

Police Jury Room  
June 27, 2005  
Abbeville, Louisiana

Minutes of a special meeting of the Vermilion Parish Police Jury held on June 27, 2005 with Mr. Hubert J. Faulk presiding.

The meeting was called to order by President Faulk, who asked Juror Maxwell Chreene, to lead the group in the Pledge of Allegiance. Following the pledge, the President asked for a moment of silent prayer or reflection.

The following members were present:

Mr. Ernal "E. J." Broussard	Mr. Gaulman Gaspard	Mr. T. J. Prejean, Jr.
Mr. Maxwell Chreene	Mr. Luther "Buster" Hardee, III	Mr. Edval Simon, Jr.
Mr. Carroll Duhon	Mr. Ravis Menard	Mr. Wayne Touchet
Mr. Hubert Faulk	Mr. Mark Poche`	

Members Absent were: Mr. Purvis Abshire, Mr. Minos Broussard, and Mr. Ronald Darby

Upon motion of Mr. Luther "Buster" Hardee, III, duly seconded by Mr. Gaulman Gaspard, and unanimously carried, the Police Jury amended the agenda to consider approving an alcoholic liquor permit for the Lakeshore Club.

Upon motion of Mr. Luther "Buster" Hardee, III, duly seconded by Mr. Gaulman Gaspard, and unanimously carried, the Police Jury amended the agenda to allow General (Ret.) Robert LeBlanc, Director of the Office of Emergency Preparedness and Homeland Security to present a report on the FY 2005 Homeland Security Grant Program.

Upon motion of Mr. Luther "Buster" Hardee, III, duly seconded by Gaulman Gaspard, and unanimously carried, the General Needs Committee Recommendations were amended to approve the issuance of an alcoholic liquor permit to the Lakeshore Club, subject to the necessary paperwork being submitted and in order.

Upon motion of Mr. Wayne Touchet, duly seconded by Mr. Ravis Menard, and unanimously carried, the Police Jury approved the General Needs Committee Recommendations, as amended, and the appropriate officials of the Jury were authorized to carry out the recommendations:

GENERAL NEEDS COMMITTEE  
JUNE 23, 2005  
ABBEVILLE, LOUISIANA

AS A RESULT OF A GENERAL NEEDS COMMITTEE MEETING HELD ON JUNE 23, 2005, THE FOLLOWING ITEMS ARE RESPECTFULLY SUBMITTED FOR THE JURY'S CONSIDERATION:

1. It is recommended that the Police Jury advertise to fill the Secretary/Treasurer position which will become vacant July 1, 2005.

It is further recommended that the advertisement be for a three (3) week period with applications received until 4:30 p.m., on Friday, July 22, 2005.

It is further recommended that the salary be set at \$40,000.00/depending on experience.

It is further recommended that Police Juror Hubert Faulk be named as parish manager on an interim basis beginning July 1, 2005, during the time the Secretary/Treasurer position is vacant, at a salary of \$3,000.00 per month. No additional compensation to be paid for his juror position.

It is further recommended that the following persons be designated as officers/employees authorized to sign checks on behalf of the Police Jury and that the appropriate notification be made and signature cards be executed for the respective bank accounts.

Hubert J. Faulk, T. J. Prejean, Jr., Linda Duhon, and Carolyn Bessard

2. It is recommended that the Police Jury request an attorney general's opinion relative to House Bill No. 879 by Representative Frith which was recently passed in the 2005 legislative session to address certain concerns and request clarification of the legislation's intent, legality, and requirements.
3. It is recommended that the Police Jury allow employees that wish to donate some of their sick leave to Morris Saunier be allowed to do so. The donation must be for a full day (8hrs.); no partial day donation will be allowed.

It is further recommended that the Police Jury obtain the State of Louisiana's policy regarding leave share banks to use as a basis for establishing a policy for leave banks or direct donation of leave from one employee to another, who has been diagnosed with a long term illness, and has exhausted their leave.

Respectfully submitted,  
Wayne Touchet  
Chairman

The Police Jury's Legal Counsel, Mr. Paul Moresi, III, commented on the draft noise ordinance which was sent to the Jurors for consideration. The ordinance was adapted from the Lafayette Parish Government Ordinance.

Upon motion of Mr. Ernal "E.J." Broussard, duly seconded by Mr. Edval Simon, Jr., and unanimously carried, the Police Jury approved rescinding the previous noise ordinance in its entirety, and adopted the revised noise ordinance as submitted.

## ***ORDINANCE***

***2005-O-17***

***AN ORDINANCE WHICH REPEALS ORDINANCE 93-O-05, AND AMENDMENTS 1 & 2 IN THEIR ENTIRETY AND HEREBY ADOPTS THIS ORDINANCE, PROVIDING FOR THE GOVERNING OF NOISE CONTROL IN THE UNINCORPORATED AREAS OF THE PARISH OF VERMILION:***

BE IT HEREBY ORDAINED by the Vermilion Parish Police Jury, in regular session duly assembled and proceeding under its police powers and further pursuant to the laws of the State of Louisiana, that the following shall be adopted.

### **ARTICLE 1. NOISE CONTROL**

#### **Sec. 1. Declaration of findings and policy.**

WHEREAS, excessive sound is a serious hazard to the public health, 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; and

WHEREAS, the citizens of the unincorporated area of the Parish of Vermilion have a right to, and should be insured of an environment free from excessive sound, especially at the residences during the hours sleep normally occurs; and

Now, therefore, be it ordained by the Vermilion Parish Police Jury that it is its policy to prevent excessive sounds that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life in the unincorporated areas of the Parish of Vermilion, and particularly in our residential neighborhoods. Therefore, the Vermilion Parish Police Jury hereby adopts the findings and policy stated in this Section, and in accordance with said findings and policy, the Vermilion Parish Police Jury hereby adopts the following regulations for the control of noise within the unincorporated areas of the Parish of Vermilion.

#### **Sec. 2. Definitions**

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

*“A” weighted sound level* is the sound level as measured using the “A” weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(A). Sounds measured with the “A” weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity.

*Agricultural activities* means those activities performed on farmlands in order to cultivate the soil, produce crops, or raise livestock.

*ANSI* means the American National Standards Institute which serves as the administrator and coordinator of the United States private sector voluntary standardization system. ANSI facilitates development of American National Standards (ANSs) by establishing consensus among qualified groups. ANSs in the fields of acoustics and sound measurement are developed by the Acoustical Society of America in order to standardize practices and equipment.

*“C” weighted sound level* is the sound level as measured using the “C” weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983, or its successors. The unit of reporting is dB(C). The “C” weighting network is more sensitive to low frequencies than is the “A” weighting network.

*Commercial facility* means any premises, property or facility involved in the traffic of goods or furnishing of services for sale or profit including, but not limited to:

- (1) Banking and other financial institutions;
- (2) Dining establishments;
- (3) Establishments for providing retail or wholesale goods or services;
- (4) Establishments for recreation and entertainment;
- (5) Establishments providing commercial accommodations and commercial property used for human habitation, when such is the source of the sound under investigation;
- (6) Office buildings;
- (7) Transportation;
- (8) Warehouse.

*Community service facility* means any nonresidential facility used to provide services to the public, including but not limited to:

- (1) Club meeting halls, offices and facilities;

- (2) Organization offices and facilities;
- (3) Facilities for the support and practice of religion;
- (4) Schools.

*Construction* means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

*Continuous sound* means any sound with a duration of more than one second, as measured with a sound level meter set to the “slow” meter response.

*Decibel (dB)* is a relative unit for the measurement of sound pressure. It is based upon a reference pressure of 20 micropascals (zero decibels) which is the average threshold of hearing for a person with very good hearing. The decibel scale is logarithmic, and as such, an increase or decrease of three dB is a doubling, or halving, of sound pressure.

*Demolition* means any dismantling, destruction or removal of buildings, structures, or roadways.

*Emergency energy release device* means a device used specifically to release excess energy on a non-scheduled basis as necessary for purposes of safety.

*Emergency work* means any work or action necessary to deliver essential public services including, but not limited to, installing or repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, trimming or removing trees on public rights-of-way and in utility easements, dredging navigational waterways, or abating life-threatening conditions.

*Enforcement agency* means any agency with law enforcement powers and jurisdiction in Vermilion Parish at the source of a sound, which is the subject of a complaint or enforcement action under this Article.

*Extraneous sound* means a sound of high intensity and relatively short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation. Extraneous sounds are excluded from measurements of the neighborhood residual sound level and the total sound level.

*Frequency* means the time rate of repetition of sound waves in cycles per second, reported as hertz (Hz). “Frequency” is sometimes colloquially referred to as “pitch”. Low frequency sounds can correspond to the bass notes in music. Low frequency sound waves travel farther and penetrate structures more efficiently than high frequency sound waves.

*Impulsive sound* means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

*Industrial facility* means any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

*Motor vehicle* means any vehicle that is propelled other than by human or animal power on land.

*Muffler* means a properly functioning sound dissipative device, or system, for abating the sound of escaping gases on equipment where such a device is part of the normal configuration of the equipment.

*Multi-dwelling unit building* means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

*Multi-use property* means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

(1) A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

(2) A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

*Music box* means a self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this noise control code.

*Neighborhood residual sound level* means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are a more steady state, although they may not be continuous.

*Noise control code* means the codification of the provisions of law enacted in this article to prevent excessive sounds that may jeopardize the health, safety and/or welfare of the citizens of Vermilion Parish, or degrade the quality of life in the parish.

*Noise sensitive* means a facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to:

- (1) Schools;
- (2) Houses of worship;
- (3) Medical facilities.

*Parish* means the geographic area of the unincorporated area of the Parish of Vermilion in which area this article enacting the noise control code is to apply and be enforced.

*Plainly audible* means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The investigating officer need not determine the title, specific words or the artist performing the song.

*Portable, hand-held music or sound amplification or reproduction equipment* means any self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this noise control code.

*Private right-of-way* means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

*Public celebrations* means and includes organized special events or activities sponsored and/or produced by governmental or quasi-governmental organizations that are of general public interest and that are open to public attendance, including, by way of example only and not by way of limitation, festivals, and high school football games.

*Real property line* means either (a) the imaginary line including its vertical extension that separates one parcel of real property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

*Residential property* means property used for human habitation including, but not limited to:

- (1) Private property used for human habitation;
- (2) Commercial living accommodations and commercial property used for human habitation;
- (3) Recreational and entertainment property used for human habitation;
- (4) Community service property used for human habitation;
- (5) Hospitals or long-term medical care facilities.

*Sound level meter* means an instrument that conforms to ANSI SI.4-1983, or its successors.

*Total sound level* means that measured level which represents the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

*Weekday* means any day beginning on Sunday at 8:00 p.m. and ending the following Friday at 6:00 p.m.

*Weekends* means the time period beginning on Friday at 6:00 p.m. and ending on the following Sunday at 8:00 p.m.

**Sec. 3. Applicability.**

(a) This noise control code applies to sound originating from, or received by, any property in the unincorporated areas of the Parish of Vermilion.

(b) This noise control code shall be equally applicable to all properties in Vermilion parish, regardless of the permitted land uses or zoning classification of any such property, should they exist.

The provisions of this noise control code shall not be superseded, or otherwise rendered inapplicable, by any other law, ordinance, or regulation which would purport to permit a use of property in violation of this Article.

**Sec. 4. Maximum permissible sound levels.**

(a) *Continuous sound.* No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property in such a manner as to create a sound level that exceeds the sound level limits listed in Table I below, as measured at any location at, or within, the property line of the receptor property. Sound pressure levels in excess of those established in Table I shall constitute prima facie evidence that such sound is in violation of this noise control code.

Table I

Maximum Permissible Sound Level Limits – Meter setting: dB(A)

<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Residential</b>
7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.	24 hours	24 hours
Except Noise sensitive areas shall be 24 hours/day 60.00 dB(A)	50.00 dB(A)	65.00 dB(A)	70.00 dB(A)

(b) *Impulsive sound.*

(1) Between 7:00 a.m. and 10:00 p.m., impulsive sounds which occur less than ten times in an hour shall not equal, or exceed, 20 decibels above the permissible sound level limits in Table I. Impulsive sound which repeats ten or more times in any hour shall not exceed the permissible sound level limits in Table I.

(2) Between the hours of 10:00 p.m. and 7:00 a.m., impulsive sounds which occur less than four times in an hour shall not equal or exceed 20 decibels above the permissible sound level limits in Table I. Impulsive sound which repeats four or more times in any hour shall not exceed the permissible sound level limits in Table I.

(c) *Amplified sound.* If the source of sound is an amplified sound reproduction device, and the complainant states that the rhythmic bass component of the music is disturbing within the complainant's residence, the investigating officer may take sound level measurements within the residence of the complainant. No person shall cause, suffer, allow, or permit the operation of any amplified source of sound in such a manner that it exceeds the total levels by the permissible sound levels limits set forth in Table II, when measured within the residence of a complainant. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response. Such measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms. For the purposes of these measurements, the ambient sound level is that sound level which is measured in the residence when the sound source under investigation is not prominent, or in a room on the same floor that is relatively unaffected by the sound source under investigation. The C-scale is more sensitive to low frequency sound levels than the A-scale, and an increase of five dB is perceived by humans as being plainly louder, and a ten dB increase is perceived as being twice as loud. Examples of amplified sound reproduction devices, include but are not limited to, sound systems which augment music or voices such as those used for public announcements, or as utilized by disc jockeys in playing music.

Table II

Amplified Sound Reproduction Device  
Maximum Permissible Sound Level Limits For Indoors Across a Real Property Line  
Meter Setting: dB(C) Above Ambient

Week nights 10:00 p.m. – 7:00 a.m.	Weekend Nights 11:00 p.m. – 9:00 a.m.	All other times
3 dB(C)	3 dB(C)	5 dB(C)

(d) *Steady pure tones.* If the sound source under investigation is a mechanical device, and is, in the investigating officer's opinion, emitting a sound with a steady tonal quality, the permissible sound level limits in Table I shall be reduced by five dB(A). The sound

emissions must be comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz. The measured sound levels of such a source must not fluctuate by more than plus or minus three dB. Such sound sources include, but are not limited to: heating, ventilating or air-conditioning units, refrigeration units, and transformers. Nothing to the contrary withstanding, sound sources from residential heating, ventilating or air conditioning units can not exceed 55 dB(A) at night.

(e) *Supplemental standards.* In addition to the standards specified in Subsections (a), (b), (c), and/or (d) of this Section, and even if the standards specified in Subsections (a), (b), (c), and/or (d) of this Section are satisfied, no person shall cause, suffer, allow, or permit the operation of any source of amplified sound on property which is either:

- (1) plainly audible at a distance of 50 feet in any direction from any property line of the source property; or
- (2) of such volume as to be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensibilities within the area of audibility; or
- (3) disturbing to the peace, quiet, comfort, or repose of a person on any other residential property, or persons in any public place.

The standards established by this Subsection (e) shall not require measurement of sound.

#### **Sec. 5. Procedures for the determination of sound levels.**

- (a) Where the measurement of sound is required, the sound level shall be measured with a sound level meter.
- (b) To the extent that plainly audible sound may constitute a violation of this noise control code, plainly audible sound shall not require measurement with a sound level meter.

#### **Sec. 6. Exceptions.**

The operational performance standards established in this noise control code shall not apply to any of the following noise sources:

- (1) Agricultural activities, properly muffled;
- (2) Unamplified bells, chimes or carillons while being used in conjunction with religious services;
- (3) Emergency energy release devices;
- (4) Emergency work;

- (5) National Warning Systems (NAWAS): systems used to warn the community of attack or imminent public danger such as flooding, explosion, or hurricane;
- (6) Noise generated by aircraft operations;
- (7) Public celebrations;
- (8) Surface carriers engaged in commerce by railroad, exclusive of loading and unloading;
- (9) Sound from the locomotion of properly muffled motor vehicles on a public right-of-way. "Properly muffled" shall mean the use of a device to minimize the emission of sound rather than maximize the emission of sound.
- (10) Events which are operating within the time and volume parameters set forth in a variance issued by the Vermilion Parish Police Jury.
- (11) Collection of residential refuse and residential recyclables.

**Sec. 7. Restricted uses and activities.**

Notwithstanding the provisions of Sections 4 and/or 6, the following standards shall apply to the activities or sources of sound set forth below:

- (1) Power tools and landscaping and yard maintenance equipment shall not be operated on residential property between the hours of 10:00 p.m. and 7:00 a.m. All motorized equipment used in these activities shall be operated with a muffler. During the permissible hours of operation as established herein, the operation of power tools and landscaping and yard maintenance equipment on residential property shall not be subject to the provisions of Section 4.
- (2) Power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 10:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Table I of Section 4. In addition, power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Table I of Section 4 between the hours of 10:00 p.m. and 7:00 a.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Table I of Section 4 do not apply to power tools and landscaping and yard maintenance equipment.

- (3) The operation of any commercial truck with refrigeration units may not be conducted within 250 feet of any residential property between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or between the hours of 10:00 p.m. and 9:00 a.m. on weekends.
- (4) Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 10:00 p.m. and 9:00 a.m. on weekends and federal holidays. All motorized equipment used in construction and demolition activity shall be operated with a muffler.
- (5) An exterior burglar alarm and/or fire alarm, of a building or motor vehicle must be wired in such a manner that the alarm terminates its operation, after initial activation, within five minutes, if the sound is emitted without interruption, and within ten minutes if the sound emitted intermittently. At all times, the limits set forth in Table I of Section 4 do not apply.
- (6) Domestic animals, and any other animal not in a state of natural liberty, may not make more than sixty vocalizations in any ten-minute period. At all times, the limits set forth in Table 1 of Section 4 do not apply.
- (7) Self-contained, portable, hand-held music or sound amplification or reproduction equipment, including but not limited to devices referred to as “music boxes”, “boom boxes”, radios, stereos or any similar devices, shall not be operated in a public space or public right-of-way in such a manner as to be plainly audible, at a distance of 100 feet in any direction from the equipment, during the hours of 7:00 a.m. to 10:00 p.m. and 50 feet in any direction from the equipment during the hours of 10:00 p.m. to 7:00 a.m.

**Sec 8. Enforcement and penalties.**

- (a) A violation of this noise control code shall be classified as a “major” or “minor” violation for the purposes of an enforcement and compliance period, if applicable, as follows: a violation shall be classified as major if it is not deemed a minor violation. A violation is deemed to be minor if:
  - (1) The violation is not the result of willful, reckless or grossly negligent conduct of the violator; and
  - (2) The activity or condition constituting the violation has not been the subject of an enforcement action against the violator in the immediately preceding 12 months; and
  - (3) The violation is not the result of the operation of a sound reproduction or amplification device of any kind, including, but not limited to, music boxes, with the exception of safety warning devices.

- (b) Any major violation of this noise control code, and any minor violation of this noise control code that is not corrected, is unlawful and punishable hereunder with a maximum fine of \$500.00 and/or a term of imprisonment of thirty (30) days in the parish jail.
- (c) Notwithstanding any other provision of this noise control code, any enforcement agency with jurisdiction may, in its discretion, immediately terminate (or provide for the immediate termination of) any activity or conduct causing a violation of this noise control code, without regard to the classification of the violation as “major” or “minor.” Nothing in this noise control code shall be construed as a limitation upon the power of any enforcement agency with jurisdiction to immediately terminate (or provide for the immediate termination of) any activity or conduct causing a violation of this noise control code or to maintain or restore peace and order under any other provision of law.

#### Sec. 9. Variances

Variances shall be for a period not to exceed one week and shall not be granted more than six months in advance of the first effective day of the activity for which the variance is granted; provided, however, that a variance may be granted more than six months in advance for events that are scheduled as part of a program of events, or series of same, sponsored by a public body, or having been held for at least the previous five prior years, and/or that have a regular schedule that is published or promoted more than six months in advance of an event or the last event in the series.

An the discretion of the Police Jury a variance may be granted for an event or series of events that are held on days identifiable by event, such as Mardi Gras, which may have a variable date each year, or for alternate locations that are in the same general area, as in the event of rainouts. No more than twelve (12) variances per year shall be requested or issued for the same location to the same person, group of persons, legal entity, organization, or any affiliate thereof (including, but not limited to officers, employees, family members or related persons, or organizations).

- (1) Any person who owns or operates a sound source in one of the following categories may apply for a variance from the Vermilion Parish Police Jury:
  - (a) Private celebrations;
  - (b) Nighttime construction projects; or
  - (c) Homeowner construction projects.
- (2) Applications for a variance shall supply the following information which shall include, but not limited to:

- (a) The nature, time, date and location of the noise source for which such application is being made;
  - (b) The reason for which the variance is requested, including the hardship that will result to the applicant, his/her client, or the public, if the variance is not granted;
  - (c) The nature and intensity of noise that will occur during the period of the variance;
  - (d) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom; and
  - (e) The name, address and means of contacting a responsible party during the hours of operation for which the variance is to be issued.
- (3) The Vermilion Parish Police Jury may charge the applicant a fee of up to \$50.00 per variance to cover expenses resulting from the processing of the variance application. This fee may be waived for non-profit organizations certified under Section 501(c)(3) of the Internal Revenue code, upon presentation of proof of such certification to the Vermilion Parish Police Jury.
- (4) The determination as to whether a variance shall be granted is within the sole discretion of the Vermilion Parish Police Jury. In making the determination as to whether a variance shall be granted, the Vermilion Parish Police Jury shall consider:
- (a) The character and degree of injury to, or interference with, the health and welfare of persons in the vicinity of the sound to result from the variance, and the character and degree of injury to, or interference with, the reasonable use of property which is caused or threatened to be caused by the sound which may result from the variance.
  - (b) The measures to be taken by the applicant to minimize any injury to, or interference with, the health and welfare of persons or property which is caused or threatened to be caused, by the sound which may result from the variance.
  - (c) The ability of the applicant to apply best practical noise control measures.
  - (d) The number of previous variances requested by the applicant, by the applicant's organization, and/or by the applicant's affiliates, including, but not limited to, the applicant's officers, employees, family members, and related persons or organizations.
- (5) The variance shall enumerate the conditions of the variance including:

- (a) Specific dates and times for which the variance is valid;
  - (b) Sound level limits which may not be exceeded at the nearest affected residential property, and
  - (c) Noise control measures which must be implemented by the holder of the variance.
- (6) The variance may be revoked by the Vermilion Parish Police Jury, an enforcement agency, or any law enforcement officer having jurisdiction, if the terms of the variance are violated.
- (7) A variance may be revoked by the Vermilion Parish Police Jury, and the issuance of future variances withheld, if there is:
- (a) Violation of one or more conditions of the variance;
  - (b) Material misrepresentation of fact in the variance application; or
  - (c) Material change in any of the circumstances relied upon by the Vermilion Parish Police Jury in granting the variance.
- (8) Any application for a variance must be submitted at least ten (10) business days, prior to the effective date the variance is to take effect, so as to allow for notice to be given to the surrounding land owners and community. If the Vermilion Parish Police Jury grants the variance, notice of the variance will be made public by posting the details of the variance on the outside of the office of the Vermilion Parish Police Jury, which such posting shall be made a minimum of two (2) business days in advance of the event date for which the variance has been granted in order to provide notice of the same.

**Sec. 10. Repeal of conflicting ordinances.**

All ordinances, or resolutions, or parts thereof, in conflict herewith are hereby repealed.

**Sec. 11. Severability**

That the various parts of this ordinance are severable, and if any word, clause, phrase, section, or other portion of this ordinance be declared null, void, invalid, illegal, or unconstitutional, then the remainder of said ordinance shall remain in full force and effect.

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Upon motion of Mr. Carroll Duhon, duly seconded by Mr. Maxwell Chreene, and unanimously carried, the Police Jury did resolve to place a moratorium on the issuance of any type permit or occupational license relative to new shooting ranges being placed in the parish. In addition the Police Jury directed the legal counsel to prepare an ordinance regulating the opening of new shooting ranges, including the need for a permit to be required to be obtained; that a public hearing be held regarding the proposed siting of any new shooting range; and that a designated "buffer zone" from any existing residences be established.

Upon motion of Mr. Carroll Duhon, duly seconded by Mr. Maxwell Chreene, and unanimously carried, the Police Jury directed the legal counsel to prepare an ordinance which would permit, regulate, and establish certain requirements to be met to locate the following in the parish:

- (1) Model Air Plane Flying
- (2) Mud Pit Sites
- (3) Drag Racing Sites

General (Ret.) Robert LeBlanc, Director of the Office of Emergency Preparedness and Homeland Security informed the Jury about the FY 2005 Homeland Security Grant Program. The Parish will get nearly \$254,000 in funding. A parish working group meeting is scheduled for Wednesday, June 29, 2005.

Upon motion of Mr. Mark Poche, duly seconded by Mr. T. J. Prejean, Jr., and unanimously carried, that there being no further business to be presented, the meeting was duly adjourned.

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Secretary-Treasurer

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President