

ORDINANCE

AMENDING TITLE 12 (NUISANCES), CHAPTER 2 (NOISE) SO AS TO AMEND SECTION 12:101 TO ADD DISTANCE AND DECIBEL THRESHOLDS AND AMEND SECTION 12:104 TO ADD FIRST AND SECOND OFFENSES TO THE PENALTY PROVISION.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that:

Section 1. Title 12, Chapter 2 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended as follows:

"Section 12:101 - Same - Enumerated.

The following acts, among others, are declared to create loud and raucous noises and shall be deemed a violation of this chapter, but such enumeration shall not be deemed to be exclusive:

- (1) The use of any abusive, indecent, profane, or vulgar language in a public place, when the language by its very utterance tends to incite an immediate breach of the peace.
- (2) The playing of any radio, phonograph, tape, compact disc, musical instrument or any other machine or device capable of producing or reproducing sound, from a stationary location in such a manner, or with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence or in any public place.
- (3) The playing of any radio, phonograph, tape, compact disc, musical instrument or any other machine or device capable of producing or reproducing sound, audible at a distance of greater than twenty-five feet which exceeds eighty-five decibels, from a vehicle, on a public street, highway or public park, in such a manner, as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence; of persons in any other vehicle; or of persons in any public place.
- (4) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.
- (5) The use of any automobile, motorcycle, bus, streetcar, bus, or vehicle so out of repair or so loaded, which emits or creates loud grating, grinding, or rattling noise.
- (6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

- (7) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device which will effectively and efficiently prevent loud noises.
- (8) The discharge into the open air of the exhaust from any motor vehicle except through a muffler, or other device, which will effectively and efficiently prevent loud and raucous noises.
- (9) The creation of loud and raucous noise by construction work in or adjacent to a residential area other than between the hours of 7:00 a.m. and sunset on weekdays and Saturdays, except in the case of urgent necessity in the interest of public safety for which permission must be obtained from the director of public works. "Construction work" includes but is not limited to the erection, excavation, demolition, alteration, or repair of any building.
- (10) The creation of loud and raucous noise on any street adjacent to any school or court which is in session or adjacent to any hospital; provided, that conspicuous signs are located in such streets indicating that schools, hospitals, and courts are adjacent thereto.
- (11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of residentially zoned areas.

Section 12:104 - Penalty.

(a) Whoever violates a provision of this Section shall be fined two hundred dollars (\$200.00) for a first offense, and not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) for second and subsequent offenses.

(b) (1) Upon conviction for a first offense, the court may order the violator to surrender to the law enforcement agency that arrested the violator or reported the violation the driver's license of the driver involved in the violation for a period not to exceed thirty days. The violator shall be responsible for the retrieval of his driver's license from the law enforcement agency after the expiration of the period of surrender.

(2) Upon conviction for a second or subsequent offense, the court may order the violator to surrender to the law enforcement agency that arrested the violator or reported the violation the driver's license of the driver involved in the violation for a period not less than thirty days nor more than ninety days. The violator shall be responsible for the retrieval of his driver's license from the law enforcement agency after the expiration of the period of surrender."

Section 2. This ordinance shall be effective 90 days following adoption by the Metropolitan Council.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict are hereby repealed.