

# Exhibit GG. Belle Grove Site Iberville Parish Noise Ordinance



# Belle Grove Site Iberville Parish Noise Ordinance

Sec. 16-14. - Unnecessary noise.

- (a) Unnecessary noise prohibited. It shall be unlawful for any person to make, contribute, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Parish of Iberville.
- (b) Nonexclusive enumeration of unnecessary noise. The following acts, among others, are declared to be loud, disturbing, and unnecessary noise and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely;
  - (1) Horns or signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any noise for any unreasonable period of time.
  - (2) Radios, television sets, phonographs, loudspeaking amplifiers and similar devices.
    - (i) Uses restricted. The use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifier or other similar machine or device for the producing of or reproducing of sound in such a manner as to disturb the peace, quiet, or comfort of any reasonable person of normal sensitivity in any unincorporated area of Iberville Parish is prohibited. This provision shall not apply to any participant in a licensed parade or to any person(s) who has been otherwise duly authorized by the Iberville Parish Council to engage in such conduct.
    - (ii) Prima facie violations. Any of the following shall constitute evidence of a prima facie violation of this section:

The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loudspeaker and sound amplifier or similar machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner that the sound or noise emanating from the equipment or instrument is audible at a distance of greater than fifty (50) feet which exceeds eighty-five (85) decibels.
    - (iii) Enforcement of prima facie violations.
      - (A) Any peace officer authorized to enforce the provisions of this article and who encounters evidence of a prima facie violation of this article is empowered to confiscate and impound as evidence, any or all of the components amplifying or transmitting the excessive sound. Any peace officer in response to each complaint, shall verify by use of a sound level meter that the noise complained of does exceed the limit described herein and if so, may thereupon arrest or issue a summons to the violator.
      - (B) The person responsible for and in charge of any premises or activities on the premises is responsible and liable for any violations of this article by tenants, guests, invitees, permittees, or licensees on the premises if the person so responsible for the premises is actively present at the time of the violation. This section shall in no way relieve any person, including the absentee owner, or any person actively participating in the creation of illegal noise, from responsibility for violations of this noise ordinance.

- (C) The owner(s) of any premises subject to this article who is not an occupant of the premises, and was not present at the time of the violation, shall be responsible and subject to civil penalty but not criminal liability, for actions by tenants, guests, permittees, invitees, or other licensees that constitute second or subsequent violations but only if the absentee owner has been notified of the first or previous violations of the article which have occurred within the previous twelve-month period. Notice of any first or previous violations pursuant to this paragraph shall be effected by hand delivery, registered or certified mail to the record address of the owner. The civil penalty for violation of this section shall be five hundred dollars (\$500.00) to be paid within ten (10) days following service, and may provide for an additional fifty dollars (\$50.00) delinquency charge upon nonpayment, and penalty and delinquency may be recovered by the parish in a civil action. Civil penalties assessed under this article are considered restorative; intended to provide compensation to the parish for costs associated with the parish's program to monitor, control, prosecute, cure and/or correct the violation.
- (3) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place as to disturb the quiet, comfort, repose of persons in any hospital, dwelling, hotel or other type of residence, or of any persons in the vicinity.
  - (4) Reserved.
  - (5) Defect in vehicle or load. The use of any automobile, motorcycle, street car or vehicle so out of repair or loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - (6) Steam whistles. 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 fire or danger, or upon the request of proper authorities.
  - (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) Construction and repairing buildings. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highway in any residential district or section other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the secretary of the council, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the secretary of the council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any buildings or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
  - (9) Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in a hospital.
  - (10) Loading and unloading. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
  - (11) Drums, loudspeakers. The use of any drum, loudspeaker or other instrument or other device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
  - (12) Loudspeakers on trucks. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

- (13) Loudspeakers for advertising. The use or operation, or the causing to be used or operated, in front of or outside of any building abutting upon any public street any device or apparatus for taping windows, or from any radio or phonograph or amplifying sound reproducing device.
- (14) Hawkers, peddlers and vendors. The shouting or crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (c) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:
  - (1) Any publicly owned vehicle while engaged upon necessary public business;
  - (2) Excavations or repairs of bridges, streets, or highways by or on behalf of any public agency during the night, when the public welfare and conveyance renders it impossible to perform such work during the day;
  - (3) The reasonable use of amplifiers or loudspeakers in the course of public address which are noncommercial in character, and for which a permit is first obtained from the secretary of the council.
  - (4) Any non-profit festivals, fairs, church bazaars or other non-profit organizations holding such civic events until 2:00 o'clock a.m.
- (d) Penalty. Any person found guilty of violating provisions of this section shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment not to exceed six (6) months in jail.

(Ord. of 6-1-93; Ord. of 9-21-93; Ord. No. 261-07, 9-18-07)

**Editor's note**— A nonamendatory ordinance of June 1, 1993, has been included herein as section 16-14 at the discretion of the editor.