Noise emission prohibitions.**

No person shall emit beyond the boundaries of his property or from any moving vehicle any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity in contravention of any rule or regulation adopted by the cabinet.

##### **224.30-100 Findings and policy.**

The Legislature finds and declares that:

(1) Excessive noise is a serious hazard to the public health and welfare and the quality of life.

(2) A substantial body of science and technology exists by which excessive noise may be substantially abated.

(3) Each person has a right to an environment free from noise that jeopardizes his health or welfare or degrades the quality of life or lowers property value.

(4) It is the policy of the state to promote an environment for all people free from noise that jeopardizes their health or welfare or degrades the quality of life.

##### **224.30-105 Definitions for KRS 224.30-100 to 224.30-190.**

(1) "Secretary" means the secretary of the Energy and Environment Cabinet.

(2) "Cabinet" means the Energy and Environment Cabinet.

(3) "Local government" means any county or city.

- (4) "Environmental noise" and "ambient noise" means the intensity, duration, and character of sounds from all sources.
- (5) "Ultimate purchaser" means the first person who in good faith purchases a product for purposes other than resale.
- (6) "Person" means an individual, corporation, partnership, or association, and includes any officer, employee, department, agency, or instrumentality of the United States, a state, or any political subdivision of a state.
- (7) "Noise" means the intensity, frequency, duration, and character of sounds from a source or number of sources. Noise includes vibrations of subaudible frequency.
- (8) "Product" means any manufactured article or goods or component thereof.

**224.30-110 Agency cooperation and compliance with control requirements -- Review of standards or regulations -- Report to secretary.**

- (1) State agencies shall, to the fullest extent consistent with their authorities under state laws administered by them, carry out the programs within their control in such a manner as to further the policy stated in KRS 224.30-100.
- (2) State agencies shall cooperate with the secretary in a state program of noise regulation developed and maintained under KRS 224.30-100 to 224.30-190.
- (3) Each cabinet, agency, or instrumentality of the executive, legislative, and judicial branches of the government of this state having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in the emission of noise, shall comply with federal, state, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements.
- (4) Each state agency shall consult with the secretary in prescribing standards or regulations respecting noise. If at any time the secretary has reason to believe that a standard or regulation, or any proposed standard or regulation, of any agency respecting noise does not protect the public health and welfare to the extent he believes to be required and feasible, he may request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Such agency shall complete the requested review and report to the secretary within such time as the secretary specifies, but such time specified may not be less than sixty (60) days from the date the request was made.

**224.30-115 Development and maintenance of comprehensive state-wide program of noise regulation.**

- (1) The secretary shall develop, adopt, and maintain a comprehensive state-wide program of noise regulation which may include, but not be limited to, the following:
  - (a) Controls on environmental noise (or one (1) or more sources thereof) through the licensing, regulation, and restriction of the use, operation, and movement of any product or combination of products.
  - (b) Noise emission standards for products which, in the secretary's judgment, are major sources of noise, or are products for which noise emission standards are feasible and are requisite to protect the public health and welfare.
  - (c) Labeling requirements which prohibit the sale or offer to sell or the lease or offer to lease of any product, machine, vehicle, or equipment, or class thereof, without notice to the prospective purchaser, lessee, or user of the noise levels and characteristics emitted by such product, machine, vehicle or equipment, or its effectiveness in reducing noise, as the case may be.

(d) Development and adoption of ambient noise standards except such ambient noise standards shall not exceed those ambient noise standards promulgated by regulation by the administrator of the Federal Environmental Protection Agency.

(e) Development and adoption of a plan for the achievement of ambient noise standards.

(f) Noise insulation and abatement standards for any occupancy or class of occupancies of buildings, except residential dwellings and the limitation of human exposure to noise generated by mechanical equipment and systems associated with such buildings. Such noise insulation and abatement standards shall be based on criteria for the limitation of interior noise exposures appropriate to building and occupancy use.

(g) Establishment of special noise insulation districts within which specified building performance standards and noise insulation standards shall apply, in order to protect building occupants from excessive noise of external origins.

(2) (a) Any regulation promulgated pursuant to the authority of KRS 224.30-100 to 224.30-190 shall be one which, in the judgment of the secretary is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of the product or activity involved, the degree of noise reduction achievable through the application of the best commercially available technology, and the cost of compliance. In determining the degree of noise reduction achievable through the application of the best available technology, the secretary shall take into consideration technology which may be available at the time the regulation becomes effective.

(b) The cabinet may adopt rules and regulations to carry out KRS 224.30-100 to 224.30-190.

#### **224.30-120 Powers of secretary.**

In order to implement the purposes of KRS 224.30-100 to 224.30-190, the secretary may:

(1) Cause to be conducted a program of studies, research and monitoring related to environmental noise.

(2) Review and comment upon environmental impact statements regarding projects having any portion of their potential impact within the borders of this state and prepared by or for a federal agency in compliance with the National Environmental Policy Act of 1969 prepared by or for a state agency, as such statements pertain to noise.

(3) Provide technical assistance to other state agencies and to political subdivisions of this state.

(4) Conduct programs of public education regarding the causes and effects of noise and means for its abatement and control and encourage the participation of professional, scientific, conservation and other public interest groups in related public information efforts.

(5) Coordinate the programs of all state and local agencies relating to noise studies and noise control.

(6) Cooperate with the appropriate agencies of the United States, or of other states or any interstate agencies with respect to the control, prevention and abatement of noise.

(7) Receive and disburse all funds pertaining to the state's noise control program from private and public sources.

(8) Contract for property and services, including consulting services.

(9) Upon presentation of proper credentials, enter any building, property, premises, or place, except a private dwelling, and inspect any noise source for the purpose of ascertaining the compliance or noncompliance with any regulation which may have been adopted by the cabinet hereunder. If, in connection with such inspection or investigation, noise measurements, recordings or tests of any type are taken for analysis, a duplicate of the analytical report shall be furnished to the person who is suspected of causing such noise pollution or is responsible therefor.

(10) Have access to, and require the production of, books and papers pertinent to any matter under investigation.

(11) Investigate complaints, institute and conduct surveys and testing programs, conduct general ambient noise sampling programs, make observations of conditions which may or do cause or affect noise pollution, make tests or other determinations of noise sources, and assess the degree of abatement required.

**224.30-125 Certification of products -- Purchase or lease for state government -- Periodic testing -- Procedure when level exceeds that on which certification is based.**

(1) The secretary may certify any product:

(a) Which has been certified by the administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 as a low-noise-emission product or which the secretary determines emits noise in amounts significantly below the levels specified in noise emission standards issued pursuant to federal law or KRS 224.30-100 to 224.30-190,

(b) Which he determines is suitable for use as a substitute for a type of product at that time in use by agencies of the state government.

(2) Certification under this section shall be effective for a period of one (1) year from the date of issuance.

(3) Products certified pursuant to subsection (1) of this section may be acquired by purchase or lease by the state government for use by the state government in lieu of other products if the Finance and Administration Cabinet determines that such certified products have procurement costs which are no more than 125 percent of the retail price of the least expensive type of product for which they are certified substitutes. In making purchasing selections between competing eligible certified products, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low noise qualities or which does not involve operating costs significantly in excess of those products for which it is a certified substitute. The term "retail price" means the maximum statutory price applicable to any type of product; or in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any type of product.

(4) The secretary shall, from time to time as he deems appropriate, test the emissions of noise from certified products purchased by the state government. If at any time he finds that the noise emission levels exceed the levels on which certification was based, the secretary shall give the supplier of such product written notice of this finding and give the supplier an opportunity to make necessary repairs, adjustments or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the secretary, he may order the supplier to show cause why the product involved should be eligible for recertification.

(5) The secretary shall promulgate the procedures required to implement this section.

**224.30-130 Variances.**

The secretary may grant individual variances beyond the limitations prescribed in KRS 224.30-100 to 224.30-190 or in any regulation promulgated pursuant to KRS 224.30-100 to 224.30-190, whenever it is found, upon presentation by the petitioner of adequate proof, that compliance with any provision of KRS 224.30-100 to 224.30-190, any regulation promulgated under it or an order of the secretary would impose an arbitrary or unreasonable hardship. In granting or denying a variance, the secretary shall file and publish a written opinion stating the facts and reasons leading to his decision.

**224.30-135 Conditions imposed on granting variances -- Time limit -- Extension.**

(1) In granting a variance the secretary may impose such conditions as the policy of KRS 224.30-100 to 224.30-190 requires. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of KRS 224.30-100 to 224.30-190 or of the regulations promulgated under it, the secretary may condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

(2) Any variance granted pursuant to the provisions of this section shall be granted for such period of time, not exceeding one (1) year, as shall be specified by the secretary at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the secretary shall specify. Such variance may be extended from year to year by affirmative action of the secretary but only if satisfactory progress has been shown.

**224.30-140 Variance petition -- Notice -- Hearing.**

Any person seeking a variance shall do so by filing a petition for variance with the cabinet. The cabinet shall promptly give written notice of such petition to any person in the county in which the installation, property, or activity for which variance is sought is located who has in writing requested notice of variance petitions, and shall publish notice of such petition in a newspaper of general circulation in such county in accordance with the provisions of KRS Chapter 424. The cabinet shall promptly investigate such petition and shall consider the views of persons who might be adversely affected by the grant of a variance. If the secretary, in his discretion, concludes that a hearing would be advisable, or if any person files a written objection to the grant of such variance within thirty (30) days of the notice provided herein, a hearing shall be held as provided in KRS 224.10-440. Appeals may be taken from all orders of the cabinet as provided in KRS 224.10-470.

**224.30-145 Annual report.**

The secretary shall prepare annually a report to the Governor and the Legislature on his progress in abating and preventing noise, including the secretary's recommendations for any further legislation needed to implement the state's policy as stated in KRS 224.30-100. The first such report shall be submitted at the next regular session after June 21, 1974

**224.30-150 Standards -- Enforcement jurisdiction.**

(1) Any standard promulgated by the secretary shall not be stricter than those promulgated by the federal government.

(2) All law enforcement agents, county attorneys and Commonwealth's attorneys shall have concurrent jurisdiction with the cabinet to enforce the provisions of KRS 224.30-100 to 224.30-190 and seek recovery of penalties from any person who violates any of the provisions of KRS 224.30-100 to 224.30-190 or who fails to perform any duties imposed by KRS 224.30-100 to 224.30-190.

**224.30-155 Applicability of KRS 224.10-420, 224.10-440 and 224.10-470.**

The provisions of KRS 224.10-420, 224.10-440 and 224.10-470 apply to KRS 224.30-100 to 224.30-190.

**224.30-160 Remedies additional to those available at law.**

The provisions of KRS 224.30-100 to 224.30-190 are not exclusive, and the remedies provided for in KRS 224.30-100 to 224.30-190 shall be in addition to any other remedies provided for in any other law or available under common law.

**224.30-165 Prohibitions.**

It is unlawful for any person to:

- (1) Violate or fail to comply with KRS 224.30-100 to 224.30-190 or any regulation adopted pursuant to it, or the terms or conditions of any variance or order issued pursuant to KRS 224.30-100 to 224.30-190 or pursuant to any regulation adopted hereunder.
- (2) Refuse, hinder or interfere with by force or otherwise, the performance by the secretary or by any duly authorized agent or employee of the cabinet or their assistants, of any duty under the provisions of KRS 224.30-100 to 224.30-190; or to refuse to such agent, employee, or assistant entrance to any premises upon proper identification and presentation of a search warrant, or to hinder or interfere with the conduct of an inspection, test, or taking of a sample by such authorized agent, employee or assistant where entry to the premises was obtained by consent, or by presentation of proper identification, and search warrant.
- (3) On any property or premises owned or leased by such person, allow the creation, continuance, or maintenance of any noise, or allow the installation, use or operation of any noise source, which noise or source violates or fails to comply with KRS 224.30-100 to 224.30-190, or any regulation adopted pursuant to KRS 224.30-100 to 224.30-190, or the terms or conditions of any variance or order issued pursuant to KRS 224.30-100 to 224.30-190 or pursuant to any regulation adopted hereunder.
- (4) Intentionally remove or render inoperable, other than for purposes of maintenance, repair or replacement, any device or element of design incorporated, in compliance with KRS 224.30-100 to 224.30-190, into any product, structure, machine, equipment, vehicle or appliance for the control, abatement, or prevention of noise emissions, either prior or subsequent to its sale or delivery to the ultimate purchaser; or to use such product, structure, machine, equipment, vehicle or appliance after such device or element of design has been removed or rendered inoperable with knowledge of the removal or rendering inoperable of such device or element of design.
- (5) Remove any notice affixed to a product or container pursuant to regulations prescribed under KRS 224.30-115(1)(c), prior to sale of the product to the ultimate purchaser.
- (6) Attempt to obtain a registration or variance required or permitted under KRS 224.30-100 to 224.30-190 or any regulations adopted pursuant hereto by misrepresentation or failure to disclose all relevant facts.

**224.30-170 Exceptions.**

Nothing in KRS 224.30-100 to 224.30-190 shall apply to farm tractors or other farm machinery, equipment or vehicles primarily designed or used for off public highway use. This section shall be construed to exclude from the provisions of KRS 224.30-100 to 224.30-190 only such vehicles not required to be licensed for use on public highways.

**224.30-175 Local comprehensive noise regulation program.**

All local governments, as defined in KRS 224.30-105, may develop, adopt, and maintain a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and the development and adoption of a noise control plan.

**224.30-180 Noise control plan -- Contents.**

Any noise control plan adopted pursuant to KRS 224.30-175 may include, but not be limited to, the following:

- (1) Noise levels which will not be exceeded in specified zones or other designated areas,
- (2) The designation of a noise control officer,

- (3) Plans, and procedures necessary for the implementation of plans, for transportation systems within the jurisdiction,
- (4) Plans concerning land use within the jurisdiction,
- (5) Requirements of site design necessary for the approval of any construction within the jurisdiction,
- (6) The implementation procedures of the noise control plan and the relation of the noise control plan to other plans within the jurisdiction, and
- (7) Strategies for assuring compliance with state and federal noise regulations.

**224.30-185 Adoption and enforcement of ordinances to implement plan.**

Local governments may adopt and enforce ordinances necessary to implement the noise control plan and any other program adopted pursuant to KRS 224.30-175.

Such ordinances shall not be stricter than the standards promulgated by the state and federal governments.

**224.30-190 Modification of motor vehicle exhaust system to increase noise prohibited.**

No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle, above that emitted by the muffler originally installed on the vehicle and the original muffler shall comply with all of the requirements of this chapter. No person shall operate a motor vehicle with an exhaust system so modified.

**224.30-195 Citation of KRS 224.30-100 to 224.30-190.**

KRS 224.30-100 to 224.30-190 may be cited as the "Kentucky State Noise Control Act."

CHAPTER 235 MOTORBOATS

**235.205 Use of sirens and flashing blue lights restricted.**

No vessel equipped with a **siren** or a flashing, rotating, or oscillating blue light may be operated upon waterways of this state except boats operated by the department or law-enforcement vessels of any law-enforcement agency of the Commonwealth having jurisdiction upon the waters of this state or law-enforcement vessels of the United States authorized by federal law or regulations.

TITLE 21 CHAPTER 258 ANIMALS

**258.265 Care and control of dog -- Destruction of dog running at large at night -- Exemption for hunting dogs.**

- (1) An owner shall exercise proper care and control of his dog to prevent the dog from violating any local government **nuisance** ordinance.