

1 **COMMITTEE SUBSTITUTE**

2 **BOARD BILL NO. 81** **INTRODUCED BY ALDERMAN CRAIG N. SCHMID,**  
3 **ALDERMAN FREEMAN BOSLEY, ALDERMAN GREGORY CARTER, ALDERMAN**  
4 **STEPHEN GREGALI, ALDERWOMAN JENNIFER FLORIDA, ALDERMAN**  
5 **KENNETH ORTMANN**

6 An ordinance repealing Ordinance 50038 and enacting in lieu thereof a new ordinance pertaining  
7 to noise; prohibiting the playing of any radio, music player, television, audio system or musical  
8 instrument upon private property at a volume louder than is necessary for convenient, normal  
9 hearing of the person or persons who are on the property on which the device is being used or  
10 operated; prohibiting the playing of any radio, music player, or audio system upon public  
11 property at a volume which is plainly audible at a distance greater than Seventy-five (75) feet  
12 from the source of the sound; and further prohibiting the playing, use or operation or permitting  
13 the playing, use or operation of any radio, tape recorder, cassette player or other device for  
14 receiving broadcast sound or reproducing recorded sound if the device is located in any motor  
15 vehicle and the sound generated by the device is clearly audible to persons other than the  
16 occupants of such vehicle; containing exceptions, a penalty clause which including fines and  
17 impoundment of certain vehicles; a severability clause and an emergency clause.

18 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

19 SECTION ONE. Ordinance 50038 is hereby repealed and the following new ordinance is  
20 enacted in lieu thereof, to-wit:

21 SECTION TWO. Playing of Sound Devices Prohibited: When

22 (a) No person shall play any radio, music player, television, audio system or musical  
23 instrument upon private property at a volume louder than is necessary for convenient, normal  
24 hearing of the person or persons who are on the property on which the device is being used or

1 operated and who are voluntary listeners.

2 (b) Except for organized events which have received any type of permit from the City of St.  
3 Louis in conjunction with the event and persons operating motor vehicles under Section Three of  
4 this ordinance, no person shall play any radio, music player, or audio system upon public  
5 property at a volume which is plainly audible at a distance greater than Seventy-five (75) feet  
6 from the source of the sound.

7 (c) Any person participating in a parade or public assembly for which a permit has been  
8 obtained may generate sound in excess of the limitations in this section only if the sound  
9 generated does not exceed reasonable sound levels in light of the nature of the event, its time,  
10 and the character of the surrounding neighborhood.

11 SECTION THREE. Playing Sound Devices in Motor Vehicles Prohibited: When

12 (a) No person shall play, use, operate or permit to be played, used or operated, any  
13 radio, tape recorder, cassette player or other device for receiving broadcast sound or reproducing  
14 recorded sound if the device is located in any motor vehicle and the sound generated by the  
15 device is clearly audible to persons other than the occupants of such vehicle. This section shall  
16 not apply to any person participating in a parade or public assembly for which a permit has been  
17 obtained from the City of St. Louis.

18 SECTION FOUR. Penalty

19 (a) Any person who violates the provisions of Section Two of this ordinance shall be  
20 subject to a fine of not less than \$100.00 for a first offense, not less than \$250.00 for a second  
21 offense committed within a one-year period, and not less than \$500.00 for a third or subsequent  
22 offense committed within a one-year period. The Court may, in lieu of a fine, impose not less  
23 than twenty (20) hours of community service for the first offense; not less than thirty (30) hours

February 7, 2006

Page 2 of 4

Board Bill # 81CS

Ortmann

Sponsor: Aldermen Schmid, Bosley Sr., Carter, Gregali, Florida,

1 of community service for the second offense; and not less than (60) hours of community service  
2 for the third or any subsequent offense.

3 (b) Any person who violates the provisions of Section Three of this ordinance shall be  
4 subject to a fine of not less than \$250.00 for a first offense and not less than \$500.00 for a second  
5 or subsequent offense committed within a one-year period. The Court may, in lieu of a fine,  
6 impose not less than thirty (30) hours of community service for the first offense; and not less  
7 than (60) hours of community service for the second or any subsequent offense.

8 (c) A motor vehicle that is used in the violation of Section Three of this ordinance shall  
9 be subject to seizure and impoundment if the sound generated by any device is plainly audible at  
10 a distance greater than Seventy-five (75) feet horizontally or vertically from the vehicle. The  
11 owner of record of such vehicle shall be liable to the city for an administrative penalty of  
12 \$500.00 in addition to scheduled fees for the towing and storage of the vehicle.

13 SECTION FIVE. Whenever a police officer has probable cause to believe that a vehicle is  
14 subject to seizure and impoundment pursuant to this ordinance, the impoundment of such vehicle  
15 shall be deemed an emergency removal under the provisions of Section 17.56.020 of Section  
16 One of Ordinance 60935. The police officer shall provide for the towing of the vehicle to a  
17 facility controlled by the city or its agents. When the vehicle is towed, the police officer shall  
18 notify the person who is found to be in control of the vehicle at the time of the alleged violation,  
19 if there is such a person, of the fact of the seizure and of the vehicle owner's right to appeal the  
20 impoundment under the provisions of Section 17.56.060 of Section One of Ordinance 60935.

21 SECTION SIX. SEVERABILITY CLAUSE.

22 The provisions of this ordinance shall be severable. In the event that any provision of this

February 7, 2006

Page 3 of 4

Board Bill # 81CS  
Ortmann

Sponsor: Aldermen Schmid, Bosley Sr., Carter, Gregali, Florida,

1 ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining  
2 provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance  
3 are so essentially and inseparably connected with, and so dependent upon, the void provision that  
4 it cannot be presumed that the Board of Aldermen would have enacted the valid provisions  
5 without the void ones or unless the Court finds that the valid provisions, standing alone, are  
6 incomplete and incapable of being executed in accordance with the legislative intent.

7 SECTION SEVEN. Emergency clause.

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9           This being an ordinance for the preservation of public peace, health, and safety, it is  
10 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article  
11 IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon  
12 its passage and approval by the mayor.

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