

ORDINANCE NO. \_\_\_\_ OF 2023

**AN ORDINANCE TO AMEND CHAPTER 58, ARTICLE II, OF THE CITY OF SHREVEPORT, LOUISIANA, CODE OF ORDINANCES, RELATIVE TO NOISE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**BY: COUNCILMAN**

**BE IT ORDAINED** by the City Council of the City of Shreveport, Louisiana in due, legal and regular session convened, that Article II of Chapter 58 of the Code of Ordinances be hereby amended to read as follows:

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**ARTICLE II. NOISE**

**DIVISION 1. GENERALLY**

**Sec. 58-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level is designated dBA.

*Background sound* means all-encompassing sound associated with a given environment without contributions from the source(s) of interest. It combines long-term and short-term background sound.

*Background sound level* means the sound level defined by the long-term background sound level in an area which excludes the noise source of interest and short-term background noise.

*C-weighted sound level* means 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.

*Commercial property* means property used for the trafficking of goods or furnishing of services for sale or profit, including, but not limited to, banking and other financial institutions, dining establishments, retail or wholesale establishments, recreation or entertainment establishments, office buildings, transportation facilities, and warehouses. This category excludes property which is located in the Downtown Entertainment District as described

*Construction* means 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.

*Daytime hours* mean the hours between 7:00 a.m. on one day and 10:00 p.m. the same day.

*Decibel (dB)* means 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).

*Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

*DOWNTOWN ENTERTAINMENT DISTRICT* means the area that is bounded by:

- i. *The south bank of Cross Bayou on the north*
- ii. *The north side of Lake Street on the south*
- iii. *The west bank of the Red River on the east*
- iv. *And the centerline of Market Street on the west*

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency signaling device* includes fire, burglar, civil defense alarm, siren, whistle, or similar device intended primarily for emergency purposes.

*Impact noise* means sound that occurs at a brief interval, usually less than two seconds, with an abrupt onset and rapid decay.

*Industrial property* means property used for the fabrication, manufacturing, shipping, or production of durable or nondurable goods. This category excludes property which is located in the Downtown Entertainment District.

*Nighttime hours* mean the hours between 10:01 p.m. on one day and 6:59 a.m. the following day.

*Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise enforcement officer (NEO)* means the city employee having lead responsibility for this division.

*Noise sensitive receiver* includes, but is not limited to, a property where a school, hospital, nursing home, church, court, public library, or similar institution is located.

*Out of Doors* means the loudspeaker or other sound amplification device is located outside and not wholly enclosed within a building or structure.

*Permit* means an annual permit issued pursuant to this article.

*Permittee* means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization or any other entity holding a permit issued pursuant to this article.

*Plainly audible* means any sound that can be detected by a person using his or her unaided hearing faculties.

*Property line* means, 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

*Receiving property type* means the property designations identified in this division for the purpose of determining the maximum permissible sound levels for a regulated receiver.

*Residential property* means 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.

*Receptor* means an occupied structure or outdoor public space (e.g. park, playground, etc.) located on a regulated receiver property.

*Significant noise generators (SNG)* mean 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 division.

*Sound amplification device* includes, but is not limited to, radios, stereos, CD players, DVD players, microphones, drums, turn tables, audio or visual equipment, electronic devices, musical instrument, sound equipment, television sets, interior or exterior speakers, loudspeakers, bullhorn, or any similar device.

*Sound equipment* means a loud speaker, public address system, amplification system, or other sound producing device.

*Sound level* means the sound pressure level obtained by the use of a sound level meter.

*Sound level meter* means 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.

*Temporary noise event* means an activity that generates noise which could impact a protected receiver and occurs over the course of up to 14 consecutive days. The use of the term "temporary" is relative to the acoustic tolerance of a noisy activity and does not speak to whether that activity is associated with the intended long-term use of the property.

*Temporary activity* means an activity that is planned to occur for a pre-determined, finite length of time. Examples include but are not limited to construction, maintenance, and drilling of wells.

#### **Sec. 58-27. Noise Enforcement Officer and Noise Management Administrator**

- (a) This article shall be enforced by the Noise Enforcement Officer (NEO), who shall be an employee of the Shreveport Police Department and designated by the Chief of Police. The NEO may also designate any number of noise enforcement officers, who shall have the same powers of the NEO, with the approval of the Chief of Police, and under the supervision of the NEO. The NEO and deputy NEO's are hereby authorized to issue summonses for the enforcement of this article, carry out all other duties set forth in this article, and prescribe rules and regulations to implement the provision of this article.
- (b) The position of Noise Management Administrator (NMA), who shall be an employee of the City, is hereby created and established. The NMA is authorized to issue permits for significant noise generators and shall be responsible for reviewing noise management plans.

**Sec. 58-28. Applicability.**

- (c) The requirements of this article shall apply to all noises (except those specifically exempted in Section 58-30), including but not limited to, continuous and intermittent noise, tones, impact noise, and noise emitted by speaker boxes, sound amplification devices, pick-up and delivery trucks and any other commercial or industrial activities.
- (d) No person or entity shall cause, allow, or permit the operation of any source of sound which creates a sound level that exceeds the background sound level by more than five (5) dBA or the applicable levels of subsection (f) at a regulated receiver, whichever is greater, when measured in accordance to section 58-34. For compliance purposes, if the background sound level cannot be determined in accordance with section 58-34, the levels listed in subsection (f) relative to the receiving property type shall be used.
- (b) This article does not apply to:
  - 1) An employee of a governmental entity engaged in the employee's official duty;
  - 2) A person at an authorized parade or street event;
  - 3) A person at a stadium or ballpark during a sporting event;
  - 4) A person operating an emergency vehicle; or
  - 5) A person operating an audible warning device on a vehicle or train as required by state law.
- (c) The sound level shall be measured at or within the receiving property line.
- (d) This article applies to sound originating from the following receiving property types:
  - (1) Residential property.
    - a. 55 dBA during daytime hours
    - b. 50 dBA during nighttime hours
  - (2) Commercial property.
    - a. 60 dBA during daytime hours
    - b. 60 dBA during nighttime hours
  - (3) Noise sensitive receiver.
    - a. 50 dBA during daytime hours
    - b. 45 dBA during nighttime hours
  - (4) Industrial property.
    - a. 70 dBA during daytime hours
    - b. 70 dBA during nighttime hours
  - (5) Downtown Entertainment District
    - a. 7 AM – 11:59 PM – 65 dBA
    - b. 12 AM – 6:59 AM – 55 dBA
  - (6) Restaurant, bar, club, or similar establishment not located in the Downtown Entertainment District
    - a. 7 AM – 11:59 PM – 65 dBA
    - b. 12 AM – 6:59 AM – 55 dBA

The categories listed in subsection (e) shall not be construed as defined by the Unified Development Code but shall have the meanings ascribed to them in this article

### **Sec. 58-29. Prohibited Acts**

No person or entity shall cause, allow, assist in making, permit, or continue the operation of any source of sound that is loud, unnecessary, or unusual, which disturbs, endangers the comfort, repose, health, peace, or safety of others. In determining whether a sound or noise is loud, unnecessary, or unusual, the following factors shall be considered:

- 1) The time of day;
  - 2) The proximity of the source of the sound or noise to residential structures;
  - 3) Whether the sound or noise is recurrent, intermittent, or constant;
  - 4) The volume and intensity of the sound or noise;
- (b) No person or entity shall cause, allow, assist in making, permit, or continue the operation of any unreasonably disturbing noise from any vehicle sound amplification device (whether wholly or partially contained within the automobile) or handheld mobile electronic device that is of such character, intensity, or duration as to be detrimental to the life, health, comfort, or repose of any individual of ordinary sensibilities residing in or occupying the area.
- (c) No person or entity shall cause, allow, assist in making, permit, or continue the operation of any unreasonably disturbing noise from any vehicle or vehicle sound amplification device (whether wholly or partially contained within the automobile) that is plainly audible at a distance of more than 50 feet in any direction from the operator.
- (d) No person shall use sound equipment that produces sound audible beyond the property line of a residence in residential area between the hours of 10 PM and 10 AM.
- (e) The acts enumerated in this article, among others, are declared to be sound nuisances in violation of this article, but such enumeration shall not be deemed to be exclusive.
- (f) In addition to the violations established in subsection (a), no person or entity shall cause, allow, assist in making, permit, or continue the operation of any source of sound that creates a sound level that exceeds the applicable levels listed in Section 58-28(f) for the property on which the sound is received when measured from the property line of the residential or nonresidential property receiving the sound towards the source of the sound:

### **Sec. 58-30. Exemptions and restricted uses.**

The following types of noises are hereby made exempt from the provisions of this article:

- (1) Noises from safety signals, emergency equipment and vehicles, warning devices and emergency pressure release valves and law enforcement activities, including training.
- (2) Nonemergency signaling devices operated by houses of religious worship, ice cream trucks, seasonal contribution solicitors, or by governmental entities or railroads for traffic control purposes
- (3) Accidents and emergency responses to accidents which pose a clear and immediate danger to life, health, or significant loss of property.
- (4) Noises from motor vehicles such as automobiles, trucks, airplanes, motorcycles, and railroads which are regulated by state and federal law.
- (5) Noises from motor vehicles and motorcycles on traffic ways provided that adequate mufflers or sound dissipative devices are properly installed.
- (6) Noises originating from any public performance, gathering or parade where a permit has been obtained from the city for such public performance, gathering, parade, or special event.
- (7) Noises from outdoor school and playground activities. 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.
- (8) Commercial and non-commercial power tools, landscaping and yard maintenance equipment between the hours of 7 AM and 7 PM on weekdays and 7 AM and 8 PM on weekends and federal holidays.
    - a. Such tools and equipment shall not be operated in such a manner that the sound is plainly audible at a residential property line, or the property line of a noise sensitive receiver, between the hours of 8 PM and 8 AM.
    - b. All motorized equipment used in these activities shall be operated with a muffler
  - (9) Noises from temporary construction, maintenance, repairs, demolition, and excavation activities, between the hours of 7 AM and 7 PM on weekdays, and 7 AM to 9 PM on weekends and federal holidays.
  - (10) Repairs or excavations of bridges, streets or highways by or on behalf of the city, state, or the federal government 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.
  - (11) Lawful discharge of firearms by law enforcement officers.
  - (12) Significant noise generators (SNG) shall submit a noise management plan for approval by the NEO, or his designee. SNG 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.
    - a. No SNG shall create any noise that exceeds the limits set forth in section 58-28, subject to applicable exemptions in section 58-30.
    - b. Prior to the issuance of a SNG permit and the commencement of operations, the operator shall submit a noise management plan, approved by the NEO or his designee, detailing how the equipment, structures, site plan, and proposed activities on site complies with the maximum permissible sound levels of this article.
    - c. The noise management plan must be reviewed by and meet all requirements set out by the NEO or his designee.
  - (13) Noise from any government or utility construction or maintenance activities

**Sec. 58-31. Use of Mechanical Loudspeakers or Amplifiers Out of Doors.**

- (1) No person or entity shall use any mechanical loudspeaker or other sound amplification device on a truck or other moving vehicle or out of doors on public or private property except under a permit issued by the City of Shreveport.
- (2) No person shall use a loudspeaker or other sound amplification device out of doors within 1,000 feet of any school, physical place of worship at which a religious organization regularly conducts religious services, hospital, or court of law, during normal business hours of operation of that entity.
- (3) Each permit application shall include the name, address, and telephone number of the permit applicant. The applicant shall submit a plan showing the proposed location and orientation of the loudspeaker(s) or sound amplification device(s) to be used, the street address and specific location at that address for the proposed use, the hours of operation of the loudspeaker(s) or sound amplification device(s), a description of the loud speaker(s) or sound amplification device(s). The applicant shall certify that such speaker(s) and device(s)

will be monitored to ensure that it is operated within the decibel levels prescribed in this article.

- (4) The NEO, or his designee, shall approve a permit application provided that the proposed use and speaker or device:
  - a. Complies with this section as applicable; and
  - b. Is not for a fully enclosed restaurant, bar, or other similar establishment that does not have a permitted sidewalk café or other approved designated outdoor space for patrons; and
  - c. Will not interfere with any governmental function or with any event previously permitted by an entity of the City of Shreveport; and
  - d. Is not for an individual, entity, or organization that has been found guilty of violating this article at least two (2) times within a 12-month period or at least four times within a 2-year period prior to the date of the permit application; and
- (5) The permit application shall be valid for a period of 12 months from the date of issuance, at which time the City may renew the permit for the next 12-month period under the same conditions provided the renewal fee is paid and the number, type, and location of the speaker(s) or device(s) has not changed. If, at the time of renewal, the number of speakers or devices has increased or the type or location of the speakers or devices has changed, the permit application process shall begin anew. The City may also consider the number of citations that has been issued, if any, to the applicant for violations under this article during the prior 12-month period when determining renewal of the permit.. Annual renewal of the permit is the responsibility of each permit holder.
- (6) The NEO may not issue a permit for use of a sound amplification device to any individual, business, or entity within 1,000 feet of property zoned and used as residential, except as otherwise authorized in the Downtown Entertainment District.
- (7) A permit is personal to the permittee to whom it is issued and may not be transferred or otherwise assigned. A permit shall constitute a privilege to which no property interests or property rights of any kind or character shall apply.
- (8) A permit is null and void if the permittee:
  - a. Changes the name of the person or business from the name designated on the permit or permit application;
  - b. Moves the location or proposed route where the sound amplification equipment will be used or moves the place of business from the location designated on the permit or permit application; or
  - c. Changes the structure of its business organization, including but not limited to any change to the type of business organization or its ownership or any operator stated in the permit application.
- (9) It shall be the duty of each permittee to submit to the NEO any change in information required to be submitted pursuant to this article. Any change in information shall be submitted on the form prescribed by the NEO within ten (10) calendar days of any change.
- (10) The permit authorizing the use of a sound amplification device shall be displayed at all times at the physical address of the business in such a manner that the permit is easily visible by members of law enforcement and members of the public. Any failure to display a permit shall create the presumption that no permit for the use of sound amplification equipment has been issued.

- (11) Except for loudspeakers and sound amplification devices installed by the City, such speakers and devices that are permitted for continual use out of doors under subsection (a) shall not be located within the public rights-of-way, including the air space above such public rights-of-way, unless such use is for a permitted sidewalk cafe or for space that is part of an agreement or permit with the City from the Metropolitan Planning Commission. In that instance, such speakers and devices shall comply with the standards set forth in the applicable provisions of the UDC and shall not face or direct the sound upward toward airspace or toward any adjacent businesses, streets, alleys, rights-of-way, or property. Instead, such speakers and devices, whether permanently mounted or affixed to the exterior of the building or structure or freestanding, shall be set in such a way that the sound is directed downward and inward toward patrons and complies with the sound levels and standards set forth in this article.
- (12) Any person, business, or property owner that is operating a restaurant, bar, or other similar establishment at a fixed location that is providing designated outdoor space to its patrons on private property (i.e. patio, rooftop, etc.) may utilize loud speakers or sound amplification devices for temporary or continual use out of doors as long as such speakers and devices are permitted under subsection (a).

The City shall revoke a permit issued for continuous use under subsection (a) upon the issuance of a third civil citation within a 12-month period for utilizing a loudspeaker or sound amplification device in violation of this article. However, if a citation is ultimately dismissed, it will not count toward the requisite number of citations for revocation. The City shall send written notice of the revocation to the violator named in the citation and to the property owner. The permit shall be revoked for the remainder of the 12-month period for which the permit was issued. During this time the speaker(s) or device(s) shall be removed or disconnected and not used out of doors. After the revocation period has expired, an application for a new permit may be submitted in accordance with this section

### **Sec. 58-32. Temporary Use of Sound Equipment.**

- (a) This section applies to the temporary use of sound equipment outdoors at a special event.
- (b) No person or entity shall cause, allow, or permit for any purpose any loudspeaker or sound amplification device for a temporary use without first obtaining a permit to do so. The permit shall be granted only for the amplification of music or human speech, or both.
- (c) The permit:
- 1) May be obtained by making application to the NEO, or his designee.
  - 2) Requires a payment of a \$10.00 fee for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.
  - 3) Is valid for one 14-hour period between the hours of 8 AM and 10 PM.
  - 4) 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.

- 5) 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.
- 6) Requires an application containing the following information:
  - i. The date of the application and the date and hours for which the permit is requested
  - ii. The name and address of the applicant.
  - iii. The name and address of the person who will have charge of the sound amplifying equipment.
  - iv. The purpose for which the sound equipment will be used.
  - v. The address and a description of the location where the sound equipment will be used.
  - vi. A description of the type of sound amplifying equipment to be used.

### **Sec. 58-33. Administrative Appeals**

- (A) If the NEO denies an application for a permit under this article, an applicant may appeal the NEO's decision to the City Council.
- (B) An appeal must be filed with the City Council, in writing, no later than the 10<sup>th</sup> day after receipt of the notice of denial or revocation, by filing a written notice with the clerk of council and must describe the decision being appealed and the specific grounds for the appeal.
- (C) A notice shall be served upon the applicant or holder of the permit stating the time and place of the appeal to be held by the city council. The hearing shall be not less than ten nor more than 30 calendar days from the date such notice is received, except that in the case of the denial of a permit or card, if the applicant requests an earlier hearing, the city council may hold the hearing earlier. The notice shall enumerate the causes for withholding, suspending or revoking the permit and shall be sent by certified mail, return receipt requested, to the applicant or holder of the permit at the address of his place of business, as given in his application for the permit, or it may be served on him in person by an officer or employee of the city. In the case of revocation or suspension of a permit, the notice shall subpoena the holder of the permit to appear and show cause why the permit should not be suspended or revoked.
- (D) The procedure for the hearing will be in accordance with the hearing procedures for alcoholic beverages permit appeals outline in Chapter 10 of this Code. The City Council may sustain, reverse, or modify the action appealed. The City Council's decision is final.

### **Sec. 58-34. Procedures for measuring noise.**

(a) Testing shall be conducted in accordance with methods set forth in Chapter 78, Article XII. Alternative methods, procedures, or instruments may be used subject to approval and conditions prescribed by the NEO. The NEO may itself employ such alternatives when warranted by test conditions or other circumstances.

(b) Measurements shall be conducted by the NEO or other qualified professional in environmental noise in accordance with methods set forth in Chapter 78, Article XII.

Sec. 58-35. Enforcement.

Any person or entity that violates any provision of this article shall, upon conviction be subject to a fine of not more than \$500.00 or a term of imprisonment of not more than 30 days, or both for the initial offense. Upon conviction of a second offense, a fine of not more than \$750.00 or a term of imprisonment of not more than 60 days, or both for the subsequent offense. Upon conviction of a third offense, a fine of not more than \$1,000.00 or a term of imprisonment of not more than 90 days, or both for the subsequent offense. Further, the city may enforce this article through all civil remedies available, including, but not limited to injunctive relief.

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**BE IT FURTHER ORDAINED** that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED** that all Ordinances or parts thereof in conflict herewith are hereby repealed.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective in accordance with the provisions of [Shreveport City Charter Section 4.23](#).

**THUS DONE AND ORDAINED** by the City Council of the City of Shreveport, Louisiana.

**APPROVED AS TO LEGAL FORM:**

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City Attorney's Office