

CHAPTER 20

NUISANCES

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ARTICLE A

GENERAL PROVISIONS

SECTION 20.1 NOISE: GENERALLY

(a) Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

(b) Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.

(c) The following acts are declared to be nuisances in violation of this section, but such enumerations shall not be deemed to be exclusive.

- (1) Musical instruments. The playing of any radio, phonograph

or other musical instrument in such manner or with such volume, particularly during the hours between 11:00 PM and 7:00 AM, as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or lone—continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.

(3) Horns or other signal devices on vehicles. The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh sound for any unnecessary and unreasonable period of time.

(4) Operation of vehicles. The running of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, jarring or rattling noises, or vibrations.

(5) 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 danger.

(6) Exhaust without mufflers. This is discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) Devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

(8) Construction work. The erection, including excavation, demolition, alteration or repair work on any building whereby loud and annoying noises are created, other than between the hours of 7:00 AM and 6:00 PM on week days, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the board which permit may be renewed by the board during the time the emergency exists.

(9) Near schools and hospitals. The creation of any excessive noise, on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital, which unreasonably interferes with

the' working of such institutions, provided conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.

(10) Loading and unloading vehicles, etc. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(11) Peddlers, hawkers, etc. The raucous shouting and crying peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.

(12) Use of drums, etc., to attract attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show or sale of merchandise.

(13) Sounding of siren, etc., on vehicles. The sounding of any siren, horn or other signal device on any automobile, ambulance, truck, motorcycle, bus or other vehicle in the municipality, except as a danger or warning signal to persons or animals using the streets, sidewalks and public thoroughfares, shall constitute a violation of this section.

SECTION 20.2 SAME: LOUDSPEAKERS: DECLARED NUISANCE EXCEPT DURING HOURS; WHEN PROHIBITED NEAR SCHOOLS AND CHURCHES.

(a) The practice of playing loudspeaker equipment from a stationary position of from cars, trucks, vehicles or other transportation within the municipality, except during the hours from 3:00 PM, each day to 6:30 PM each day, beginning September first through March thirty-first, and except during the hours from 4:00 PM each day to 7:30 PM each day, beginning April first through August thirty-first, is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

(b) The practice is playing loudspeaker equipment from a stationary position or from cars trucks, vehicles or other transportation within the municipality shall not be done near schools while in session nor churches while services are being conducted.

SECTION 20.3 SAME: EXCEPTION IN CASE OF EMERGENCY.

The provisions of section 20.2 shall not apply to public announcements in the event of emergencies or matters greatly affecting the public interest, which emergencies or matters of public interest shall be determined by the governing authority of the municipality.

SECTION 20.4 PEDDLERS, ETC., GOING UNINVITED ON PREMISES:

DECLARED A NUISANCE.

The practice of going in and upon private residences in the municipality by solicitors, peddlers, hawkers, itinerant merchants or transient vendors or merchandise not having been requested or invited so to do by the owners or occupants of such private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor

SECTION 20.5 SAME: EXCLUSION FROM PROHIBITION.

The provisions of section 20.4 shall not apply to the sale, or soliciting of orders for the sale, of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named herein is now authorized by law.

SECTION 20.6 HOURS SET FOR USE OF THE TENNIS AND BASKETBALL COURTS LOCATED AT THE CORNER OF JODIE STREET AND DAUGHERTY AVENUE

- (a) Daylight Savings Time: 9:00 a.m. to 9:00 p.m.
 - (b) Non-Daylight Savings Time: 9:00 a.m. to 6:00 p.m.
- (Ordinance 10 of 2019 – April 9, 2019)**

SECTION 20.7 THROUGH SECTION 20.10 RESERVED.

ARTICLE B

ABATEMENT

SECTION 20.11 NOTICE TO ABATE, CONTENTS.

Except as otherwise provided in this code, whenever the existence of any nuisance on any lots or parcels of real estate situated within the municipality, shall come to the knowledge of the Town Clerk, it shall be his duty to forthwith cause a written notice, identifying the property, to be issued to the owner. The notice shall be addressed to the person at his post office address or by publication as many as two (2) times within 10 consecutive days, if personal service may not be had as aforesaid, or if the owner's address be not known, requiring the abatement of the nuisance within 10 days from the service of the notice. The notice shall further state that in default of the performance of the above condition, the municipality may, at once, cause the same to be done and pay therefore, and charge the cost and expense incurred in doing or having the work done, or improvements made, to the owner of the property, and fix a lien thereon as provided in section 20.12.

SECTION 20.12 PERFORMANCE OF WORK BY MUNICIPALITY.

The terms and conditions of this article shall be endorsed by the health officer, and in the event of the failure, refusal or neglect of the owner or occupants of any premises or property to

cause the nuisance to be removed or abated in the manner and within the time provided in section 20.11, then it shall be the duty of the Chief of Police to cause the condition constituting a nuisance, to be promptly and similarly abated, in a reasonable and prudent manner, at the expense of the municipality. The town clerk shall carefully compile the cost of the work done and improvements made in abating the nuisance, and shall charge the costs against the owner of the premises. The mayor and board hereby finds and declares that general overhead of administrative expense of inspection, locating owner, issuing notice, re-inspection and ordering work done, together with all necessary incidents of same, require the reasonable charge of Fifty Dollars (\$50) for each lot, series of two (2) or more adjacent and contiguous lots, or tract or parcel of acreage, and the minimum charge is hereby established and declared to be an expense of the work and improvements. Notwithstanding, therefore, any tabulation of recorded cost, a minimum charge of Fifty Dollars (\$50) shall be assessed against each lot so improved under the terms of this article, but the sum of Fifty Dollars (\$50) is hereby expressly stated to be a minimum charge only, and shall have no application when the tabulated cost of the work done shall exceed the minimum charge. After receiving a compilation of the cost of the work, and after charging the same against the owner of the premises, the city health office shall certify a statement of the expenses and shall file the same with the parish clerk. Upon filing the statement, the municipality shall have a privileged lien upon the land described therein and upon which the improvements have been made, second only to tax liens and liens for street improvements to secure the expenditure so made and 10 per cent interest on the amount from the date of the payment. For any expenditures, and interest, as aforesaid, suit may be instituted by the municipal attorney and recovery and foreclosure had in the name of the municipality; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any work or improvements. Upon payment of the full charges assessed against any property, pursuant to the procedure hereinabove set forth the health officer shall be authorized to execute, for and in behalf of the municipality, a written release of the lien heretofore mentioned, the written release to be on a form prepared and approved in each case, by the municipal attorney.

SECTION 20.13 CONTRACTS, AWARD BY MUNICIPALITY.

The municipality shall have the right to award any quantity of work authorized under section 20.12 to a general contractor whose bid shall be accepted by the mayor and board as the lowest and best secured bid for the doing of the work herein mentioned during a stipulated time not to exceed one (1) year.

SECTION 20.14 PENALTY FOR FAILURE TO ABATE.

Any owner, lessee or occupant, whether a natural person or a corporation, or any agent, servant, representative or employee of any owner, lessee or occupant, including any person having ownership, occupancy or control of any lots or parcels of real estate or any part thereof, or interest therein, situated within the municipality, on which there exists any nuisance, who shall allow or permit any nuisance to be created or to remain and continue if created and established, or who shall fail, refuse, or neglect to remove or abate the nuisance within 10 days from the date of service of notice thereof as provided in section 20.11 shall be deemed guilty of a

misdemeanor.

SECTION 20.15 SUMMARY ABATEMENT.

In addition to the foregoing remedy and cumulative thereof, if it shall be brought to the attention of the mayor and board and the mayor and board determines that any nuisance is likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event the mayor and board may, by appropriate resolution or motion, order the nuisance summarily abated in a reasonably prudent manner.