

Farmer sued for abnormal agricultural sound

Ky. neighbors say propane cannon used to scare away birds is too loud

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NICHOLASVILLE, Ky. - A group of residents is suing a farmer, claiming the propane cannon he uses to scare away birds from his sweet corn is too loud.

Some of produce farmer Dennis Polley's neighbors say the propane blasts — sometimes as loud as 120 decibels — have prevented them from enjoying their property.

Phil Palmgreen, whose property is roughly 500 yards away from Polley's, said he could feel the impact of the blasts in his chest.

"It's been so bad all summer we've never even had a cookout on our deck because it was going to go off every couple of minutes," said Palmgreen.

Polley acknowledged the device is loud, but "it's got to be loud to work," he said. "To get the birds' attention, it's got to shock them a little bit."

Polley and his wife Debby are fighting the lawsuit.

To lose "would start a chain reaction for every farmer in Jessamine County," Debby Polley said. "Because what's going to be next? Will they not want you to start your tractors until 10 o'clock in the morning?"

Jessamine County's noise-control ordinance exempts from penalties a "noise disturbance created by farm livestock, the operation of farm machinery or noise created by other activities relating to an agricultural operation."

Steve Ayres, another plaintiff in the lawsuit, said that the group doesn't believe a cannon is a normal agricultural sound.

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