

Ord.

2012-0269

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. 13-1-3

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 24 Noise; Section 24-6 Prohibitions and Section 24-7 Enforcement.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Code "Section 24-6 Prohibitions." is amended as follows:

AS WRITTEN:

Sec. 24-6. Prohibitions.

- (4) 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.

AS REVISED:

Sec. 24-6. Prohibitions.

- (4) Animals. A noise nuisance shall be considered an animal or animals, which the property owner owns or has in their possession, which disturbs any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property which frequently, or for continued duration, howls, barks, squawks, yelps, whines, crows, calls, cries, screeches, caterwauls, bawls, wails, pules, ululates 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 ordinance, a barking dog shall not be deemed to be a noise nuisance if at the time the dog is barking or is making any other noise, 1) a person(s) is trespassing or threatening to trespass upon property in or upon which the dog is situated or a nearby neighboring property, 2) a person(s) is visiting the property upon which the dog is situated or a nearby neighboring property, 3) persons, animals, vehicles, motorcycles, or any other such temporary external stimuli is passing in the vicinity of the dog, or 4) there exists some temporary abnormal occurrence in the vicinity of the dog which causes the dog to bark. Barking caused by stimuli identified in 1, 2, 3, and 4 above which continues after the stimuli no longer exists shall be considered a noise nuisance.

SECTION II. That Code "Section 24-7 Enforcement." is amended as follows:

AS WRITTEN:

Sec. 24-7. Enforcement.

- (a) It shall be the duty of the 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 (1) minute intervals. The sound level shall be the average of these readings.
(d) Impoundment. The 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.

AS REVISED:

Sec. 24-7. Enforcement.

- (a) It shall be the duty of the 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 (1) minute intervals. The sound level shall be the average of these readings.

- (d) The issuance of a citation for noise nuisances as defined in Section 24-6 shall require the witnessing of the noise nuisance violation by a law enforcement officer, other than the complainant, or video evidence sufficient to demonstrate probable cause that the violation occurred. The citation shall require the signature of the individual filing the complaint.
- (e) Impoundment. The 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.

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

YEAS: SCHEXNAYDRE, FAUCHEUX, WILSON, BENEDETTO, HOGAN, COCHRAN,
 FLETCHER, FISHER-PERRIER
 NAYS: NONE
 ABSENT: NONE

And the ordinance was declared adopted this 7th day of January, 2013, to become effective five (5) days after publication in the Official Journal.

Noise 24-6 revised noise ord 12-14-12

CHAIRMAN: Willy Benedetto

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 1-9-13

APPROVED: [checkmark] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 1-9-13

AT: 10:00 AM RECD BY: [Signature]