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## **Chapter 13**

### **Noise Ordinance**

**Sections 13-11 to 13-11.6**

A motion was made by Dean Dore' and seconded by Lisa Nelson that the following ordinance be adopted:

**ORDINANCE NO. 06-12-0713-OR**

An ordinance to amend Chapter 13 of the St. Martin Parish Code of Ordinances by the repeal, amendment, revision, enactment, and/or re-enactment of Sections 13-11 to 13-11.6 of the said Chapter 13, all relative to the regulation of noise.

**BE IT ORDAINED** by the Parish Council of St. Martin Parish, Louisiana, duly convened in regular session on the 5th day of December, 2006, that:

Chapter 13 of the Code of Ordinances for St. Martin Parish, Louisiana, be amended by the repeal, revision, enactment, and/or re-enactment of Sections 13-11 to 13-11.6 thereof as follows:

**Section 13-11. Declaration of Findings and Policy**

The St. Martin Parish Government concludes that excessive sound is a serious hazard to the public health, welfare, safety, and quality of life of the residents of St. Martin Parish, Louisiana. Furthermore, a substantial, acceptable, and accurate body of science and technology exists by which excessive sound may be substantially abated. Moreover, it is the conclusion of the St. Martin Parish Government that the citizens of St. Martin Parish have a right to, and should be assured of, an environment free from excessive sound, especially at their residences during those hours when sleep and tranquility normally prevail in residential homes. Consequently, the St. Martin Parish Government does hereby declare that by virtue of this Chapter, it does hereby seek to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens of St. Martin Parish and/or otherwise degrade their quality of life.

**Section 13-11.1. Definitions**

*Agricultural activities* means those activities performed on farmland in order to cultivate the soil, produce crops, or raise livestock.

*Commercial facility* means any premises, property, or facility involving the trafficking goods or the furnishing of services for sale or profit, including, but not limited to: banking and other financial institutions; dining establishments; businesses providing retail or wholesale goods or services; establishments for recreation and entertainment; business ventures providing commercial living accommodations and commercial property used for human habitation, when such is the source of the sound under scrutiny; office buildings; transportation; and warehouses.

*Construction* means any site preparation, assembly, erection, repair, alteration, or similar action including the demolition of buildings or structures.

**Continuous sound** shall mean any sound with a duration of more than one second, as measured with a sound level meter set to the "slow" meter response.

**Decibel** means sound pressure level as measured by a sound level meter using the "A" weighting network and the slow meter response as specified by the American National Standards Institute.

**Demolition** means any dismantling, destruction, or removal of buildings, structures, or roadways.

**Emergency work** means any work or action necessary to deliver essential public services, including, but not limited to, installing or repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, trimming or removing fallen trees on public rights-of-ways, dredging navigable waterways, or abating life-threatening conditions.

**Extraneous sound** means a sound of high intensity and relative short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under scrutiny. **Extraneous sounds** are excluded from measurements of the neighborhood residual sound level and the total sound level.

**Impulsive sound** means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

**Motor vehicle** means any vehicle that is propelled other than by human or animal power on land or water.

**Muffler** means a properly functioning sound dissipative device or system for abating the sound of escaping gases on equipment where such device is part of the normal configuration of that equipment.

**Multi-dwelling unit building** means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

**Multi-use property** means any distinct parcel of land that is used for more than one category of activities. Examples include, but are not limited to:

- (A) A commercial, residential, industrial, or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- (B) A building which is both commercial (usually on the ground floor) and residential property located above, behind, below, or adjacent.

**Music box** means a self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established by this ordinance.

**Plainly audible** means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under scrutiny is a sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. To be plainly audible, the sound need not enable the receptor to determine the title, specific words, or artist performing a song.

**Portable, hand-held music or sound amplification or reproduction equipment** means any self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this ordinance.

**Private right-of-way** means any street, avenue, boulevard, road, highway, sidewalk, alley, or servitude that is owned, leased, or controlled by a non-governmental entity.

**Public right-of-way** means any street, avenue, boulevard, road, highway, sidewalk, alley, or servitude that is owned, leased, or controlled by a governmental entity.

**Property line** means either:

- (A) The imaginary line including the vertical extension that separates one parcel of immovable property from another;
- (B) The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or
- (C) On a multi-use property, the interface between the two portions of the property on which different categories of activities are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the property line would be the interface between the residential area and the commercial area).

**Public celebration** means an organized event or activity sponsored and/or produced by a governmental or quasi governmental organization that is of general public interest and that is open to public attendance, including, by way of example only and not by way of limitation, Mardi Gras, Crawfish Festival, and a high school sporting event.

**Public space** means any immovable property or structure thereon that is owned, leased, or controlled by a governmental entity.

**Residential property** means property used for human habitation, including, but not limited to:

- (A) Private property used for human habitation;
- (B) Commercial living accommodations and commercial property used for human habitation;

- (C) Recreational and entertainment property used for human habitation;
- (D) Community service property used for human habitation; and
- (E) Hospitals or long term care facilities.

*Weekday* means any day beginning on Sunday at 8:00 P.M. and ending the following Friday at 6:00 P.M.

*Weekend* means beginning on Friday at 6:00 P.M. and ending on the following Sunday at 8:00 P.M.

**Section 13-11.2. Applicability.**

This noise control ordinance applies to sound originating from, or received by, any property within the unincorporated areas of St. Martin Parish, Louisiana. This edict shall be equally applicable to all properties in St. Martin Parish regardless of the permitted land use or zoning classification of any such property.

**Section 13-11.3. Maximum Permissible Sound Level.**

A. *Continuous sound.* No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property in such a manner as to create a sound level that exceeds the following sound level limits, as measured at any location at or within the property line of the receptor property:

1. For any property zoned residential, between the hours of 7:00 A.M. and 10:00 P.M., inclusively, no continuous sound shall exceed 60 decibels.
2. For any property zoned residential, between 10:00 P.M. and 7:00 A.M., no continuous sound shall exceed 50 decibels.
3. For any property zoned commercial or industrial, no continuous sound shall exceed 70 decibels.

B. *Impulsive sound.* Between 7:00 A.M. and 10:00 P.M., inclusively, impulsive sounds which occur less than 10 times in an hour shall not equal or exceed 20 decibels above the permissible sound level specified in subsection A above. Impulsive sound which repeats 10 or more times in an hour shall not exceed the permissible sound levels specified in subpart A above.

Between the hours of 10:00 P.M. and 7:00 A.M., impulsive sounds which occur less than 4 times in an hour shall not equal or exceed 20 decibels above the permissible sound levels specified in subpart A herein. Impulsive sounds which repeat 4 or more times in any hour shall not exceed the permissible sound levels set forth in subpart A above.

C. *Amplified sound.* If the source of sound is an amplified sound reproduction device, and the complainant states that the rhythmic bass component of the music is disturbing within the complainant's residence, then a determination as to whether a violation of this ordinance occurs shall be based upon the sound level measurements taken within the residence of the complainant. As such, no person shall cause, suffer, allow, or permit the operation of any amplified source of sound in such

a manner that it exceeds the total sound level by the permissible sound level limits set forth as follows when measured within the residence of the complainant:

1. Weeknights between 10:00 P.M. and 7:00 A.M.: 3 decibels.
2. Weekend nights between 11:00 P.M. and 9:00 A.M.: 3 decibels.
3. At all other times: 5 decibels.

D. *Steady pure tones.* If the sound source under investigation is a mechanical device, and is, in the investigating officer's opinion, emitting a sound with a steady tonal quality, the permissible sound limits set forth in subpart A herein shall be reduced by 5 decibels. The sound emissions must be comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum, or buzz. The measured sound levels of such a source must not fluctuate by more than plus or minus 3 decibels. Such sound sources include, but are not limited to: heating, ventilating, or air conditioning units; refrigeration units; and transformers. Nothing to the contrary withstanding, sound sources from residential heating, ventilating, or air conditioning units cannot exceed 55 decibels after 9:00 P.M.

E. *Supplemental standards.* In addition to the standards specified in subsections A, B, C, and/or D herein, and even should the standards specified in those subsections be satisfied, no person shall cause, suffer, allow, or permit the operation of any source of amplified sound on property which is either:

1. Plainly audible at a distance of 50 feet in any direction from any property line of the source property; or
2. Of such volume as to be unreasonably loud, raucous, jarring, disturbing, or a nuisance to a reasonable person of normal sensibilities within the area of audibility.

These standards established in this subsection shall not require measurements of sound.

#### **Section 13-11.4. Exceptions**

The operational performance standards established in this ordinance shall not apply to any of the following noise sources:

- A. Agricultural activities, properly muffled;
- B. Unamplified bells, chimes, or carillons while being used in conjunction with religious services;
- C. Emergency energy release devices;
- D. Emergency work;
- E. National Warning System (NAWAS); Systems used to warn the community of attack or imminent public danger such as flooding, explosion, or hurricane;
- F. Noise of aircraft operation;

- G. Public celebrations;
- H. Surface carriers engaged in commerce by railroad, exclusive of loading and unloading;
- I. Sound from the locomotion of properly muffled motor vehicles on a public right-of-way. *Properly muffled* shall mean the use of a device to minimize the emission of sound rather than to maximize the emission of sound.
- J. Events which are operating within the time and volume parameters set forth in a variance issued by the St. Martin Parish Government.
- K. Collection of residential refuse and residential recycling.

**Section 13-11.5. Restricted Use and Activities**

Notwithstanding the provisions of Sections 13-11.3 and 13-11.4, the following standards shall apply to the activities or sources of sound set forth below:

- A. Power tools and landscaping and yard maintenance equipment shall not be operated on residential property between the hours of 10:00 P.M. and 6:00 A.M. Moreover, all motorized equipment used in these activities shall be operated with a muffler. During the permissible hours of operation as established herein, the operation of power tools and landscaping and yard maintenance equipment on residential property shall not be subject to the provisions of Section 13-11.3.
- B. Power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 10:00 P.M. and 7:00 A.M. on weekdays, or between the hours of 10:00 P.M. and 9:00 A.M. on weekends or federal holidays, unless such activities can meet the limits set forth in Section 13-11.3(A). In addition, power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet those limits set forth in Section 13-11.3(A) between the hours of 10:00 P.M. and 7:00 A.M. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section 13-11.3(A) do not apply to power tools and landscaping and yard maintenance equipment.
- C. Collection of commercial refuse or commercial recyclables may not be conducted within 200 feet of any residential property line between the

hours of 10:00 P.M. and 4:30 A.M. on weekdays or between the hours of 10:00 P.M. and 8:00 A.M. on weekends. For purposes of this provision, *collection of commercial refuse or commercial recyclables* at apartments, apartment houses, apartment complexes, condominiums, and/or co-ops will be classified as commercial collection.

- D. The operation of any commercial truck with refrigeration units may not be conducted within 200 feet of any residential property between the hours of 10:00 P.M. and 6:00 A.M. on weekdays or between the hours of 10:00 P.M. and 8:00 A.M. on weekends.
- E. Construction and demolition activities, excluding emergency work, shall not be performed between the hours of 10:00 P.M. and 6:00 A.M. on weekdays or between the hours of 10:00 P.M. and 8:00 A.M. on weekends and federal holidays. All motorized equipment used in construction and demolition activities shall be operated with a muffler.
- F. An exterior burglar alarm and/or fire alarm on a building or motor vehicle must be activated in such a manner that the alarm terminates its operation, after activation, within 5 minutes if the sound is emitted without interruption and 10 minutes if the sound is emitted intermittently. At all times, the limits set forth in Section 13-11.3(A) do not apply.
- G. Domestic animals, and any other animal not in a state of natural liberty, may not make more than 60 vocalizations in any 10 minute period. At all times, the limits set forth in Section 13-11.3(A) are inapplicable.
- H. Self-contained, portable, handheld music or sound amplification or reproduction equipment, including, but not limited to, devices referred to as "music boxes", radios, stereos, or any similar devices, shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 100 feet in any direction from the equipment during the hours of 8:00 A.M. and 10:00 P.M., and 50 feet in any direction from the equipment during the hours of 10:00 P.M. to 8:00 A.M.

**Section 13-11.6. Penalties**

Whoever violates the terms and provisions of this ordinance shall be fined not less than One Hundred and No/100 (\$100.00) Dollars, nor more than Five Hundred and No/100 (\$500.00) Dollars, imprisoned for not more than 30 days, or both.

**BE IT FURTHER ORDAINED** by the St. Martin Parish Council that the provisions of this ordinance are hereby declared to be severable, and if any provision, word, phrase, or clause of this ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the validity of the remaining portions thereof which can be afforded efficacy without the invalid provision or application.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective immediately upon approval of the St. Martin Parish Council and the signature of the Parish President.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Carroll Delahoussaye, Lisa Nelson, Odell Trahan, Mike Huval,  
Lloyd Higginbotham, Fred Mills, Jr., Pat Cluse, and Dean Dore'.

**NAYS:** None.

**ABSTAIN:** None.

**ABSENT:** James Hebert (excused).

And the Ordinance was declared adopted this 5<sup>th</sup> day of December, 2006.

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