

Sec. 7-166. - Regulation of unnecessary noise.

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:
- (1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device or any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
  - (2) Radios, phonographs, etc. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
  - (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
  - (4) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
  - (5) Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.
  - (6) Steam whistles. The blowing of any locomotive steam whistle or steam whistles attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
  - (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
  - (9) Loading, unloading, opening boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
  - (10) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on

weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period of not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets or highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for work is awarded or during the progress of the work.

- (11) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court, while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (12) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (13) Drums. The use of any drum or other instrument or device in public, whether on private or public property, for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (14) Metal rails, pillars and columns; transportation thereof. The transportation of rails, pillars, or columns of iron, steel, or other material, over and along streets and other public places, upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) Pile drivers, hammers, tractors, etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoise [hoist], or other similar equipment, the use of which is attended by loud or unusual noise. No highway construction equipment shall be used during these hours within two hundred fifty (250) feet of a residence.
- (16) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (17) Vocal or instrumental music.
  - a. It shall be unlawful 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 recording, loudspeaker, sound amplifier or other instrument, machine or device, between 11:00 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 City of Kenner. If the sound or noise is plainly audible at a distance of fifty (50) feet of the building, structure, or vehicle in which it is located, it shall be prima facie evidence of a violation of subsection (17).
  - b. It shall further be unlawful for any person to operate or cause to be operated any source of musical sound between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to create a sound level, measured in decibels (dBA), which exceed the maximum sound level (L<sub>max</sub>) set forth for the receiving land use as outlined in the following table, to wit:

Receiving L <sub>max</sub> dBA	Land Use	Category
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Single-family residential or public property ....60

Two-family or multiple-family dwelling (intra-dwelling) .....55

Commercial and business ....65

Industrial ....85

1. Prima facie proof of violation of subsection b. shall be made by sound level measurement made with a properly calibrated sound level meter, Type 2 or better, using the 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).
  2. Sound level meter readings to be taken in the enforcement of this section shall be made at or beyond the closest property boundary line which separates the source of the offending sounds from the next adjacent immovable property owned or inhabited by another person.
  3. In the case of two-family or multiple-family dwellings, the sound level shall be measured within an adjacent intra-building dwelling. 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 restricted land use category. When a sound source has multiple land uses, the standards set forth hereinabove for the most restrictive use category shall apply.
- c. It shall further be unlawful for any person, for purposes of subsection (17), to include, but not limited to, any person, owner, lessor, lessee, manager, promoter, partner, or corporate officer or any employee or agent thereof, of any such building, structure, or vehicle, to authorize, allow, or permit any person or persons to sing or play musical instruments in violation of subsections a. or b. above.
  - d. In addition to penalty provisions provided in section 7-3 of this Code, as an additional remedy to the City of Kenner, the operation or maintenance of any business, device, or instrument in violation of any provision of subsection (17) may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.
  - e. If any section, paragraph, subparagraph, sentence, clause, word, or phrase of subsection (17) is, for any reason, held to be unconstitutional, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of subsection (17).

(Ord. No. 7297, § 2, 9-21-95)