

Noise Ordinance

I. Declaration of Purpose and Policy

WHEREAS excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life: and WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated but not eliminated: and, WHEREAS the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life: and NOW, THEREFORE, it is the policy of the Parish of [Bossier/Caddo] to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

II. Scope

This ordinance shall apply to the control of all sound originating within the unincorporated limits of the Parish of [Bossier/Caddo].

III. Definitions

Terminology: All terminology used in this ordinance not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- A. A-weighted sound level—the sound pressure level in decibels as measured on a sound level meter using the A-weighting network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level is designated dBA.
- B. Ambient Noise—all noises that characterize the typical acoustic environment of an area except for the noise source of interest. Ambient noise includes sound from noises not subject to this ordinance including transportation sources, animals, and nature.
- C. Ambient Sound Level (ASL)—the sound level defining the ambient noise in an area except for the noise source of interest. Refer to Section VIII.E.6 for determination of ASL.
- D. C-weighted sound level—the sound pressure level in decibels as measured on a sound level meter using the C-weighting network which is more sensitive to low-frequency sounds than the A-weighting network. C-weighting is used to assess the low-frequency content of a complex sound environment. The level is designated dBC.
- E. Construction—any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- F. Daytime hours—the hours from 7:00 a.m. on one day and 10:00 p.m. the same day.

- G. Decibel (dB)—a unit for measuring the level of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- H. Demolition—any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- I. Emergency—any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- J. Emergency Signaling Device—includes fire, burglar, civil defense alarm, siren, whistle, or similar device intended primarily for emergency purposes.
- K. Emergency Work—any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency. Any event occurring more than once every 90 days at a facility is not considered an emergency.
- L. Impulsive Sound—a sound of short duration, usually less than two seconds, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, hammering, and the discharge of firearms.
- M. Muffler or Sound Dissipative Device—a properly functioning system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.
- N. Nighttime hours—the hours between 10:00 p.m. on one day and 7:00 a.m. the following day.
- O. Noise—any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- P. Noise Control Officer (NCO)—the department having lead responsibility for this ordinance.
- Q. Noise Sensitive Area—includes, but is not limited to, a property where a school, hospital, nursing home, church, court, public library, or similar institution is located.
- R. Nonresidential property—any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been developed other than as residential properties, properties that are undeveloped, and properties that are devoted to public purposes, such as public streets and parks.
- S. Plainly Audible¹—any sound that can be detected by a person using his or her unaided hearing faculties.
- T. Property line—with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person or entity from that owned, leased, or occupied by another person or entity. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person or entity who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

- U. Pure Tone—any sound which can be distinctly heard as a single pitch or a set of single pitches.
- V. Residential property—any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.
- W. Sensitive Receiver—any real property designated as a residential property, noise sensitive area, or property with a building that serves as a physical place of business.
- X. Significant Noise Generators (SNG)—those land uses that are known or may reasonably be expected to generate noise upon adjacent properties that exceeds the limits set forth in this ordinance.
- Y. Sound Level—the sound pressure level obtained by the use of a sound level meter. If a frequency-weighting network is used, such as A or C, then the level shall be indicated as dBA or dBC, respectively. If a frequency weighting is not used, then the un-weighted or Flat level shall be indicated as dB(Flat). Frequency-weighted networks shall comply with the American National Standards Institute specifications for sound level meters (ANSI S1.4-1983) or the latest approved revision thereof.
- Z. Sound Level Meter—an instrument which includes a microphone, amplifier, RMS detector, integrator or time averaging device, output meter, and weighting networks used to measure sound pressure levels. The instrument should meet requirements for a Type 1 or Type 2 sound level meter as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-1983 (R2006)), or the latest approved revision thereof.
- AA. Sound Pressure—the instantaneous difference between the actual pressure and the average or barometric pressure of a given point in space, as produced by sound energy.
- BB. Sound Pressure Level—20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20 micronewtons per square meter). The sound pressure level is denoted L_p or SPL and is expressed in decibels (dB).
- CC. Temporary Activity—an activity that occurs over the course of up to 14 consecutive days.
- DD. Workover operation—a term used in the oil and gas industry meaning work performed in a well after its initial completion.

IV. Authority Having Jurisdiction (AHJ)

Noise Control Officer (NCO)

- A. The noise ordinance shall be enforced by the NCO. The requirements to be an NCO are established as follows:

1. An employee of the Parish who is trained to perform noise enforcement activities.
 2. An employee who has received noise enforcement training. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.
 3. Sound measurements conducted by the NCO shall comply with the procedures defined in Section VIII.
- B. Powers—noise control officers shall have the power to:
1. Coordinate the noise control activities of all departments in the Parish and cooperate with all other public bodies and agencies to the extent practicable;
 2. Review the actions of the Parish and advise of the effect, if any, of such actions on noise control;
 3. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this ordinance;
 4. Issue permits and variances;
 5. Investigate and pursue possible violations of this ordinance for sound levels which equal or exceed the sound levels set forth in Section VI, when measured at a receiving property located within the designated jurisdiction of the noise control officer, in accordance with Section VIII below; and
 6. Cooperate with noise control officers of adjacent municipalities in enforcing one another's noise ordinances.

V. Applicability

- A. This section applies to sound originating from or received at or within the property line of the following property types:
1. Residential Property
 3. Non-residential Property
 4. Noise Sensitive Area

VI. Maximum Permissible Sound Levels²

- A. No person or entity shall cause, allow, or permit the operation of any source of sound which creates a sound level that exceeds the ambient sound level by more than 5 dB at a designated sensitive receiver when measured in accordance with Section VIII.E.6. For compliance purposes, if the ambient sound level cannot be determined in accordance with Section VIII, the levels listed in Table 1 relative to the receiving property type shall be used. For planning and permitting purposes, a noise survey is required to determine the ambient sound level in the absence of the noise source in question, and the survey must be conducted in accordance with Section VIII.E.6 at the nearest or most impacted property. Once a noise survey has been reviewed and approved by the AHJ, the established ambient sound level will apply to all properties considered by the noise

survey until another noise survey is approved by the AHJ. The sound level shall be measured at or within the receiving property line in accordance with Section VIII.

Table 1: Maximum permissible A-weighted sound levels (dBA) listed by receiving property type and time of day.

Outdoor						
Receiving Property Type:	Residential		Non-residential		Noise Sensitive Area	
Time:	7AM-10PM	10PM-7AM	7AM-10PM	10PM-7AM	7AM-10PM	10PM-7AM
Maximum permissible A-weighted sound level, dBA*	50	45	55	50	45	40

*maximum permissible levels are subject to Sections VI.D, and VI.E.

- B. A temporary noise allowance can be applied to the daytime levels in Table 1. This allowance accounts for a receiver’s added tolerance for known temporary events and requires that the party responsible for the noise source inform the potentially impacted recipients of the duration and nature of the noise. The temporary activity can occur only once every 90 days for whatever duration of that activity consistent with the following:
1. For activities lasting one day or less, a 15 dB increase in maximum permissible A-weighted sound level is permissible.
 2. For activities lasting up to 14 consecutive days, a 10 dB increase in A-weighted sound level is permissible.
 3. For any activity lasting longer than 14 days, the activity is not considered a temporary activity.

- C. Low frequency noise limit:
 - 1. No person or entity shall cause, allow, or permit the operation of any source of sound which creates low-frequency noise levels that exceed the following broadband, dBC levels: 80 dBC during the day and 70 dBC during the night.
 - 2. No person or entity shall cause, allow, or permit the operation of any source of sound which creates low-frequency outdoor noise levels that exceed the following dB(Flat) octave band levels:
 - 16 Hz octave band: 65 dB
 - 32 Hz octave band: 65 dB
 - 63 Hz octave band: 65 dB
- D. Impulsive noise limit:
 - 1. No person or entity shall cause, allow, or permit the operation of any source of sound which creates impulse noise levels that exceed the ambient by 15 dBA at or within the receiving property line in accordance with the impulsive measurement requirements of Section VIII.
- E. Tones:
 - 1. No person or entity shall cause, allow, or permit the operation of any source of sound which creates a pure tone where the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five (5) dB for center frequencies of 500 Hertz and above, and by eight (8) dB for center frequencies between 160 and 400 Hertz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hertz.

VII. Exemptions and Restricted Uses

The following standards shall apply to the associated activities or sound sources below:

- A. Emergency signaling devices are exempt from the Section VI in the case of an emergency and the following cases:
 - 1. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
 - 2. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this section.
- B. Nonemergency signaling devices operated by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by governmental entities for traffic control purposes are exempt from the operation of this provision.

- C. Motor vehicles and motorcycles on traffic ways of the parish are exempt from Section VI provided that:
 - 1. Vehicle horns, signaling devices, and similar devices are sounded for less than five (5) consecutive seconds or are sounded as a danger warning.
 - 2. Adequate Mufflers or Sound Dissipative Devices are properly installed such that:
 - a) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
 - b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.
- D. No person shall repair, rebuild, modify, or test any motor vehicle, motorcycle, or motorboat in such a manner as to exceed the limits set forth in Section VI.
- E. Motor sports parks and recreational vehicles:
 - 1. Except as permitted in subsection (b), no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted there from exceeds the limits set forth in Section VI at or across the property line when operated on private property This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.
 - 2. Permits for vehicle racing events may be obtained from the AHJ after submission of a noise management plan as required.
- F. Airport and Aircraft Operations
 - 1. The AHJ shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise disturbance which the airport owner may have authority to control in its capacity as proprietor.
 - 2. Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft which are in all respects, conducted in accordance with, or pursuant to applicable Federal Laws or regulations.
- G. Any public performance, gathering or parade for which a permit has been obtained from the parish is exempt from Section VI.
- H. Outdoor school and playground activities are exempt from Section VI. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- I. Power Tools

1. Commercial and industrial use of power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on or within 250 feet of a residential property or noise sensitive area between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Section VI. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section VI do not apply.
2. Non-commercial or non-industrial of power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Section VI. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section VI do not apply.
- J. Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Section VI. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Section VI do not apply to construction and demolition activities.
- K. Repairs or excavations of bridges, streets or highways by or on behalf of the Parish, State of Louisiana, or the federal government, are exempt from limits set forth in Section VI between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders its impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- L. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- M. An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for impulsive sound after it has been activated. At all times, the limits set forth at Section VI do not apply.
- N. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a residential property line between the hours of 10:00 p.m. and 8:00 a.m.
- O. Personal vehicular music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator.
- P. Self-contained, portable, hand-held music or sound amplification or reproduction equipment 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 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00

p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

Q. Significant Noise Generators (SNG) shall submit a Noise Management Plan (NMP) for approval by the Parish. Significant noise generators are those land uses that are known or may reasonably be expected to generate noise upon adjacent properties that exceeds the limits set forth in Section VI, and may include but are not limited to oil and gas industry sites (e.g. wells heads, compressor stations, refineries, etc.), motor sports parks, machine shops, industrial plants, etc.

1. No SNG shall create any noise that exceeds the limits set forth in Section VI.
2. Prior to the issuance of a SNG permit and the commencement of operations, the operator shall submit a noise management plan (NMP), approved by the AHJ, detailing how the equipment, structures, site plan, and proposed activities on site complies with the maximum permissible noise levels of this ordinance. Refer to the Parish's Noise Management Plan guidance document for specific information. At a minimum, the noise management plan must:
 - a) Identify operation noise impacts;
 - b) Provide documentation establishing the ambient noise level prior to construction. A noise survey must be conducted in accordance with Section VIII.E.6 for the nearest or most impacted property. Once a noise survey has been reviewed and approved by the AHJ, the established ambient sound level will apply to all future development until another noise survey is approved by the AHJ.; and
 - c) Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 - (1) Location and acoustic characteristics of all noise sources that have the potential to exceed the limits set forth in Section VI;
 - (2) Nature and proximity of all adjacent development, location, and type;
 - (3) Seasonal and prevailing weather patterns, including wind directions;
 - (4) Vegetative cover on or adjacent to the site; and
 - (5) Topography.

The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generation equipment.

3. The sound level meter used in conducting noise evaluations shall be in accordance with Section VIII.
4. Noise mitigation equipment, structures, products, and materials or other alternate methods as approved by the AHJ may be used to ensure compliance.

5. The AHJ may require continuous monitoring to ensure compliance with the noise limits of this ordinance when the SNG is in within 1,000 feet of a residential property or noise sensitive area. The cost of such monitoring shall be borne by the operator of the SNG. If a complaint is received by either the operator or the Parish from any residential property or noise sensitive area, the operator shall, within twenty-four (24) hours of notice of the complaint, continuously monitor for a seventy-two (72) hour period the exterior noise level generated to ensure compliance. At the request of the AHJ, the operator shall monitor the exterior noise level at the source of the complaint.
 6. A citation may be immediately issued for failure to comply with the provisions of this section. However, if the operator of the SNG is in compliance with the approved noise management plan, and a violation still occurs, the operator will be given twenty-four (24) hours from notice of non-compliance to correct the violation from an identified source before a citation is issued. Additional extensions of the twenty-four (24) hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the operator.
- R. Oil and Gas Wells—in addition to the requirements listed in Section VII.Q
1. All workover operations shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless the operator demonstrates through a NMP that such activities can meet the limits set forth in Section VI. Heavy vehicles associated with workover operations may not operate in residential areas between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends and federal holidays
 2. The exterior noise level generated by the drilling, redrilling or other operations of all gas wells located within one thousand (1,000) feet of a noise sensitive area shall be continuously monitored to ensure compliance with the noise limits of this ordinance. The cost of such monitoring shall be borne by the operator. If a complaint is received by either the operator or the Parish from any protected use, the operator shall, within twenty-four (24) hours of notice of the complaint, continuously monitor for a seventy-two (72) hour period the exterior noise level generated by the drilling, redrilling or other operations to ensure compliance. At the request of the AHJ, the operator shall monitor the exterior noise level at the source of the complaint
- S. Loudspeakers/Public Address Systems
1. No person or entity shall cause, allow, or permit for any purpose any loudspeaker, public address system, or similar device that produces, reproduces, or amplifies sound, such that the sound there from exceeds the levels stated in Section VI relative to the receiving property type without first

obtaining a permit to do so. The permit shall be granted only for the amplification of music or human speech, or both. The permit:

- a) May be obtained by making application to the Parish.
- b) Requires payment of a \$10.00 fee for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.
- c) Is valid for one 14 hour period between the hours of 8:00 a.m. and 10:00 p.m.
- d) Shall not be issued to the same or any other person or entity for the same location more than twice during any 30 day period. In the case of a sound truck, location shall relate to the area traversed by the truck in one day.
- e) Shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 65 dBA when measured from the property line of the nearest receiving property.
- f) Requires an application containing the following information:
 - (1) The date of the application and the date and hours for which the permit is requested.
 - (2) The name and address of the applicant.
 - (3) The name and address of the person who will have charge of the sound amplifying equipment.
 - (4) The purpose for which the sound equipment will be used.
 - (5) The address and a description of the location where the sound equipment will be used.
 - (6) A description of the type of sound amplifying equipment to be used.

VIII. Procedures for Measuring Noise

- A. Testing shall be conducted in accordance with methods set forth hereinafter, and expanded in greater detail in the parish's Noise Measurement Procedures Guidance document. Alternative methods, procedures, or instruments may be used subject to approval and conditions prescribed by the AHJ. The AHJ may itself employ such alternatives when warranted by test conditions or other circumstances.

Acceptable measurement methods:

- B. Measurements shall be conducted by a qualified investigator in accordance with methods set forth hereinafter.
- C. Operating conditions of the noise source during the measurement will vary based on the noise source of interest. Insofar as practicable, measurements shall be conducted under representative conditions to those that initiated the investigation. Relevant operational conditions may include but are not limited to typical, design, maximum, and fluctuating conditions.

- D. If extraneous sound sources unrelated to the measurements (e.g. aircraft flyovers, barking dogs, train whistles, thunder, etc.) increase the monitored sound levels, the measurements should be postponed until these extraneous sounds do not increase the monitored sound levels of interest.
- E. General requirements—the investigator shall, to the extent practicable, conduct all measurements in accordance with the following procedures and report related information:
 - 1. Identify all measurement equipment by manufacturer, model number, and serial number.
 - 2. Report the date, day of week, and time of day.
 - 3. Identify all sources contributing sound to the point of measurement—characterize and localize sound sources.
 - 4. Conduct measurements at or within the property line of any affected person or entity. Report the distance and direction to the noise source in question.
 - 5. The measurement session should consist of three individual measurement periods. A minimum measurement period should be sufficient to ensure that the sound levels measured are typical of the source of interest but in no event should the duration of the measurement period be less than 5 minutes, unless the duration or duty cycle of the sound source under observation is less than 5 minutes.
 - 6. Ambient measurements intended for the purpose of planning or permitting shall be conducted for a minimum measurement period of 3 consecutive days (72 consecutive hours) and include at least 24 hours during either Saturday or Sunday. Measurements must be processed to eliminate the contributions of extraneous sounds as identified in Section VIII.D.
 - 7. Calibrate the measuring device before and after each series of readings. Report calibration results.
 - 8. Report environmental conditions during measurements including wind speed and direction.
 - 9. Describe relevant source operational condition(s).
 - 10. Outdoor sound measurements made under the following conditions shall not be used to determine compliance:
 - a) Measurements without a wind screen properly attached to the measuring device.
 - b) Measurements when the wind speed exceeds 11 miles per hour (including gusts).
 - c) Measurements under any condition which allows the measuring device to become wet, such as rain, snow, or condensation.
 - d) When the ambient temperature is below 14 degrees F (-10 degrees C) or above 122 degrees F (50 degrees C).
 - 11. Ambient measurement values to be reported:

- a) For the purpose of compliance, report the A-weighted, time-interval equivalent 15 minute sound pressure level, $L_{Aeq15min}$, measured in accordance with Section VIII.
 - b) For the purpose of planning or permitting, report the A-weighted, time-interval equivalent 3 day sound pressure level, $L_{Aeq3day}$, after the measurements have been processed for extraneous sounds as identified in Section VIII.D and measured in accordance with Section VIII.
- F. Measurement Instrumentation
1. The sound level meter must be able to measure the continuous energy equivalent sound level of steady, intermittent, and fluctuating sources. Any instrument used for sound pressure level measurement must be able to measure A-weighted sound pressure levels with a slow, exponential time-averaging setting and meet requirements for a Type 1 or Type 2 sound level meter as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-1983 (R2006)), or the latest approved revision thereof.
 2. To investigate low frequency noise limits, the sound level meter must be able to measure C-weighted sound pressure levels and octave band sound pressure levels with a flat weighting. The meter must meet the minimum technical specification in the American National Standards Institute (ANSI) publication S1.11-2004 or latest revision for Class 2 filter sets. .
 3. To investigate impulsive noise limits, the sound level meter must be able to measure A-weighted sound pressure levels with a fast, exponential time-averaging setting.
 4. To investigate the presence of tonal components, the sound level meter must be able to measure 1/3 octave band sound pressure levels. The meter must meet the minimum technical specification in the American National Standards Institute (ANSI) publication S1.11-2004 or latest revision for Class 2 filter sets.
 5. The calibrator must meet the requirements for ANSI S1.40-2006 or latest revision.
 6. The sound level meter must be recalibrated at least every two years and the field calibrator must be recalibrated at least once per year by the manufacturer or by a laboratory accredited for such calibrations by either the American Association for Laboratory Accreditation or the National Institute of Standards and Technology. A copy of written documentation of such recalibration, in a form approved by the parish, shall be kept with the equipment to which it refers.

IX. Enforcement

- A. Any person or entity who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$500.00 or a term of imprisonment of 30 days. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- B. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

X. *Severability and Abrogation*

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

DRAFT

¹ “Plainly Audible” is a standard used in multiple United States jurisdictions. (See *State v. Ewing*, 81 Hawai’i 156, 914 P.2d 549 (App. 1996)) The standard has been held as neither vague nor overbroad and provides a clear understanding to those it regulates.

² Maximum Permissible Sound Level

Simple Ambient with Defined Maximum Alternate—a simple, ambient-based criteria with an alternate for a single set of predetermined maximum permissible sound levels. This approach allows for the positive effect of ambient noise to mask the potential negative perception of a noise source upon a receiving property.

The predetermined levels are defined by the receiving property type. The levels in Table 1 are based on the World Health Organization’s *Guidelines for Community Noise* (1999) in conjunction with analysis of the onsite measurements conducted throughout the parishes. The measured levels in the parishes resulted in an average L_{Aeq} at night of 40 dBA. The nighttime measured levels corresponds to the time of day that people are most sensitive to noise intrusion. A 5 dB allowance above the ambient is an accepted approach for environmental noise sources and determined the 45 dBA level in residential properties at night. Average daytime levels in the parishes were measured to be 5 dB higher on average than nighttime levels and determined the 50 dBA level in residential properties during the day. With respect to the residential levels, a 5 dB increase is provided for the non-residential and a 5 dB decrease for the noise sensitive areas..