

ARTICLE IV. - NOISE<sup>[4]</sup>

Footnotes:

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**Cross reference**— Sound trucks prohibited, § 54-482; playing of audio or video equipment on public transit vehicles prohibited, § 122-9.

## DIVISION 1. - GENERALLY

## Sec. 66-136. - Definitions.

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

*A-weighted sound pressure level* means the sound pressure level as measured on an ANSI-SI.4-1971 Type 1 or Type 2 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 dBA.

*Ambient noise level* means 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; also the A-weighted, sound pressure level exceeded 90 percent of the time ( $L_{90}$ ).

*Business and commercial district* includes the following districts from the comprehensive zoning ordinance (Article 5, Sections 8 through 13 and Sections 22 and 27): RO, general office district; B1 and B2, neighborhood business district, SC, shopping center district, C1 and C2, general commercial district, and CBD1 through CBD8, central business district.

*Commercial enterprise* means any entrepreneurial operation in an enclosed building, at a premises in a fixed location, in which goods (including but not limited to food and/or beverages) and/or services are sold and/or provided.

*Construction* means any site preparation, assembly, erection, substantial repairs, alterations, or similar action, for or of public or private rights-of-way, structures, utilities, or similar property.

*Daytime hours* means 7:00 a.m. until 10:00 p.m. on weekdays, 8:00 a.m. until 10:00 p.m. weekends, unless otherwise stated in this article.

*Decibel* means logarithmic unit of measure used in describing the relative intensity of sound; denoted as dB.

*Demolition* means any dismantlings, intentional destruction or removal of structures, utilities, public or private rights-of-way surfaces, or similar property.

*Domestic power tools* means power tools used for the purpose of completing hobby projects, home improvements projects, and any other projects which are not used or sold for profit.

*Emergency* means any occurrence or set of circumstances involving actual or eminent physical trauma or property damage which demands immediate action.

*Emergency vehicles* means 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 such vehicles are in use as emergency vehicles by one authorized to use such vehicles for that purpose.

*Industrial area* includes the following districts from the comprehensive zoning ordinance (Article 5, Sections 14 through 16): SI-special industrial district, LI-light industrial district, HI-heavy industrial district and BIP-business-industrial park district.

*I<sub>10</sub>* means the A-weighted sound pressure level which is exceeded ten percent of the time period during which the measurement is made.

*I<sub>90</sub>* means the A-weighted sound pressure level which is exceeded 90 percent of the time period during which the measurement is made.

*I<sub>max</sub>* means the maximum A-weighted sound level allowed.

*Land use category* means the classification of an area, usually by zoning districts, such as residential, industrial, commercial or public space, according to its use. Any area not otherwise classified shall be considered a commercial area. In case of multiple use, the more restrictive use category shall apply.

*Motor vehicle* means any vehicle or machine having two or more wheels, 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 but does not include vehicles, locomotives or cars operated exclusively on rail or rails.

*Multiple-family dwelling* means a building or other shelter that is used to house three or more families.

*Nighttime hours* means 10:00 p.m. until 7:00 a.m. weekdays, 10:00 p.m. until 8:00 a.m. weekends, unless otherwise stated in this article.

*Noise* means any sound which exceeds the maximum permissible sound levels by land use categories as given in section 66-202, Table 1.

*Noise sensitive area* means posted, designated quiet zones.

*Power equipment* means any machine, tool, or similar device driven or operated by a motor.

*Powered model vehicle* means 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* means 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* means any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

*Residential area* includes the following districts from the comprehensive zoning ordinance (Article 5, Sections 1 through 7 and Sections 22 and 23): RS1 and RS2, single family districts, RD1 and RD3, two-family districts, RM1 to RM4, multiple-family districts, MS, medical services districts, P, park and recreation district, and NU, nonurban district.

*St. Louis Cathedral noise buffer zone* shall be defined as an area around St. Louis Cathedral bounded by and including St. Peter Street from the Chartres Street Mall to Cabildo Alley, Cabildo Alley, Pere Antoine Alley, Pirates Alley, St. Ann Street from a line parallel to Cabildo Alley to the Chartres Street Mall and the Chartres Street Mall to a line parallel with the fence line in Jackson Square.

*Sound amplifying equipment* means any equipment, machine, or device used for the sound amplification of the human voice, music, or any other sound.

*Sound level* means in decibels, the A-weighted sound pressure level obtained by use of a sound level meter as specified in American National Standards Institute (SI.13-1971, R1976).

*Sound level meter* means an instrument for measuring sound, including a microphone, amplifier, output meter, and weighting network that is sensitive to pressure fluctuations.

*Special historic districts* are regulated by the following districts from the comprehensive zoning ordinance (Article 5, Sections 18 through 21): Special historic district/Vieux Carré residential (SHD/VCR), VCR1 and VCR2; special historic district/Vieux Carré entertainment (SHD/VCE), VCE; special historic district/Vieux Carré commercial (SHD/VCC), VCC1, VCC2, and VCS; special historic district/historic Marigny residential (SHD/HMR), HMR1 to HMR3; special historic district/historic Marigny commercial (SHD/HMC), HMC and HMC2.

(Code 1956, § 42A-1; M.C.S., Ord. No. 18,399, § 1, 9-4-97; M.C.S., Ord. No. 18,625, § 1, 2-19-98; M.C.S., Ord. No. 18,857, § 1, 9-3-98; M.C.S., Ord. No. 24834, § 2, 4-5-12)

**Cross reference**— Definitions generally, § 1-2.

Sec. 66-137. - Administration.

- (a) The noise control program required by this article shall be administered by the director of the department of health and the superintendent of the department of police. In order to implement and enforce this article, and for the general purpose of noise abatement and control, the duly appointed and authorized representative of the department of health or the department of police shall have the power to:
- (1) Perform noise monitoring on any public place or on receiving property.
  - (2) Make necessary inspections and tests.
  - (3) Execute other necessary action, including variance and permit review, and institute necessary proceedings to prosecute or enjoin violators of the noise control ordinance.
- (b) All other city agencies and 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 article.

(Code 1956, § 42A-2)

Sec. 66-138. - Exemptions from Table 1.

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

- (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 vehicles when responding to an emergency.
- (3) Safety signals and alarm devices, storm warning sirens or horns, and the authorized testing of such equipment.
- (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 by the city.
- (6) Noises from nonamplified church bells and chimes.
- (7) Noises from construction and demolition activities for which a building permit has been issued by the department of safety and permits are exempt from Table 1 between the hours of 7:00 a.m. and 11:00 p.m., except in those areas zoned as RS, RD, or RM residential districts. Construction and/or demolition

activities shall not begin before 7:00 a.m. or continue after 6:00 p.m. in areas zoned as RS, RD, or RM residential districts, or within 300 feet of such residential districts. Mufflers on construction equipment shall be maintained.

- (8) Notwithstanding the provisions of subsection (7) of this section or any other provision of this Code to the contrary, pile driving activities in the area bounded by Canal Street, North Gayoso Street, Bienville Avenue, and North White Street shall be and are permitted to be conducted only between the hours of 3:00 p.m. and 11:00 p.m., Monday through Friday, but shall be and are permitted to be conducted between the hours of 8:00 a.m. and 6:00 p.m. Saturdays and Sundays.
- (9) Interstate railway locomotives and cars.
- (10) Installation and maintenance of public and private utilities.
- (11) Mosquito control ground-spraying operations.
- (12) Street cars.
- (13) Any outdoor evangelistic endeavor conducted by a bona fide, tax-exempt religious organization or by a duly authorized representative thereof.
- (14) Jazz funerals.
- (15) Golf course lawn and maintenance activities at legally permitted golf courses on Mondays through Saturdays, between the hours of 6:00 a.m. and 6:00 p.m.

(Code 1956, § 42A-6; M.C.S., Ord. No. 19,420, § 1, 10-21-99; M.C.S, Ord. No. 22723, § 1, 7-12-07)

#### Sec. 66-139. - Miscellaneous exemptions.

The following are exempted from the provisions of section 66-203:

- (1) Noises made during a parade or concert sponsored by the city, or for which a permit has been granted by the city.
- (2) Any noise resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this article, and which conforms to the limits and conditions stated thereon.
- (3) Any outdoor evangelistic endeavor conducted by a bona fide, tax exempt religious organization or by a duly authorized representative thereof, between the hours of 7:00 a.m. and 10:00 p.m.
- (4) Jazz funerals.

(Code 1956, § 42A-6)

#### Sec. 66-140. - Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not to exceed that authorized by applicable state law, or be imprisoned for a period not exceeding 90 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Code 1956, § 42A-11)

#### Sec. 66-141. - Violations; additional remedies; injunctions.

As an additional remedy, the operation or maintenance of any business, device, instrument, vehicle, or machinery in violation of any provision of this article, or which operation or maintenance exceeds the limitations of this article may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 1956, § 42A-12)

Secs. 66-142—66-175. - Reserved.

DIVISION 2. - ADMINISTRATION<sup>[5]</sup>

Footnotes:

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**Cross reference**— *Administration, ch. 2.*

## Sec. 66-176. - Temporary permits.

- (a) The director may grant a temporary permit which allows noncompliance with the limitations prescribed in this article for the purpose of sound activities of short duration.
- (b) Permits shall be granted upon application, at a cost of \$20.00, provided an investigation assures that the permit will not result in a condition injurious to health or safety.
- (c) The following factors shall be considered, in the initial investigation, in order to determine whether granting the permit will result in a condition injurious to health or safety:
  - (1) Distance of proposed activities from a residential zone.
  - (2) Number of amplification devices, if any, to be used in the proposed activities.
  - (3) Sound level of amplification devices.
  - (4) Anticipated direction of amplification devices.
  - (5) Anticipated duration of proposed activities.
  - (6) Whether the activity will be held within or outside of a structure.
  - (7) Any other considerations deemed necessary by the director of the department of health.
- (d) Upon a determination that the granting of a permit will not result in a condition injurious to health or safety, the permit shall be issued by noise control enforcement personnel specifying place, duration, and any restrictions appropriate to the proposed site of the activities.
- (e) Permits must be displayed and available for review by police officers or department of health officials upon request.
- (f) Issued permits will be surrendered to any city police officer or city health official upon request when the restrictions of the permit have been violated.
- (g) Reapplication for a permit may be denied upon evidence of a complaint by a resident in the locality of the permitted activity or if an applicant has in the past been required to surrender a permit as described in subsection (f) of this section.
- (h) This section shall not apply to any person who has been granted a variance as prescribed by section 66-177.
- (i) A permit may be issued for more than one occasion of activity. However, the time of such activity must be indicated on the application and cannot be for more than four occasions, or in excess of a six-week span.

(Code 1956, § 42A-10)

## Sec. 66-177. - Variances.

- (a) The director may grant an individual variance from the limitations prescribed in this article whenever it is found, upon presentation of adequate proof, that compliance with any part of this article:
  - (1) Will result in an arbitrary and unreasonable taking of property; or
  - (2) Will not result in a condition injurious to health or safety.
- (b) Any variance, or renewal thereof, shall be granted within the requirements of subsection (a) of this section and for time periods and under conditions consistent with the reasons therefore, and within the following limitations:
  - (1) If the variance is granted on the grounds that compliance with the particular requirement or requirements will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as,

in the view of the director, is requisite for the taking of the necessary measures. A variance granted on the grounds specified in this subsection shall contain a time-table for the taking of action in an expeditious manner and shall be conditioned on adherence to the time-table; or

- (2) If the variance is granted on the grounds that it is justified to relieve or prevent hardship of a kind other than that provided for in subsection (a) of this section, it shall be for not more than one year.
- (c) Any person seeking a variance shall do so by filing a petition for variance with the director, who shall investigate the petition and make a determination as to the disposition thereof within ten working days following receipt of the request by the director.

(Code 1956, § 42A-9)

Secs. 66-178—66-200. - Reserved.

### DIVISION 3. - REGULATIONS

#### Sec. 66-201. - Noise measurement.

Sound level measurements shall be made with a properly calibrated sound level meter Type 2 or better using the A-weighted network in accordance and conforming with the noise measurement standards, based on the reference sound pressure, promulgated by the American National Standards Institute and Testing Procedures (ANSI). Instrument response shall be "fast" for motor vehicle measurements and "slow" for all other measurements.

(Code 1956, § 42A-3)

#### Sec. 66-202. - Maximum permissible sound levels by receiving land use.

- (a) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in table 1.
- (b)  $L_{10}$  is the A-weighted sound pressure level which is exceeded ten percent of the time in any measurement period. The measurement period shall not be less than ten minutes when measured at or beyond the property boundary of the receiving land use category (example  $L_{10}$  is the sound level that is exceeded a total of one minute in a ten-minute period). In the SHD/VCE, the measurement may be taken at a minimum distance of 7.5 meters (25 feet) from the source being measured within a minimum clearance of three feet from any reflecting surface.
- (c) For any source of sound the maximum sound level ( $L_{max}$ ) shall not be exceeded.
- (d) In the case of two-family or multiple-family dwellings the sound level shall be measured within an adjacent intrabuilding dwelling.
- (e) When a noise source can be identified and its noise measured in more than one land use category, the limits of the more restrictive use shall apply at the boundary and within the most restrictive land use category. This provision shall not apply to the SHD/VCE.

TABLE 1

#### SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit	
		$L_{10}$ dBA	$L_{max}$ dBA
Resident, public space	7:00 a.m.—10:00 p.m.	60	<u>70</u>

	10:00 p.m.— 7:00 a.m.	55	60
Two-family or multiple-family dwelling (intra dwelling)	7:00 a.m.—10:00 p.m.	<u>50</u>	60
	10:00 p.m.— 7:00 a.m.	45	55
Business and commercial	7:00 a.m.—10:00 p.m.	65	75
	10:00 p.m.— 7:00 a.m.	60	65
Industrial	At all times	75	<u>85</u>
SHD/VCE districts	At all times	10 decibels above the ambient noise level; or 60 decibels, whichever is higher.	
SHD/VCR	7:00 a.m.—10:00 p.m.	*75	*80
	10:00 p.m.— 7:00 a.m.	*55	*60
SHD/VCC	7:00 a.m.—10:00 p.m.	*75	*80
	10:00 p.m.— 7:00 a.m.	*60	*65
SHD/HMR	7:00 a.m.—10:00 p.m.	60	<u>70</u>
	10:00 p.m.— 7:00 a.m.	55	60
SHD/HMC	7:00 a.m.—10:00 p.m.	65	75
	10:00 p.m.— 7:00 a.m.	60	65

\*Adjusted for other, intrusive sounds.

(Code 1956, § 42A-4; M.C.S., Ord. No. 18,399, § 2, 9-4-97)

Sec. 66-203. - Specific nuisance noises prohibited.

In addition to the general prohibitions set out in this article, the following specific acts are declared to be in violation of this article:

- (1) *Animals*. It shall be unlawful for the owner or keeper of any animal or fowl to allow frequent or continuing noise which disturbs a reasonable person of normal sensitivity.
- (2) *Horns, signaling devices*. It shall be unlawful to sound any horn or signaling device on any street or public place in the city for purposes other than motor vehicle, driver, and/or pedestrian safety.
- (3) *Radios, televisions, musical instruments and similar devices*.
  - a. It shall be unlawful to operate or play in any public right-of-way, public park, playground or recreational area, any musical instruments, radio, television, phonograph, tapeplayer, cassette player, compact disc player, or any sound device, including but not limited to loudspeakers or other

devices reproducing or amplifying sound in such a manner, or with such volume, as to exceed an average of 80 decibels measured at a distance of 50 feet from the sound source. The New Orleans police department or the department of health shall order any person or persons in violation of this section to immediately cease creating or causing the creation of noise. If said person or persons fail to obey this order, appropriate action shall be taken pursuant to section 66-137. The readings shall be in succession.

- b. It shall be unlawful to operate or play any radio, television, phonograph, musical instrument, loudspeaker or similar device that is plainly audible to any person other than the operator between 8:00 p.m. and 10:00 a.m. in parks, playgrounds, or recreation areas unless a permit has been issued.
  - c. Reserved.
  - d. It shall be unlawful between the hours of 9:00 p.m. Sunday through Thursday and 10:00 a.m. on the subsequent morning or between the hours of 10:30 p.m. on a Friday or Saturday and 10:00 a.m. the subsequent morning to operate or play in a dwelling occupying a parcel or lot of land or to operate or play anywhere on a parcel or lot of land contiguous or adjacent to another parcel or lot of land occupied by a neighboring dwelling any radio, television, phonograph, loudspeaker, sound-amplification equipment or similar device which produces or reproduces sound in such a manner as to be plainly audible at a distance of one foot from any exterior wall of the neighboring dwelling or at a distance beyond the boundary between the parcels or lots, whichever is the lesser distance from the point where the sound is produced or reproduced.
  - e. It shall be unlawful between the hours of 9:00 p.m. Sunday through Thursday and 10:00 a.m. on the subsequent morning or between the hours of 10:30 p.m. on a Friday or Saturday and 10:00 a.m. the subsequent morning to operate or play in an apartment, condominium unit or other dwelling unit of a multiple-unit structure occupying a parcel or lot of land or in any common or exterior area of such land any radio, television, phonograph, loudspeaker, sound-amplification equipment or similar device which produces or reproduces sound in such a manner as to be plainly audible within any other apartment, condominium unit or other dwelling unit within the same dwelling structure.
- (4) *Neighborhood businesses.* Businesses operating in B-1 or B-2 commercial areas and under nonconforming use zoning within or adjacent to residential areas shall comply with the provisions of section 66-202.
- a. Upon initial determination of a violation a neighborhood business will be given six months to comply with the terms of the ordinance if insulation or other major structural modifications are necessary for compliance.
  - b. Nothing in this subsection 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 attracting the attention of the public to any building, structure, or vehicle.
- (6) *Power equipment.*
- a. 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. the following day, and on weekends between 10:00 p.m. and 8:00 a.m.
  - b. During daytime hours (7:00 a.m.—10:00 p.m. weekdays, 8:00 a.m.—10:00 p.m. on weekends) power equipment rated five horsepower or less shall not exceed a sound level of 75 dBA at a distance of 50 feet. Power equipment rated more than five horsepower shall not exceed a sound level of 82 dBA 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-conditioners, air-handling equipment, fans, or similar devices in such a manner as to exceed Table 1 of the receiving land use categories when measured on receiving property.

- a. Stationary machinery, equipment, fans, and air conditioners shall have the following replacement schedule:
  1. Installed and operating sources, of age ten years or older, shall comply with the provisions of this subsection within a reasonable time period, upon determination of a condition of violation. This time period shall not exceed six months.
  2. Installed and operating sources, of age five to ten years shall comply with the provisions of this subsection within a reasonable time period, upon determination of a condition of violation. This time period shall not exceed one year.
  3. Installed and operating sources under five years of age, shall comply with the provisions of this subsection within a reasonable time period, upon determination of a condition of violation. This time period shall not exceed two years.
- b. Nothing in subsection (7)a. of this section shall be interpreted in such a way as to relieve the person responsible for such stationary machinery, equipment, fans, air conditioning apparatus, or any similar permanently installed mechanical devices, from the responsibility of taking other reasonable actions, other than replacement, directed at reducing noise levels from these sources on receiving property.

(8) *Aircraft engines.*

- a. It shall be unlawful for any person to operate, run, or test or cause to be operated, run, or tested an aircraft engine which creates a noise level exceeding Table 1 of the receiving land use category measured at any place within an inhabited zone of the city.
- b. The intent of this subsection is to regulate noise levels produced in the testing, maintenance, and repairs of aircraft engines and aircraft hours. Any aircraft operating during a landing, takeoff, or while moving upon ground surface of an airport shall be exempted from the provisions of this section.

- (9) *Noise sensitive "quiet" zones.* It shall be unlawful to create or cause the creation of any noise, other than those noise exemptions stated in section 66-138, within 500 feet of any noise sensitive zone, so as to exceed the residential land use levels set forth in Table 1 when measured on the receiving property, provided that conspicuous signs are displayed indicating the presence of the "quiet" zone.

(Code 1956, § 42A-5; M.C.S., Ord. No. 18,399, § 3, 9-4-97; M.C.S., Ord. No. 18,625, §§ 2, 3, 2-19-98)

**Cross reference—** Animals, ch. 18.

Sec. 66-204. - Additional remedies and penalties for animal or fowl noises.

Any person who violates section 66-203 shall be fined or imprisoned in accordance with the following:

- (1) First offense, \$50.00.
- (2) Second offense, \$150.00.
- (3) Third offense or subsequent violations shall result in a fine of \$300.00 or imprisonment of not more than 90 days or both.
- (4) Notwithstanding any of the penalty provisions of this section, the owner or keeper of any animal or fowl found guilty of violating any provision of section 66-203 shall be required to enroll and attend animal or fowl obedience training classes sponsored by the Society for the Prevention of Cruelty to Animals or any other such competent authority.

(Code 1956, § 42A-14)

Sec. 66-205. - Persons playing musical instruments on public rights-of-way.

It shall be unlawful for any person to play musical instruments on public rights-of-way between the hours of 8:00 p.m. and 9:00 a.m. Persons may obtain a temporary permit as provided by this article. The provisions of this section shall not apply to any person who has obtained a temporary permit as provided for by section 66-176 or are specifically exempted from the provisions of this article as provided by sections 66-138 and 66-139 or any noise resulting from activities of a temporary duration, for which a temporary permit has been granted by the city as provided for in section 66-176.

(Code 1956, § 42A-15)

Sec. 66-206. - Motor vehicles.

- (a) *Vehicles in motion.* No person shall operate a motor vehicle at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the sound level limits for the category of motor vehicle shown in Table 2. The sound level shall be measured at a distance of at least 15 meters (50 feet) from the center of the vehicle path at a height of at least 1.23 meters (four feet) above the immediate surrounding surface. This section shall apply to the total noise from a motor vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this article relating to motor vehicle mufflers for noise control.

TABLE 2

MAXIMUM PERMISSIBLE SOUND LEVELS  
FOR MOTOR VEHICLES

Type of Vehicle	Sound Level Limit	
	Speed limit 40 mph or less	Speed limit over 40 mph
Motor vehicle with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle	<u>86</u>	<u>90</u>
Any other motor vehicle or any combination of vehicles towed by any motor vehicles	76	<u>82</u>
Motorcycles	<u>82</u>	<u>86</u>

(b) *Static tests for motor vehicles.*

- (1) No person shall operate a motor vehicle having a manufacturer's gross vehicle weight rating of at least 6,000 pounds which exceeds 93 dBA, measured 25 feet (7.6m) from the side of the vehicle. The sound level shall be observed during the full cycle of engine acceleration-deceleration, and the measured sound level reading shall be the highest value obtained during this cycle, excluding unrelated peaks due to extraneous ambient noise. When there is more than one outlet, the sound level for each side of the vehicle shall be measured, and the reported sound level shall be the average of the two highest readings within one decibel of each other on the loudest side.

- (2) No person shall operate a motor vehicle having a manufacturer's gross vehicle rating of less than 6,000 pounds, except a motorcycle, which exceeds 95 dBA, measured 20 inches (508mm) from the exhaust outlet. The measured exhaust system sound level of a stationary vehicle shall be the highest reading obtained during the test, disregarding unrelated peaks due to extraneous ambient noise. When there is more than one exhaust outlet, the reported sound level shall be for the loudest outlet. When there is more than one exhaust outlet from a single muffler, separated by less than 12 inches (305mm), measurements shall be made on the outlet closest to the side of the vehicle.

(Code 1956, § 42A-7)

**Cross reference**— Traffic and vehicles, ch. 154.

Sec. 66-207. - Specific motor vehicle noises prohibited.

- (a) *Mufflers and sound dissipating devices*. No person shall operate, or cause to be operated any motor vehicle equipped with a muffler that exceeds allowable levels in section 66-206.
- (1) Any modifications to the exhaust system which cause the vehicle to exceed maximum permissible levels is prohibited. Such modifications include: Removal or puncturing the muffler, baffles, header pipes, or any other component which conducts exhaust gases.
- (2) No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler or sound dissipating device on a motor vehicle other than for purposes of maintenance, repair, or replacement.
- (b) *Refuse collection vehicles*. No person shall collect refuse with a refuse collection vehicle between the hours of 8:00 p.m. and 5:00 a.m. the following day in a residential area or noise sensitive zone. This provision shall not apply to collection areas requiring greater than normal twice-weekly refuse collection for sanitary/health reasons.
- (c) *Off-road motorized vehicles*. No person shall operate or cause to be operated any off-road motorized vehicle off a public right-of-way in such a manner that the sound levels emitted therefrom violate the provisions of section 66-202. This section shall apply to all off-road motor vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft, campers and dune buggies, but not including motorboats.
- (d) *Vehicle repair*. It shall be unlawful for any person within any zone of the city to repair, rebuild, or test any motor vehicle in such a manner that the noise produced exceeds the land use category in Table 1 when measured at the receiving property line.

(Code 1956, § 42A-8)

Sec. 66-208. - St. Louis Cathedral noise buffer zone.

It shall be unlawful for any person or persons in the St. Louis Cathedral noise buffer zone to create or to cause the creation of any noise in excess of 78 decibels at a distance of 50 feet from the source during religious services in St. Louis Cathedral, provided that conspicuous signs are displayed outside of the cathedral during the conduct of such services. The New Orleans Department of Police or the Department of Health shall order any person or persons in violation of this section to immediately cease creating or causing the creation of noise. If such person or persons fail to obey this order, appropriate action shall be taken pursuant to section 66-137 (administration).

(M.C.S., Ord. No. 18,857, § 2, 9-3-98)

Sec. 66-209. - Placement of loudspeaker(s).

- (a) This section governs the placement of loudspeaker(s) by commercial enterprises operated within the Vieux Carré Historic Districts and the Central Business Districts, as defined in the Comprehensive Zoning Ordinance.

(b)

Each of the following is a "responsible party" for assuring compliance on the premises of a commercial enterprise governed by this section:

- (1) An owner of the premises;
  - (2) A manager of the premises;
  - (3) Any person controlling the volume of a sound amplification device on the premises, including but not limited to disc jockeys;
  - (4) Any person named in the occupational license for the premises; or
  - (5) The commercial enterprise.
- (c) A responsible party for any commercial enterprise governed by this section must assure compliance with the following requirements regarding placement of loudspeaker(s) operated by the enterprise or any person described in section 66-209(b):
- (1) In all commercial enterprises, no loudspeaker(s) shall be located beyond the interior walls of the building or be oriented in such a way that the face or front of the loudspeaker(s) points in the direction of any exterior door, window, or other opening to the exterior of the building. This provision shall not apply to permanently closed doors, windows, or emergency exits. No loudspeaker(s) shall have any openings on the back or side that project sound.
  - (2) For commercial enterprises that hold a Class A alcoholic beverage permit so that they are lawfully permitted, whether a permanent or temporary permit, to sell alcoholic beverages for consumption on the premises:
    - a. Loudspeaker(s) shall be located in the interior of the building and must be located at a distance greater or equal to ten feet from any exterior door, window, or other opening to the exterior; or
    - b. If loudspeaker(s) are located less than ten feet from any exterior door, window, or other opening to the exterior of the building, then such windows, doors, or openings to the exterior must remain closed during the hours of operation. In the event that a door subject to this section constitutes an emergency fire exit that is required to remain open during hours of operation then the fire marshal, pursuant to city and state law, may exempt such door from the requirements of this section. Written documentation issued by the office of state fire marshal of such authorized exemption must be located at the commercial enterprise and must be available upon request.
  - (3) For commercial enterprises that do not hold a Class A type alcoholic beverage permit so that they are not lawfully permitted to sell alcoholic beverages for consumption on the premises:
    - a. Loudspeaker(s) shall be located in the interior of the building at a distance greater or equal to 20 feet from any exterior door, windows, or other opening to the exterior of the building.
- (d) Penalties. A commercial enterprise is subject to the following penalties upon a finding of a violation of this section:
- (1) For a first violation, a fine of up to \$500.00.
  - (2) For a second violation and any subsequent violation within 12 months of the initial violation, the fine shall be \$500.00 for each violation.

(M.C.S., Ord. No. 24834, § 2, 4-5-12)

Secs. 66-210—66-240. - Reserved.