

ORDINANCE CREATING §58-39 OF CHAPTER 58 ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS TO AUTHORIZE ENFORCEMENT BY THE ZACHARY POLICE DEPARTMENT FOR UNNECESSARY NOISE EMANATION OR GENERATION WITHIN THE CITY OF ZACHARY AND FOR ALL OTHER RELATED MATTERS

WHEREAS, the City Council for the City of Zachary (the “City”) does not believe that existing and applicable state law and/or regulations allow for the regulation of peace and order within its corporate limits, and

WHEREAS, the City believes that the application of a rule that regulates activities generating unnecessary noises as disturbing or alarming the public is in the best interests of the Citizens of Zachary,

BE IT ORDAINED by the City Council for the City of Zachary, East Baton Rouge Parish, Louisiana, in regular session duly convened, and in keeping with the authority granted by applicable federal and state laws and regulations, and in order to regulate activities related to peace and order, that it does hereby enact an ordinance as a part of CHAPTER 58 ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS and being designated as §58-39 – Unnecessary Noise Generation.

- (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.
 - 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 in such a manner as to be plainly audible at a distance of one hundred fifty (150’) 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, drumming, musical instruments, etc.* Yelling, shouting, hooting, whistling, drumming, playing musical instruments or singing, 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. Dogs barking for ten (10) consecutive minutes during the daylight hours and five (5) consecutive minutes at night shall be considered an offense. Such enforcement must be triggered by multiple complaint reports made by some quantity of neighbors greater than two (2) to local law enforcement who is tasked to investigate as necessary and then take some enforcement action. Said complaints are required to be filed formal, written complaints.
6. *Exhausts.* The discharge into the open air of the exhaust of any internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. The operation of any internal combustion engine for purposes of grass (lawn mowing) cutting 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 one hundred fifty (150') feet from the immovable property in which it is being operated shall be prima facie evidence of a violation of this section.
7. *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.
8. *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 8:00 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 10:00 p.m. and 8:00 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 10:00 p.m. and 8:00 a.m. upon application being made at the time the permit for work is awarded or during the progress of the work. Additionally, during weekends, (Saturdays and

Sundays) and State of Louisiana declared holidays, no construction shall start before 10:00 a.m. and shall not continue after 10:00 p.m.

9. *Peddlers*. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(C) For all purposes and in such a manner as to create a sound levels, such unlawful violations shall be measured in decibels (dBA), which exceed the maximum sound levels (Lmax) which are set forth for the receiving land use as outlined in the following table to wit:

1. Residential dwellings or public property – 75 dBA Lmax
2. Commercial and business – 85 dBA Lmax
3. Industrial- 105 dBA Lmax

(D) Enforcement shall be governed by the following mandated provisions to wit:

1. Prima facie proof of violation of subsection B occurs when such sounds continue for a duration of two (2) minutes or more and can be measured 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.
4. If any section, paragraph, subparagraph, sentence, clause, word, or phrase 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.
5. Whoever commits the crime of making unnecessary noise shall be fined not more than Five Hundred Dollars or imprisoned for not more than six months, or both.

INTRODUCED FOR ADOPTION by the City Council of the City of Zachary as a regular meeting of the said Council held on the 9th day of August, 2022.

SUBMITTED FOR FINAL APPROVAL AND ADOPTED by the City Council of the City of Zachary as a special meeting of the said Council called for this purpose after being duly noticed and publicized public hearing held on the 27th day of September, 2022 and upon which the foregoing ordinance was read, the roll was called on the adoption thereof, and the Ordinance was adopted with the result thereon as follows:

ATTEST:

David Amrhein, Mayor

Dana LeJeune - Clerk of the City Council

John LeBlanc - Mayor Pro Tempore