

The following ordinance was introduced by Mr. Daniel Lorraine in regular session convened on August 12, 2014.

### **PROPOSED ORDINANCE**

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Jerry LaFont, seconded by Mr. Aaron Caillouet.

### **ORDINANCE NO. 5517**

**AN ORDINANCE TO AMEND ORDINANCE NO. 5109 AND AMENDING AND RE-ENACTING CHAPTER 26 - OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IV - NOISE CONTROL, SECTION 26-105 (B) TEMPORARY PERMITS OF THE LAFOURCHE PARISH CODE OF ORDINANCES AS IT PERTAINS TO AMENDING THE COST OF PERMITS IN SECTION 26-105 (B) FROM \$100.00 TO \$25.00; AND AMENDING AND RE-ENACTING ARTICLE IV OF CHAPTER 26 THUS REFLECTING THE NEW CODE OF ORDINANCES.**

**BE IT ORDAINED**, by the Lafourche Parish Council, convened in Regular Session on August 26, 2014, that:

#### **SECTION 1.**

**WHEREAS**, this Ordinance shall amend Ordinance No. 5109 and amend and re-enact Chapter 26 - Offenses and Miscellaneous Provisions, Article IV - Noise Control, Section 26-105(b) - Temporary Permits of the Lafourche Parish Code of Ordinances as it pertains to amending the cost of permits in Section 26-105(b) from \$100.00 to **\$25.00** of the Lafourche Parish Council; and amending and re-enacting Article IV of Chapter 26 thus reflecting the new Code of Ordinances.

**WHEREAS**, for clarity of this ordinance, Article IV - Noise Control of Chapter 26 - Offenses and Miscellaneous Provisions will be included in its entirety with an amendment to the cost of permits and amending Article IV of Chapter 26 to reflect the new Code of Ordinances.

**WHEREAS**, this Ordinance is amending Ordinance No. 5109 and amending and re-enacting Chapter 26-Offenses and Miscellaneous Provisions, Article IV-Noise Control, Section 26-105(b)-Temporary Permits and amending and re-enacting Article IV thus reflecting the new Code of Ordinances.

*Amending and re-enacting the following:*

#### **~~SECTION 15:137~~ TEMPORARY PERMITS**

##### **Sec. 26-105. Temporary permits.**

- B: (b) Permits may be granted upon application, at a cost of ~~one hundred dollars~~ ~~\$100.00~~ **\$25.00**, when said application is in compliance with the provisions of subsection (c) **herein of this section**. This fee may be waived for nonprofit corporations with the production of documentation certifying nonprofit status.

*Amending and re-enacting the following thus reflecting the new Code of Ordinances:*

#### **CHAPTER 26**

##### **~~MISCELLANEOUS CRIMES AND OFFENSES\*~~**

##### **OFFENSES AND MISCELLANEOUS PROVISIONS**

*~~Sub-Chapter F - Noise Control; Section 15:136A - Prohibitions~~*

##### **ARTICLE IV. NOISE CONTROL**

##### **~~SECTION 15:130 POLICY; CRIMINAL NOISE CODE~~**

##### **Sec. 26-98. Policy; criminal noise code.**

It is hereby declared to be the policy of the Parish to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. ~~Lafourche Parish Code of Ordinance sections 15-130 through 15-140 shall be designated as the criminal noise code.~~ **This article shall be designated as the criminal noise code.**

#### SECTION 15:131 NOISE DEFINITIONS

##### **Sec. 26-99. Noise Definitions**

All terminology used in the criminal noise code, not otherwise defined herein, shall be construed in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. Subject to the foregoing, the following words and phrases, when used in the criminal noise code, shall have the meanings respectively ascribed to them:

(A) *Ambient noise level or levels* means the sound level or noise in the environment and/or background which exists at a point of measurement in the absence of the sound or noise emission of interest complained of being measured.

(B) *A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(C) *Construction* means any site preparation, assembly, erection, substantial repair, alteration, or similar repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

(D) *Decibel (dB)* means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

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

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

(G) *Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(H) *Impulsive sound* means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms. Impulsive sound also includes "peak noise," as that term is defined in ANSI SI.4-1983, or any successor thereto.

(I) *Motor vehicle* means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi trailers, campers, go-carts, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

(J) *Motorboat* means any vessel which operates on water and which is propelled by a motor, including but not limited to boats, barges, amphibious craft, water ski towing devices and hover craft.

(K) *Motorcycle* means an unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including but not limited to motor scooters and minibikes, and an unenclosed motor vehicle having a saddle for the use of the operator and four (4) wheels in contact with the ground which is commonly referred to as a "four-wheeler" or alternatively as an "all-terrain vehicle".

(L) *Muffler or sound-dissipative device* means a device for abating the sound of escaping gases of an internal-combustion engine.

(M) *Noise* means any sound which unreasonably annoys or unreasonable disturbs humans and/or which causes and/or tends to cause an adverse psychological or physiological effect on humans.

(N) *Noise disturbance* means any sound which:

(1) Endangers or injures the safety or health of humans or animals; or

- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

(⊖) *Person* means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

(⊕) *Property line* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

(⊖) *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

(⊕) *Public space* means any real property or structures thereon which are owned and/or controlled by a governmental entity.

(⊕) *Pure tone* means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of the ~~Criminal Noise Code~~, a pure tone shall exist if the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third octave bands by five (5) dB for center frequencies of ~~five hundred~~ (500) Hz and above and by eight (8) dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by ~~fifteen~~ (15) dB for center frequencies less than or equal to ~~one hundred twenty-five~~ (125) Hz.

(⊕) *Receiving property* means the property from which the sound is measured, and includes public property and public rights-of-way.

(⊕) *Sound* means 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 direction, intensity and frequency.

(⊕) *Sound level* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1983), or the latest approved revision thereof, measured in ~~Fast Time~~ waiting as defined in ANSI S1.4-1983, or any successor thereto. If the frequency weighting employed is not indicated, the A-weighting shall apply.

(⊕) *Sound level meter* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

(⊕) *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(⊕) *Sound pressure level* means ~~twenty~~ (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of ~~twenty~~ (20) micropascals ( $20 \times 10^{-6}$  N/m<sup>2</sup>). The sound pressure level is denoted L, or SPL and is expressed in decibels.

#### SECTION 15:132 DISTURBING THE PEACE

##### **Sec. 26-100. Disturbing the peace.**

Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

#### SECTION 15:133 EVIDENCE OF A VIOLATION

##### **Sec. 26-101. Evidence of a violation.**

~~A.~~(a) *Sound emanating from immovable property.* Prima facie evidence of a violation shall exist when each of the following exist:

- (1) The measurement of the sound or noise complained of exceeds permissible levels as enumerated in Sec. ~~15-136~~ 26-104; ~~herein~~; and;

- (2) The sound or noise emanating from the sound amplification system is: ~~(a)~~ Plainly audible to the unaided human ear at a distance greater than ~~twenty-five~~ (25) feet.

~~B-(b)~~ *Sound emanating from movable property.* No person, between the hours of ~~ten o'clock~~ in the evening **10:00 p.m.** and ~~seven o'clock the following morning~~ **7:00 a.m.**, shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause and/or which causes inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

- (1) The sound amplification system is located in or on any motor vehicle on a public street, highway, public park, public right-of-way, or public space.

~~(a)~~(2) **The sound is** ~~M~~measured at fifty (50) decibels or more and is in excess of ambient noise levels by ten (~~10~~) decibels, when measured at any distance.

           (c) Furthermore, ***Unreasonably loud or excessive sound or noise.*** No person, between the hours of ~~seven o'clock~~ **7:00 a.m.** in the morning and ~~ten o'clock~~ 10:00 p.m. in the evening, shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause and/or which causes inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

- (1) The sound amplification system is located in or on any motor vehicle on a public street, highway, public park, public right-of-way, or public space.

(2) The sound or noise emanating from the sound amplification system is:

(a) Plainly audible to the unaided human ear at a distance greater than ~~fifty~~ (50) feet; or

(b) Measured at ~~fifty~~ (50) decibels or more and is in excess of ambient noise levels by ten (~~10~~) decibels, when measured at any distance.

#### SECTION 15:134 PROCEDURES AND MEASUREMENTS

##### **Sec. 26-102. Procedures and measurements.**

Unless otherwise provided in this chapter, sound level measurements shall be taken with a sound level meter microphone located at any point on the receiving property, real property boundary or other point as provided in this ~~chapter~~ **article**, no closer than five (~~5~~) feet from any wall or vertical obstruction when possible, and where practicable not less than five (~~5~~) feet above ground level, but in no event less than three (~~3~~) feet above ground.

#### SECTION 15:135 IMPOUNDMENT

##### **Sec. 26-103. Impoundment.**

(a) The police department may impound and retain as evidence any instrumentality used to create any sound or noise in violation of the criminal noise code, and, in the case of motor vehicles, the owner shall be responsible for ordinary towing and storage charges incurred in the course of the impoundment. Motor vehicles shall be impounded for no greater than ~~seventy-two~~ (72) hours, and shall be released as expeditiously as possible upon an inventory search of the subject vehicle being conducted to inventory any sound or noise making apparatus therein.

(b) Any vehicle impounded shall be released expeditiously as possible upon a showing to the seizing authority that the continued impoundment will pose a grave risk of harm or great hardship upon the owner or those whom rely upon the owner for transportation.

#### SECTION 15:136 PROHIBITIONS

##### **Sec. 26-104. Prohibitions.**

~~A-~~ (a) *Maximum permissible sound limits.* It shall be unlawful to make, cause or allow the making of any noise or sound which violates the provisions of this section.

- (1) No person shall operate or cause to be operated any source from any location in such a manner as to create a sound level which exceeds the limits set forth in ~~Table 1~~ for the receiving land use category more than ten ~~(10)~~ percent of any measurement period, which period shall not be less than ten ~~(10)~~ minutes, when measured at or beyond the property boundary of the land use category from which the sound emanates, provided, however, that in the case of multifamily dwelling land use category, the sound level shall be measured within an adjacent intra-building dwelling.
- (2) For any source of sound, the sound level shall not exceed the maximum permissible sound level limit set forth in ~~Table 1~~ **in subsection (a)(3) of this section** by ~~fifteen~~ (15) dB(A) for all land use categories.
- (3) Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute.

~~Table 1~~

~~Maximum Permissible Sound Levels By Receiving Land Use Category~~

Table Inset:

**Table 1. Maximum Permissible Sound Levels By Receiving Land Use Category**

| Land Use Category                                | Time                  | Sound Level Limit (dB(A)) |
|--|-----------------------|---------------------------|
| Residential, noise-sensitive area, public space: | 7:00 a.m.--9:59 p.m.  | 50                        |
|  | 10:00 p.m.--6:59 a.m. | 50                        |
| Multifamily dwelling:                            | 7:00 a.m.--9:59 p.m.  | 50                        |
|  | 10:00 p.m.--6:59 a.m. | 45                        |
| Commercial, convention:                          | 7:00 a.m.--9:59 p.m.  | 50                        |
|  | 10:00 p.m.--6:59 a.m. | 50                        |
| Industrial:                                      | At all times          | 50                        |

4. No person or business may discharge firearms repeatedly in a residential area after legal sunset, if sound level exceeds 50 decibels and interferes with everyday human life with the exception of law enforcement officers in the line of duty.

**B: (b) Exemptions.** The following are exempt from sound level limits of ~~Table 1~~:

- (1) Domestic power tools, lawn movers and agricultural equipment, when operated with a muffler, between the hours of 7:00 a.m. to 9:00 p.m. on weekdays and Saturdays and 8:00 a.m. to 9:00 p.m. on Sundays and holidays.
- (2) Noises resulting from any authorized emergency vehicles when responding to an emergency.
- (3) Noises made by persons having obtained a permit.
- (4) Any noise resulting from activities of a temporary duration, for which a permit has been granted pursuant to this section, and which conforms to the conditions and limits stated thereon.
- (5) Noises from church bells and chimes.
- (6) Noises from temporary construction activity are exempt from ~~Table 1~~, except that the industrial sound level limit shall apply in all land use categories and the restrictions for use of equipment in construction activity as stated.
- (7) Collection of garbage, refuse, or recyclables by the parish and/or its contractors.
- (8) Aircraft operations. Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft and/or airport aircraft operations which are in all respects conducted in accordance with

or pursuant to applicable federal laws or regulations.

€. **(c) Specific prohibitions.** In addition to the general prohibitions set out above, the following specific acts are declared to be in violation of this section:

**(1) Horns, signaling devices.** The sounding of any horn or signaling device on any motor vehicle on any street or public place in the parish continuously and/or incessantly for a period in excess of ~~sixty~~ (60) seconds, except as a danger warning.

**(2) Radios, televisions, musical instruments and similar devices:**

~~(a.)~~ The operating or playing of any radio, musical instrument or similar device which produces or reproduces sound on public right-of ways in such a manner as to exceed the maximum permissible sound levels by any receiving land use category set out in ~~Table 1 of section 15-136 of the Lafourche Parish Code of Ordinances~~ **subsection (a) of this section.**

~~(b.)~~ The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a motor vehicle or public park in a manner as to be plainly audible at a distance of ~~fifty~~ (50) feet.

~~(c.)~~ The operating or playing of any radio, television, phonographs, musical instruments or similar device which produces or reproduces sound in such a manner as to exceed the levels set forth in ~~Table 1~~ for the land use category.

**(3) Loudspeakers and sound amplifiers.** The using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise sensitive areas such that the sound therefrom is plainly audible across the real property line of the source; provided, however, that this shall not apply to any public performance, gathering or parade for which a permit has been obtained.

**(4) Street sales.** The offering for sale by shouting or outcry within any residential or noise-sensitive area except by permit issued by the parish if the shouting or outcry exceeds the maximum permissible sound levels shown in ~~Table 1~~.

**(5) Animals.** The owning, possessing, or harboring of any animal which frequently, or for continued duration, howls, barks, squawks, or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purpose of this section, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten ~~(10)~~ minutes, or barks intermittently for one-half ~~(1/2)~~ hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that the dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

**(6) Construction and demolition.** The operating of any equipment used in construction work within ~~three hundred~~ (300) feet of any residential or noise-sensitive area between the hours of 9:00 p.m. to 7:00 a.m. on weekdays and Saturdays and 9:00 p.m. to 8:00 a.m. on Sundays and holidays, except for emergency work. The construction firm shall report any use of construction equipment for emergency work within ~~three hundred~~ (300) feet of any residential or noise-sensitive area during the restricted hours as stated herein shall be reported before such work begins or as soon as possible thereafter to the department of inspection and code enforcement. The report shall state with sufficient details the nature of the emergency requiring the use of construction equipment.

(7) *Emergency signaling devices:*

- ~~(a)~~ Except in cases of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.
- ~~(b)~~ The testing of any alarm for a period in excess of ~~sixty~~ (60) seconds at any time.
- ~~(c)~~ The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month and the sounding of said emergency signaling system for a period in excess of ~~fifteen~~ (15) minutes.

(8) *Motor vehicles.* No person shall operate or cause to be operated any motor vehicle, or motorcycle not equipped with a muffler in good working order and in constant operation. No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for the purpose of maintenance, repair or replacement. In addition, subject to the exemptions provided in subsection (g) **of this section, herein**, no person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance at a distance of ~~fifty~~ (50) feet from such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device when it is played or operated in or on a motor vehicle that is on any public right-of-way or in any public space.

(9) *Recreational motorized vehicles operating off public rights-of-way.* No person shall operate or cause to be operated any recreational motorized vehicle on a public right-of-way or on private property in such a manner that the sound level emitted therefrom exceeds levels listed in ~~Table 1 of Section 15-136~~ **of this section**, including any pure tone or impulse sound, at or across the boundary of any private property receiving the sound or noise. This section shall apply to all recreational motorized vehicles, whether or not fully licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, minibikes, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats. Sound measurements shall be performed in accordance with subsection (b) **herein of this section**.

~~D.~~ (d) *Noise-sensitive zones.* It shall be unlawful for any person to create any sound or noise, including any pure tone, which exceeds ~~fifty-five~~ (55) dBA at or within the property line of the following facilities and at the following times:

- (1) Any public or private pre-school, day care, kindergarten, or primary or secondary school between the hours of 7:00 a.m. and 4:00 p.m. on weekdays when school is in session;
- (2) Any licensed nursing home or assisted living facility between the hours of 8:00 p.m. and 8:00 a.m.;
- (3) Any doctor's office, hospital, clinic, or out-patient surgery facility at any time;
- (4) Any funeral home at any time.

~~SECTION 15:137~~ TEMPORARY PERMITS

**Sec. 26-105. Temporary permits.**

~~A.~~ (a) The ~~Parish of Lafourche~~ **parish** nuisance office may grant a temporary permit which allows noncompliance with the limitations prescribed in the criminal noise code for the purpose of sound activities of short duration.

~~B.~~ (b) Permits may be granted upon application, at a cost of ~~one hundred dollars (\$100.00)~~ **\$25.00**, when said application is in compliance with the provisions of subsection (c) **herein of this section**. This fee may be waived for non-profit corporations with the production of documentation certifying non-profit status.

- €. (c) The following factors shall be considered in the initial investigation in order to determine whether granting the permit will result in a condition injurious to health or safety:
- (1) Distance of proposed activities from any residential or noise-sensitive zone;
  - (2) Number of amplification devices, if any, to be used in the proposed activities;
  - (3) Sound level capability of amplification devices and anticipated sound level;
  - (4) Anticipated direction of amplification devices;
  - (5) Anticipated duration of proposed activities;
  - (6) Whether the activity will be held within or outside of a structure;
  - (7) Time of day and day of week of proposed activities;
  - (8) Any other considerations deemed necessary by the department.
- Ⓓ. (d) The permit, if issued, shall specify the place, duration and any restrictions appropriate to the proposed site of the activities.
- Ⓔ. (e) Permits must be displayed and available for review by police officers or department personnel upon request.
- Ⓕ. (f) Issued permits will be surrendered to any police officer or department or other parish official upon request when the restrictions of the permit have been violated.
- Ⓖ. (g) Reapplication for a permit may be denied upon evidence of a complaint by a resident in the locality of the permitted activity or if an applicant has in the past been required to surrender a permit as described subsection (f) **of this section.**
- Ⓕ. (h) A permit may be issued for more than one ~~(1)~~ occasion of activity. However, the time of such activity must be indicated on the application and cannot be for more than four ~~(4)~~ occasions or in excess of a six-week span.
- Ⓕ. (i) Appeals: If the parish fails to grant or deny the variance within seven ~~(7)~~ calendar days, or if the variance is denied, the applicant may immediately appeal the denial to any court of competent jurisdiction.

#### SECTION 15:140 PENALTY

##### **Sec. 26-106. Penalty.**

- (a) Any person violating this section pertaining to noise emanating from within private structures or commercial establishments or structures, upon conviction thereof shall be fined:
- (1) **\$100.00 for the first offense;**
  - (2) **\$500.00 and/or imprisoned for a period not to exceed 90 days for the second offense;**
  - (3) **\$500.00 and shall be imprisoned for a period of not less than 30 days and not to exceed 90 days, without benefit of suspension of sentence, for the third and all subsequent offenses.**
- (b) **Upon three violations of this section, a court of competent jurisdiction may grant permanent injunctive relief against a violator.**
- (c) **Any person violating this section pertaining to noise emanating from motor vehicles, upon conviction thereof shall be fined:**
- (1) **\$100.00 for the first offense;**
  - (2) **\$250.00 for the second offense; and**



**(3) \$500.00 for the third and all subsequent offenses.**

~~one hundred dollars (\$100.00) for the first offense, and shall be fined five hundred dollars (\$500.00) and/or imprisoned for a period not to exceed ninety (90) days for the second offense, and shall be fined five hundred dollars (\$500.00) and shall be imprisoned for a period of not less than thirty (30) days and not to exceed ninety (90) days, without benefit of suspension of sentence, for the third and all subsequent offenses. Upon three (3) violations of this section, a court of competent jurisdiction may grant permanent injunctive relief against a violator. Any person violating this section pertaining to noise emanating from motor vehicles, upon conviction thereof shall be fined one hundred dollars (\$100.00) for the first offense, shall be fined two hundred fifty dollars (\$250.00) for the second offense, and shall be fined five hundred dollars (\$500.00) for the third and all subsequent offenses.~~

~~SECTION 15:141 SEVERABILITY~~

~~If any provision of the criminal noise code should be invalidated or found to be otherwise unenforceable by any court of competent jurisdiction, the remaining provisions shall be considered severable, and shall remain in full force and effect.~~

**THEREFORE, BE IT ORDAINED**, that the Lafourche Parish Council convened in Regular Session on August 26, 2014, and hereby amending Ordinance No. 5109 and amending and re-enacting Chapter 26-Offenses and Miscellaneous Provisions, Article IV-Noise Control, Section 26-105(b)-Temporary Permits of the Lafourche Parish Code of Ordinances as it pertains to amending the cost of permits in Section 26-105(b) from ~~\$100.00~~ to **\$25.00**; and amending and re-enacting Article IV of Chapter 26 thus reflecting the new Code of Ordinances.

**BE IT FURTHER ORDAINED**, that a certified copy of this Ordinance shall be forwarded to the Lafourche Parish Sheriff's Office; the Lafourche Parish District Attorney's Office; the 17th Judicial District Court Judges; Office of Grants and Economic Development and the Office of the Parish Administrator.

**BE IT FURTHER ORDAINED**, that:

**SECTION 2.** The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this Ordinance.

**SECTION 3.** If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not effect other provisions, items or application of this Ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION 4.** All Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

**SECTION 5.** This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

**SECTION 6.** This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

**YEAS:** Mr. Jerry Jones  
Mr. Michael Delatte  
Mr. Aaron Caillouet  
Mr. Joseph "Joe" Fertitta  
Mr. John Arnold  
Mr. Lindel Toups  
Mr. Phillip Gouaux  
Mr. Jerry LaFont  
Mr. Daniel Lorraine

**NAYS:** None

**ABSENT:** None

SECTION 7. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine  
**DANIEL LORRAINE, CHAIRMAN**  
**LAFOURCHE PARISH COUNCIL**

/s/ Carleen B. Babin  
**CARLEEN B. BABIN, COUNCIL CLERK**  
**LAFOURCHE PARISH COUNCIL**

\*\*\*\*\*

**Delivered to the Parish President on**

August 28, 2014, at 2:30 p.m.

**APPROVED:**          X  

**UNAPPROVED:**              

**VETOED:**                   

/s/ Charlotte A. Randolph  
**Lafourche Parish President**

**Returned to the Council Clerk on**

August 28, 2014, at 4:00 p.m.

\*\*\*\*\*

I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5517, enacted by the Assembled Council in Regular Session on August 26, 2014, at which meeting a quorum was present, and was finally adopted on August 28, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 10TH DAY OF SEPTEMBER, 2014.

/s/ Carleen B. Babin  
**CARLEEN B. BABIN, COUNCIL CLERK**  
**LAFOURCHE PARISH COUNCIL**

DATE PUBLISHED: SEPTEMBER 16, 2014

DATE EFFECTIVE: SEPTEMBER 26, 2014