

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5401

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. TANNER

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 4 DAY OF JUNE, 2015

ORDINANCE TO AMEND AND REENACT THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 14, NUISANCES, ARTICLE IV NOISE AND SOUND, TO PROVIDE FOR CHANGES, AND CLARIFICATIONS CONSISTENT WITH THE PARISH UNIFIED DEVELOPMENT CODE.

WHEREAS, for reasons of consistency in language within parish regulations, appropriate limits within zoning districts, and addressing special activities, it is necessary to make changes to the parish code regarding noise and sound nuisance provisions.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 14, Nuisances, Article IV, Noise and Sound, is amended and reenacted to provide for changes and clarifications consistent with the Parish Unified Development Code as follows, to wit:

Chapter 14 Nuisances

Article IV - Noise And Sound

Section 14-035.00 Investigating And Enforcing Noise Violations

It is hereby declared that at certain levels, sounds may be detrimental to the health, safety and well-being of the citizenry. Therefore, St. Tammany Parish prohibits sounds that constitute a nuisance, as defined in Section 14-001.00(d) and (e), and illustrated in Section 14-002.00(e) and (f). In the investigation and enforcement of the provisions relating to sound, consideration shall be given to the time, place and manner or nature of the sound complained of (i.e. - emergency work, impulsive sound or amplification). Additionally, to aid the enforcing agency in determining if the particular sound constitutes a nuisance as defined in Section 14-001.00(d) and (e), and illustrated in Section 14-002.00(e) and (f), the following definitions and decibel levels are established.

Section 14-136.00 Definitions

(A) Decibels: Decibel shall mean a unit of level when the base of the logarithm is the tenth root of ten and the quantities concerned are proportional to power.

(B) Emergency Work: Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

(C) Impulsive Sound: Impulsive sound shall mean a sound of short duration. Usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include but not limited to explosions, drop forge impacts, and the discharge of firearms.

(D) Sound: Sound shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(E) Sound Level: Sound level, in decibels (dB), is the sound measured with the (A) weighting and slow response by a sound level meter.

(F) Weekend: Weekend shall mean Friday, Saturday and Sunday, and include holidays as established by the Parish.

(G) Weekday: Weekday shall mean any day Monday through Thursday.

Section 14-137.00 Readings Of dB(A) by Zoning District

An increase of 10 dB(A) is allowed for impulsive sounds.

To determine the sound level, three readings will be taken at the complainant's dwelling or structure and the mean of these readings will determine the actual decibel count.

(A) E-1, E-2, E-3, E-4, A1, A-1A, A-2, A-3, A-4, A-4A, A-5, A-6, A-7, A-8, PUD, TND-1, TND-2, and all zoning districts with a Manufactured Housing Overlay. ~~RC, and MH~~

Maximum dB(A)

Daytime

7 a.m. to 9 p.m. weekdays - 65

8 a.m. to 10 p.m. weekends - 65

Nighttime

9 p.m. to 7 a.m. weekdays - 60

10 p.m. to 8 a.m. weekends - 60

(B) HC-1, HC-2, HC-2A, HC-3, HC-4, HC-5, RBG, MD-1, MD-2, MD-3, MD-4, PF-1, PF-2, CB-1, ED-1, ED-2, AT-1, AT-2, PBC-1, PBC-2, and all zoning districts with a Regional Business Center Overlay. ~~C-2, C-3, and ID~~

Maximum dB(A)

Daytime

7 a.m. to 11 p.m. entire week - 70

Nighttime

11 p.m. to 7 a.m. entire week - 60

(C) I-1, I-2, I-3, I-4, SWM-1, SWM-2, and AML. ~~M-1, M-2, and M-3~~

Maximum dB(A)

Daytime

7 a.m. to 11 p.m. entire week - 75

Nighttime

11 p.m. to 7 a.m. entire week - 65

(D) NC-1, NC-2, NC-3, NC-4, NC-5, NC-6, and all zoning districts with a Rural Overlay. ~~LC, C-1, R, and SA~~

Maximum dB(A)

Daytime

7 a.m. to 11 p.m. entire week - 70

Nighttime

11 p.m. to 7 a.m. entire week - 60

Section 14-138.00 Special Notes And General Statements

~~(A) Special events permitted by the Parish shall be exempt from the Sound Control Ordinance.~~

~~(A-B) Emergency Work, or sounds from and emergency vehicle, shall be exempt from this Sound Control Ordinance.~~

~~(B C) Construction activity and general maintenance shall be exempt from daytime decibel restrictions but the maximum nighttime sound levels shall apply in all instances.~~

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 9 DAY OF JULY , 2015 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

RICHARD E. TANNER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MAY 28 , 2015

Published Adoption: _____, 2015

Delivered to Parish President: _____, 2015 at _____

Returned to Council Clerk: _____, 2015 at _____