

Chapter 2-15. Miscellaneous Provisions and Offenses

ARTICLE III. Offenses Involving Public Peace and Order

DIVISION 2. Noise

Sec. 2-15-56. Definitions.

[Code 1964, § 16-9(o)]

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AMBIENT NOISE LEVEL

The sound pressure level of the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources and excluding the specific noise under investigation; the A-weighted, sound pressure level exceeded 90% of the time (L_{90}).

A-WEIGHTED SOUND PRESSURE LEVEL

The sound pressure level as measured on an ANSI sound level meter using the A-weighted network. It is the approximate noise level as heard by the human ear, measured in decibels and denoted as db(A).

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

DAYTIME HOURS

7:00 a.m. until 10:00 p.m. on weekdays and 8:00 a.m. until 10:00 p.m. weekends, unless otherwise stated in this division.

DECIBEL

The logarithmic unit of measure used in describing the relative intensity of sound and denoted as db.

DEMOLITION

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DOMESTIC POWER TOOLS

Power tools used for the purpose of completing hobby projects, home improvement projects and any other projects which are not used or sold for profit.

EMERGENCY VEHICLES

Authorized publicly or privately owned ambulances or motor vehicles belonging to a fire or police department or to any federal, state, parish or municipal agency, provided the vehicles are in use as emergency vehicles by one authorized to use the vehicles for that purpose.

IMPULSIVE SOUND

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

L_{max}

The maximum A-weighted sound level allowed.

MOTOR VEHICLE

Any two- or more wheeled vehicle or machine, propelled or drawn by mechanical power and used on the public roads and highways in the transportation of passengers or property or any combination thereof which is required to be licensed. "Motor vehicle" does not include a vehicle, locomotive or car operated exclusively on a rail or rails.

NIGHTTIME HOURS

The hours from 10:00 p.m. until 7:00 a.m. weekdays and 10:00 p.m. until 8:00 a.m. weekends, unless otherwise stated in this division.

NOISE

Any sound which exceeds the maximum permissible sound levels by land use categories as given in Section 2-15-62.

NOISE-SENSITIVE AREA

Posted, designated quiet zones containing, but not limited to, operations of schools, libraries open to the public, churches, hospitals and nursing homes.

PLAINLY AUDIBLE SOUND

Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensible musical rhythms.

POWER EQUIPMENT

Any machine, tool or similar device driven or operated by a motor.

POWERED MODEL VEHICLE

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

PROPERTY BOUNDARY

An imaginary line at the ground surface and its vertical extension which separates the immovable property owned or inhabited by one person from that owned or inhabited by another person.

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.

SOUND-AMPLIFYING EQUIPMENT

Any equipment, machine, or device used for the sound amplification of the human voice, music or any other sound.

SOUND LEVEL

In decibels, the A-weighted sound pressure level obtained by use of a sound level meter as specified in American National Standards Institute.

SOUND LEVEL METER

An instrument for measuring sound including a microphone, amplifier, output meter and weighing network that is sensitive to pressure fluctuations.

Sec. 2-15-57. Prohibited generally.

[Code 1964, § 16-9(a)]

The following noises are prohibited in the City:

- (1) The making and creating of an excessive or unusually loud noise or a noise which is unreasonable and

objectionable because it is impulsive, continuous, rhythmic, periodic or shrill as heard without measurement with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk of public inconvenience, annoyance or alarm or heard and measured in the manner prescribed in Subsection (b) of Section 2-15-62 is declared to be unlawful except when made under and in compliance with a permit issued pursuant to Section 2-15-67. In proof of a violation of this division, evidence of noise heard and measured in the manner prescribed in Subsection (b) of Section 2-15-67 which is less than that required for a conviction by use of test or measurement as set out in Subsection (b) of Section 2-15-67 may be offered to prove a violation of this division as heard without measurement. The time and location of the noise as well as the characteristics of noise mentioned in this paragraph shall be considered in reaching a decision under this division.

- (2) It shall be unlawful for any person to operate or to allow to be operated any source of sound or any type of vehicle including a power model vehicle, machine, motor, model airplane or device or carry on any other activity in such a manner as would be a violation of this division.

Sec. 2-15-58. Specific noises prohibited.

[Code 1964, § 16-9(i)]

In addition to the general prohibitions set out in Section 2-15-57, the following specific acts are declared to be in violation of this division:

- (1) Animals and birds. It shall be unlawful to own or harbor any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance prohibited by this division.
- (2) Horns or signaling devices. It shall be unlawful to sound any horn or signaling device on any street or public place for purposes other than motor vehicle, driver or pedestrian safety.
- (3) Radios, televisions, musical instruments and similar devices. It shall be unlawful to operate or play any radio, television, phonograph, musical instrument, loudspeaker, sound-amplifying equipment or similar device on a public right-of-way, in a public park or from a motor vehicle which produces or reproduces sound in a manner as to be plainly audible at a distance of 7.5 meters (25 feet). It shall be unlawful to operate or play any radio, television, phonograph, musical instrument, loudspeaker or similar device between 9:00 p.m. and 10:00 a.m. in parks, playgrounds or recreation areas unless a permit has been issued in accordance with Section 2-15-67.
- (4) Neighborhood businesses. Businesses operating in commercial areas and under nonconforming-use zoning within or adjacent to residential areas shall comply with the provisions of Section 2-15-63. Upon initial determination of a violation, a neighborhood business will be given three months to comply with the terms of this division if insulation or other major structural modifications are necessary for compliance. Nothing in this division shall relieve the business owner or manager from the responsibility of taking other reasonable actions directed at reducing noise levels upon determination of a noise violation.
- (5) Loudspeakers. It shall be unlawful to use or operate any loudspeaker, loudspeaker system or similar device that is plainly audible upon any street, alley, sidewalk, park or public property for the purpose of commercial advertising or of attracting the attention of the public to any building, structure or vehicle without a permit issued in accordance with Section 2-15-67.
- (6) Power equipment. It shall be unlawful to operate or permit to be operated any power equipment in residential zones outdoors between the hours of 10:00 p.m. and 7:00 a.m. and on weekends between 10:00 p.m. and 8:00 a.m. During daytime hours, power equipment rated five horsepower or less shall not exceed a sound level of 75 db(A) at a distance of 50 feet. Power equipment rated more than five horsepower shall not exceed a sound level of 82 db(A) at a distance of 50 feet.
- (7) Machinery, fans and air conditioners. It shall be unlawful to operate or permit the operation of any stationary machinery, air conditioner, air-handling equipment, fan or similar device in such a manner as to exceed the permissible noise levels of Section 2-15-6 when measured on receiving property. Stationary machinery, equipment, fans and air conditioners shall have the following replacement schedule:
 - a. Installed and operating sources of age 10 years or older shall comply with the provisions of this division within a reasonable time period upon determination of a violation condition. This time period shall not

exceed six months.

- b. Installed and operating sources of age five to 10 years shall comply with the provisions of this division within a reasonable time period upon determination of a violation condition. This time period shall not exceed one year.
- c. Installed and operating sources under five years of age shall comply with the provisions of this division within a reasonable time period upon determination of a violation condition. This time period shall not exceed two years.

Nothing in this paragraph shall be interpreted in such a way as to relieve the person responsible for the stationary machinery, equipment, fan, air conditioning apparatus or any similar permanently installed mechanical device from the responsibility of taking other reasonable actions, other than replacement, directed at reducing noise levels from these sources on receiving property

- (8) Noise-sensitive quiet zones. It shall be unlawful to create or cause the creation of any noise, other than those noises exempted in Section 2-15-61, within 500 feet of any noise-sensitive zone so as to exceed the residential land use levels set forth in Section 2-15-63 when measured on the receiving property, provided that conspicuous signs are displayed indicating the presence of the quiet zone.
- (9) Vehicle repair and testing. It shall be unlawful for any person within any zone to repair, rebuild or test any vehicle in such a manner that the noise produced exceeds the loud use levels established in Section 2-15-63 when measured at the receiving property line.

Sec. 2-15-59. Violations.

[Code 1964, § 16-9(1); Ord. No. 80, 5-17-2000]

Violations of this division shall be prosecuted in the same manner as other violations of the City's codified ordinances.

Sec. 2-15-60. Nuisance declared.

[Code 1964, § 16-9(m)]

As an additional remedy to violation of this division, the operation or maintenance of any device, instrument, vehicle or machinery which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 2-15-61. Exemptions.

[Code 1964, § 16-9(j)]

The following are exempt from the sound level limits of Section 2-15-63:

- (1) Domestic power tools, lawn mowers and agricultural equipment between the hours of 7:00 a.m. and 10:00 p.m. weekdays and 8:00 a.m. and 10:00 p.m. on weekends.
- (2) Noises resulting from any authorized emergency vehicle when responding to an emergency.
- (3) Safety signals and alarm devices, storm warning sirens or horns and the authorized testing of such equipment. However, regarding burglar alarms, no person shall operate or cause to be operated an audible burglar alarm unless the alarm is capable of and shall terminate operation within 30 minutes after the alarm is first activated.
- (4) Noises made during a parade or concert sponsored by the City or for which a permit has been granted by the City.
- (5) Any noise resulting from activities of a temporary duration for which a special permit has been granted

pursuant to this division and which conforms to the conditions and limits stated on the permit.

- (6) Noises from nonamplified church bells and chimes.
- (7) Interstate railway locomotives and cars.
- (8) Installation and maintenance of public and private utilities.

Sec. 2-15-62. Classification and measurement.

[Code 1964, § 16-9(b)]

For purposes of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this division, the following test measurements and requirements may be applied; provided, however, a violation of Section 2-15-57 may occur without the following measurements being made as in the case of specific noises that are prohibited as enumerated in Section 2-15-58:

- (1) Noise occurring within the jurisdiction of the City shall be measured at a distance of at least 25 feet from a noise source located within the public right-of-way and, if the noise source is located on private property or property other than the public right-of-way, at the property line of the property on which the noise source is located.
- (2) The noise shall be measured on the A-weighted scale on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute. Instrument response shall be "fast" for motor vehicle measurements and "slow" for all other measurements.
- (3) For purposes of this division, measurements with sound level meters shall be made when the wind velocity at the time and place of the measurement is not more than five miles per hour or 25 miles per hour with a wind screen.
- (4) In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of the sound level measurement.

Sec. 2-15-63. Permissible noise levels in zoning districts.

[Code 1964, § 16-9(c)-(e)]

- (a) For purposes of this section, the zones shall be defined as follows:

RESIDENTIAL

An area of single-family or multifamily dwellings where businesses may or may not be conducted in the dwellings. The zone includes areas where multiple-unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. "Residential zone" includes educational facilities, hospitals, nursing homes and similar institutions.

COMMERCIAL

A zone consisting of any of the following:

- a. An area where offices, clinics and the facilities needed to serve them are located.
- b. An area with local shopping and service establishments located within walking distances of the residents served.
- c. A tourist-oriented area where hotels, motels and gasoline stations are located.
- d. A large integrated regional shopping center.

- e. A business strip along a main street containing offices, retail businesses and commercial enterprises.
- f. A central business district.
- g. A commercially dominated area with multiple-unit dwellings.

LIGHT INDUSTRIAL

A zone consisting of any of the following:

- a. An area containing clean and quiet research laboratories.
- b. An area containing light industrial activities which are clean and quiet.
- c. An area containing warehousing.
- d. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.

INDUSTRIAL

An area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity but shall not include agricultural operations.

- (b) A noise measured or registered as provided in this division from any source other than as provided in Section 2-15-67 at a level which is equal to or in excess of the db(A) established for the time period and zones listed in this section is declared to be excessive and unusually loud and is unlawful.

Zone	7:00 a.m. to 10:00 p.m. (db(A), L _{max})	10:00 p.m. to 7:00 a.m. (db(A), L _{max})
Residential	55	50
Commercial	60	55
Light industrial	70	65
Industrial	80	75

- (c) When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern.
- (d) Between the hours from 7:00 a.m. to 10:00 p.m., the noise levels permitted in Subsection (b) may be increased by 10 db(A) for a period of not to exceed 15 minutes in any one-hour period.
- (e) Where noise is periodic, impulsive or shrill, the permitted sound level for these noises shall be five db(A) less than those listed in Subsection (b) of this section.

Sec. 2-15-64. Construction projects.

[Code 1964, § 16-9(f)]

Construction projects, including demolition, shall be subject to the maximum permissible noise levels specified for industrial zones in Section 2-15-63 for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, then for a reasonable period of time for completion of the project.

Sec. 2-15-65. Permit.

[Code 1964, § 16-9(h)]

Application for a permit for other than vehicular traffic for relief from the noise level designated in this division on the basis of undue hardship may be made to the Commissioner of Public Safety. The noise abatement officer, if assigned, shall make recommendations or comments to the Commissioner of Public Safety regarding hardship permits before any permit is granted. Any permit granted by the Commissioner of Public Safety shall be on a format determined by the Commissioner and shall contain all conditions upon which the permit has been granted and shall specify a reasonable time for which the permit shall be effective. The Commissioner is authorized to designate a fee

which reasonably covers administrative costs incurred for the issuance of the permit. The Commissioner may grant the relief as applied for if the Commissioner finds:

- (1) That additional time is necessary for the applicant to alter or modify the activity or operation to comply with this division.
- (2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with Sections 2-15-63 and 2-15-64.
- (3) That no other reasonable alternative is available to the applicant.
- (4) The Commissioner may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Sec. 2-15-66. through Sec. 2-15-69. (Reserved)