

Sec. 13-7.1. - Excessive noise.

- (a) (1) It is declared to be a public nuisance and unlawful for any person to make, allow, continue or cause to be made any loud, harsh, unnecessary or offensive noise or any noise which may reasonably be anticipated to annoy, disturb, injure or endanger the comfort, slumber, peace, health or safety of any reasonable person or persons of normal sensitivity, whether due to volume or duration or both. Except as allowed in this article, no person shall willfully engage in any activity on any premises or public area in the city, which activity produces or constitutes a noise disturbance on occupied neighboring premises or public area. Nothing in this section shall be construed as preventing the lawful exercise of right of free speech as protected by the Constitution of the United States or the State of Louisiana.
- (2) "Plainly audible" means any sound that can be detected by the person issuing the violation using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The person issuing the citation need not determine the title, specific words, or the artist performing the song.
- (b) Prohibited noises. In addition to the general prohibition set forth above, it shall be a violation of this article to engage in any of the following activities, including, but not limited to:
- (1) Operation of radios, televisions, or other amplified sound reproduction devices in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or operated and which, because of its volume, level, duration or character annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities;
  - (2) Yelling, shouting, or hollering in any public area or area which may be heard by the public where such yelling, shouting or hollering is of such a volume, level, duration or character that it annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities;
  - (3) Keeping of any animal or bird that frequently, habitually or for long periods of time makes noises that tend to annoy or disturb others as defined as a public nuisance under Sec. 4-22 (5);
  - (4) Construction and demolition activity, operation of power tools, mechanical devices, equipment hammers, concrete trucks, or other similar devices, excluding emergency work, between the hours of 7:00 p.m. and 5:00 a.m. the next day on weekdays, before 7:00 a.m. and after 4:00 p.m. on Saturdays, all day on Sundays, or on federal holidays unless granted a variance by the building permit office in the department of planning and development;
  - (5) Repair or testing of any motor vehicle, however fueled or powered between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 9:00 a.m. on weekends and federal holidays;
  - (6) Operation of any motor vehicle with a muffler system that increases the sound which would normally emanate from the operation of the motor vehicle and which, because of its volume, level, duration or character annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities;
  - (7) Operation of any motor vehicle so as to cause the tires to squeal or screech unnecessarily;
  - (8) Sounding of any automobile horn except as a warning or danger signal, or as required by law;
  - (9) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other official emergency vehicle;
  - (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise;
  - (11) The firing or discharge of firearms in the streets or elsewhere, except by permit from the police department, or otherwise as permitted by law;

- (12) The creation of any excessive noise on any street adjacent to any school, institution of learning, court or church while the same or in session, or within 150 feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients of the hospital;
  - (13) The shouting and crying of peddlers, barkers, hawkers or vendors, which disturbs the quiet and peace of the community; and
  - (14) Playing of any amplified or non-amplified musical instrument in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or operated and which, because of its volume, level, duration, or character annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.
  - (15) Commercial refuse or recyclables collection vehicles operating within 250 feet of any residential property during the hours of 10:00 p.m. and 5:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends and holidays. For the purposes of this provision, collection of commercial refuse or commercial recyclables at apartments, apartment houses, or complexes, condominium, and/or coops will be classified as commercial collection;
- (c) Exceptions. The following are excepted from the application of this article:
- (1) Construction activity performed by an agency of government provided that all equipment is operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition;
  - (2) Sound or noise of safety signals, warning devices, emergency pressure relief valves, church bells or chimes between the hours of 7:00 a.m. and midnight;
  - (3) Sound or noise emanating from street fairs, festivals, or celebrations conducted by or with the city, or any live performances of musicians permitted or conducted by or in conjunction with the city;
  - (4) Sound or noise emanating from film and video production activities for which permits have been issued by the city; provided all equipment such as generators are properly muffled;
  - (5) Sound or noise emanating from properly equipped aircraft operated in accordance with applicable federal rules and regulations;
  - (6) Sound or noise from lawful fireworks;
  - (7) Lawn mowers and agricultural equipment operated between the hours of 7:00 a.m. and 10:00 p.m. when operated in accordance with manufacturer's specifications and with all standard noise reducing equipment in place and in proper condition;
  - (8) Musical accompaniment to parades or military ceremonies;
  - (9) Sound emanating from regularly scheduled athletic events at city parks, athletic facilities, public or private schools, as well as regularly scheduled events at McNeese State University;
  - (10) Governmental emergency vehicles in the course of performing their official duties;
  - (11) Railroad operations, to the extent said operations are in furtherance of interstate commerce;
  - (12) Unamplified noncommercial speeches made from a fixed location in nonresidentially zoned areas;
  - (13) Sound or noise emanating from construction or repair work and regulated activities of utilities regulated by the City of Lake Charles or the State of Louisiana;
  - (14) Sound or noise emanating from aircraft flight activity at the Lake Charles Regional Airport and Chennault Industrial Airport, provided said activities are conducted in accordance with FAA regulations.
  - (15) Amplified sound or noises emanating from lawful activities occurring within the boundaries of the lakefront downtown development district are permissible during the hours of 9:00 a.m. to 2:00 a.m. the following day seven days a week.
- (d) Complaint and enforcement.
- (1)

In addition to observations by law enforcement officials, complaints of actions in violation of this section may be enforced by the filing of a written and verified affidavit with the appropriate law enforcement agency by any citizen affected by the prohibited acts. The provisions of this section do not preclude any aggrieved person from filing a lawsuit in a court of competent jurisdiction and venue against another for a civil cause of action.

- (2) To aid in the enforcement of this section the police department may make impulsive sound measurements. Such measurements may be used by the trier of fact to aid in making a determination as to whether a violation has occurred. Indoor sound level measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms. Accordingly, for purposes of this provision the following guidelines shall be used:
- a. Between 7:00 a.m. and 10:00 p.m., impulsive sound should not equal or exceed 80 decibels.
  - b. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour should not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound. "dB(C)" means the sound level as measured using the "C" weighting network with a sound level meter reading the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C).

The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

- (e) Penalties. Whoever commits any acts in violation of this section shall be guilty of a civil offense and shall be subject to the following civil penalties:
- (1) Upon a first conviction, the violation shall be punishable by a fine of \$150.00.
  - (2) Upon a second conviction, the violation shall be punishable by a fine of \$250.00.
  - (3) Upon a third or subsequent conviction, the violation shall be punishable by a fine of \$500.00.
- (Ord. No. 13875, § 1, 8-16-06; Ord. No. 14624, § 2, 7-2-08; Ord. No. 16286, § 1, 5-2-12)