

Doc.

2009-0083

**INTRODUCED BY: TERRY AUTHEMENT, COUNCILMAN-AT-LARGE, DIVISION B
BILLY RAYMOND, SR., COUNCILMAN, DISTRICT I
PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
DENNIS NUSS, COUNCILMAN, DISTRICT VII**

ORDINANCE NO. 09-7-12

An ordinance to amend the Code of Ordinances for St. Charles Parish, to add Chapter 24. Noise.

WHEREAS, excessive loud noises are declared a nuisance; and,
WHEREAS, it is in the best interest of the Residents of St. Charles Parish that we adopt this Noise Ordinance, which would outline specific conditions associated with noise and allow Law Enforcement Officials to address the needs of the Residents.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances be amended by adding Chapter 24. Noise. to read as follows:

CHAPTER 24. NOISE.

Section 24-1. Definitions.

For the purpose of this Chapter, the following definitions shall apply, and have the meaning ascribed thereto:

A-weighted sound pressure level: the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is DB(A) or dB(A).

Alarm: any fire, burglary, motor vehicle or civil defense alarm, whistle or similar stationary emergency signaling device.

Commercial area: a district composed of certain lands and structures used primarily to provide for the retailing of goods and the furnishing of selected services.

Construction: any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or of public or private rights-of-ways, structures, utilities, or similar property.

Construction equipment: any heavy equipment such as a pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoise (hoist), dozer, excavator, or other similar equipment, the use of which is attended by loud or unusual noise.

Decibel (dB): a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency vehicle: a motor vehicle belonging to a fire district or volunteer fire company or certified private vehicle belonging to a volunteer fireman, or fire fighting association, partnership or corporation, an ambulance, a motor vehicle belonging to private security agency or a motor vehicle belonging to federal, state, parish, or municipal law enforcement agency; provided said vehicles are in use as an emergency vehicle by one authorized to use said vehicle for that purpose.

Emergency work: any work for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Holiday: New Year's Eve, New Year's Day, Mardi Gras, Good Friday, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, or Christmas Day.

Impulsive sound: sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Industrial area: a district intended for light manufacturing, processing, storage and warehousing, wholesaling and distribution.

Land use category: the classification of an area, such as single-family residential, manufactured home, two-family residential, townhouse, multiple-family residential, general office, medical service, business core, neighborhood commercial, general commercial, industrial, and special industrial.

Motor vehicle: a two (2) or more wheeled vehicle, or machine, propelled or drawn by a motor, such as but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

Motorboat: any vessel which operates on water and which is propelled by a motor including but not limited to boats, barges, amphibious crafts, water skis, towing devices, and hover crafts.

Motorcycle: an unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including but not limited to motor scooters, all terrain vehicles, and mini-bikes.

Multifamily dwelling: a building designed for or occupied by two (2) or more families.

Noise: any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance: any sound which (a) endangers or injures the safety or health of humans or animals, or (b), annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

Noise sensitive area: an area where a school, hospital, nursing home, church, court, or public library is located.

Permit: an authorization received for a special event.

Person: any individual, association, partnership or corporation, and includes any officer, employee, department, agency, or instrumentality of a state, or any political subdivision of a state.

Powered model vehicle: any self-propelled airborne, waterborne, or land borne plane, vessel, or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

Prima Facie means at first sight; on the face of it; presumably. A fact that will be considered to be true unless disproved by contrary evidence.

Property line: an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Public right-of-way: any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space: any real property or structure thereon owned by a governmental entity and normally accessible to the public, including, but not limited to, parks, and other recreational areas.

Pure tone: any monotone sound which can be distinctly heard as a single pitch or a set of monotone sounds.

Real property line: a line along the surface, and its vertical plane extension, which separates the real property owned, rented, or leased by one (1) person from that owned, rented, or leased by another person, excluding intra-building real property division.

Residential area: an area composed of certain lands and structures having single-family, two-family, or multifamily residential characteristics.

Sound: an oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with

internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including direction, intensity, and frequency.

Sound level: the A-weighted sound pressure level obtained by use of a sound level meter as specified in American National Standards Institute Specification for sound level meters (ANSI.4-1971, as amended).

Sound level meter: an instrument which includes a microphone, amplifier, RMS detector integrator or time averager, output meter, and weighing networks used to measure sound pressure levels.

Sound pressure: the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound pressure level: twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted in L or SPL and is expressed in decibels.

Street sales: the offering for sale by shouting or outcry within any residential or noise-sensitive area except by permit issued by the Parish if the shouting or outcry exceeds the maximum permissible sound levels shown in Table 1.

Terminology: all terminology used in this Chapter, not defined herein, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body.

Yelling, shouting, etc.: yelling, shouting, hooting, whistling, or singing on the public streets, between the hours of 10:00 p.m. and 7:00 a.m.

Weekday: means any day Monday through Friday which is not a legal holiday.

Section 24-2. Scope.

The provisions of this Chapter shall apply to the control of all sound originating within geographical limits of St. Charles Parish.

Section 24-3. Excessive noise prohibited generally.

No person shall make, continue, or cause to be made or continue any loud unnecessary or excessive noise as defined herein which unreasonably interferes with the comfort, peaceful use, enjoyment and repose of others as defined herein.

- (a) The St. Charles Parish Sheriff's Department shall be responsible for the enforcement of the provisions of this Chapter.
- (b) All Parish Departments shall, to the fullest extent consistent with their authority, carry out their programs in such a manner as to further the policy of this Chapter.

Section 24-4. Maximum permissible sound limits.

It shall be unlawful to make, cause, or allow the making of any noise or sound which violates the provisions of this Section.

- (a) No person shall operate, or cause to be operated, any source from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for the receiving land use category when measured at or beyond the property boundary of the land use category for which the sound emanates, provided, however, that in the case of multifamily dwelling land use category, the sound level shall be measured within an adjacent intra-building dwelling.

- (b) For any source of sound, the sound level shall not exceed the maximum permissible sound level limit set forth in Table 1 by fifteen (15) dB(A) for all land use categories.
- (c) Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute.

TABLE 1
Maximum Permissible Sound Levels By Receiving Land Use Category

LAND USE CATEGORY, ZONE, TYPE, OR USE	TIME	SOUND LEVEL LIMIT (Db(A))
Residential, noise-sensitive area, public space	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	55
Multifamily dwelling	7:00 a.m. – 10:00 p.m.	50
	10:00 p.m. – 7:00 a.m.	45
Commercial	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 10:00 a.m.	60
Industrial	Not Applicable	---

Section 24-5. Exemptions.

The following are exempt from sound level limits of Table 1:

- (a) Domestic power tools, lawn movers, portable generators operating during power outage and agricultural equipment, when operated with a muffler, between the hours of 7:00 a.m. to 9:00 p.m. on weekdays and Saturdays and 8:00 a.m. to 9:00 p.m. on Sundays and Holidays.
- (b) Noises resulting from any authorized emergency vehicles when responding to an emergency.
- (c) Noises made by person/organizations having obtained a special event permit.
- (d) Any noise resulting from activities of a temporary duration, for which a special event permit has been granted pursuant to this Section, and which conforms to the conditions and limits stated thereon.
- (e) Noises from church bells and chimes.
- (f) Noises from temporary construction of contractors pouring and finishing concrete slabs or roofing work to avoid the heat of the day.
- (g) Collection of garbage, refuse, or recyclables by the Parish and/or its contractors when operated within the time frame of their contract.

Section 24-6. Prohibitions

Specific prohibitions. In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this Chapter:

- (a) *Horns, signaling devices.*
 - (1) The sounding of any horn or signaling device on any motor vehicle on any street or public place in the Parish continuously and/or incessantly for a period in excess of five (5) seconds, except as a danger warning.
- (b) *Radios, televisions, musical instruments, and similar devices.*
 - (1) The operating or playing of any radio, musical instrument or similar device which produces or

reproduces sound on the public right-of-way in such a manner as to exceed the maximum permissible sound levels by any receiving land use category set out in Table 1 of Section 24-4 of the St. Charles Parish Code of Ordinances.

- (2) The operating or playing of any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound in a motor vehicle or public park in a manner as to be plainly audible at a distance of fifty (50) feet.
 - (3) The operating or playing of any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 of Section 24-4 of the St. Charles Parish Code of Ordinances, land use category.
 - (4) It shall be unlawful, except during high school football games, for any person to sing or play a musical instrument individually or as a member or participant in any singing or musical instrument group or band with or without a phonograph, tape recorder, loudspeaker, sound amplifier, or other instrument, machine or device between 10:00 p.m. and 7:00 a.m. to make or continue with any loud, unnecessary or unusual noise, including the singing or playing of music which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Parish of St. Charles. If the sound or noise is plainly audible at a distance of fifty (50) feet or the building, structure, or vehicle in which it is located, it shall be prima facie evidence of a violation.
- (c) *Loudspeakers and sound amplifiers.* The using or operating of any loudspeaker, loudspeaker system, sound amplifier, or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise sensitive areas such that the sound there from is plainly audible across the real property line of the source; provided, however, that this shall not apply to any public performance, gathering, or parade for which a permit has been obtained. This section will not apply to any organized school function.
- (d) *Animals.* The owning, possessing, or harboring of any animal which frequently, or for continued duration, howls, barks, squawks, or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purpose of this Section, "barking dog" shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of ten (10) minutes, or barks intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided however, that the dog shall not be deemed a barking dog if, at the time the dog is barking, making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.
- (e) *Construction and demolition.* The operating of any construction equipment within three hundred (300) feet of any residential or noise sensitive area between the hours of 9:00 p.m. to 7:00 a.m. on weekdays and Saturdays and 9:00 p.m. to 8:00 a.m. on Sundays and holidays, except for emergency work. The construction firm and/or operator shall report any use of

construction equipment for emergency work within three hundred (300) feet of any residential or noise sensitive area during the restricted hours as stated herein shall be reported before such work begins or as soon as possible thereafter to the Department of Planning and Zoning and Code Enforcement. The report shall state with sufficient details the nature of the emergency requiring the use of construction equipment.

- (f) *Powered model vehicles.* The operating of, or permitting the operation of, powered model vehicles:
 - (1) Between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and Saturdays and 9:00 p.m. to 8:00 a.m. on Sundays and Holidays.
 - (2) In such a manner as to exceed the levels set for public space land use, measured at a distance of not closer than one hundred (100) feet from the operation.
- (g) *Emergency Signaling devices:*
 - (1) Except in cases of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.
 - (2) The testing of any alarm for a period in excess of sixty (60) seconds at any time.
 - (3) The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device more than once in each calendar month and the sounding of said emergency signaling system for a period in excess of fifteen (15) minutes.
- (h) *Motor vehicles:*
 - (1) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with the muffler in good working order and in constant operation. No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for the purpose of maintenance, repair or replacement.
 - (2) Except for the exemptions provided in Section 24-5 herein, no person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in such a manner as to create a noise that can be heard at a distance of greater than twenty-five (25) feet from such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier, or similar device when it is played or operated in or on a motor vehicle that is on any public right-of-way or in any public space.
 - (3) It shall be unlawful for any person to create any noise which exceeds the sound level of fifty (50) dBA as measured within twenty (20) feet from an exterior wall of any public school between the hours of 7:00 a.m. and 4:00 p.m. on weekdays when school is in session or in a noise sensitive area.
 - (4) No person shall operate or cause to be operated any recreational motorized vehicle on a public right-of-way or on private property in such a manner that the sound level emitted therefrom exceeds eight (8) dBA at five (5) feet from a residence or place of abode on any private property receiving the noise. This Section shall apply to all recreational motorized vehicles, whether or not fully licensed and registered, including but not limited to commercial or noncommercial

racing vehicles, motorcycles, go-carts, mini-bikes, four wheeler, ATV, amphibious crafts, campers, and dune buggies but not including motorboats. The provisions of Section 24-4 will not apply to measurements taken to enforce this Section.

- (5) *Exclusions.* The provisions of this Section shall not apply where the operator of the vehicle was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
 - (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
 - (2) The system was an emergency or public safety vehicle;
 - (3) The vehicle was owned and operated by the Parish or a gas, electric, communication, refuse, or water utility company;
 - (4) The vehicle was being used in a parade as defined by the St. Charles Parish Code of Ordinances and the person or organization conducting the parade had obtained the required permits from the appropriate Parish agency.
- (i) *Truck deliveries; loading and unloading.* Between the hours of 10:00 p.m. and 7:00 a.m., it shall be unlawful to:
 - 1) load or unload a delivery truck or to park idle a delivery truck within one hundred fifty (150) feet of a residential unit, noise sensitive area, or public space
 - 2) load or unload a delivery truck beyond the said one hundred fifty (150) foot distance from a residential unit, noise sensitive area, or public space if the sound level limit at the boundary of these areas exceeds the sound level set forth in section 24-2.
 - 3) operate a refrigeration unit on any truck within three hundred (300) feet of any residential unit within the Parish during said time period.
- (j) *Bulk waste containers.* It shall be unlawful to load or unload a bulk waste container (bulk containers normally used with mechanical collection equipment; dumpster) between the hours of 8:00 p.m. and 6:00 a.m., within three hundred (300) feet of a residential, noise sensitive area, or public space
- (k) *Yelling, shouting, etc.:* yelling, shouting, hooting, whistling, or singing on the public streets, between the hours of 10:00 p.m. and 7:00 a.m.

Section 24-7. Enforcement

- (a) It shall be the duty of the St. Charles Parish Sheriff's Office to enforce the provisions set forth in this Chapter.
- (b) *Prima facie evidence of violation.* Evidence establishing that an activity is causing or has caused the permissible sound level to be exceeded by more than five (5) decibels at a point designated in any Section of this Chapter shall be deemed to be a prima facie evidence of a violation of this Chapter. Sound level measurements taken in order to show such prima facie violation must conform to the procedures as outlined in Subsection (c).
- (c) *Procedures and measurements.* Unless otherwise provided in this Chapter, sound level measurements shall be taken with a sound level meter microphone located at any point five (5) feet from the exterior wall of a residence or place of abode on the receiving property, and where practicable not less than five (5) feet above ground level, but in no event less than three (3) feet above ground.

A minimum of three (3) readings shall be taken at one-minute intervals. The sound level shall be the average of these readings.

- (d) *Impoundment.* The St. Charles Parish Sheriff's Office may impound and retain as evidence any instrumentality used to create any noise in violation of this Chapter, and in the case of the motor vehicles, the owner shall be responsible for ordinary towing and storage charges incurred in the course of said impoundment.

Section 24-8. Penalty

A person who is found guilty of a violating this ordinance shall be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned not more than 30 days, or both.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 20th day of July, 2009, to become effective five (5) days after publication in the Official Journal.

Final Noise Ordinance 7-1-09

CHAIRMAN: [Signature]
SECRETARY: [Signature]
DLVD/PARISH PRESIDENT: July 21, 2009
APPROVED: DISAPPROVED:

PARISH PRESIDENT: [Signature]
RETD/SECRETARY: July 21, 2009
AT: 4:25 pm RECD BY: BGJ vb