

ORDINANCE NO. 292-2007

AN ORDINANCE REGULATING NOISE WITHIN THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, the City Council of the City of Spanish Fort, Alabama, desires to protect, preserve and promote the health, safety, welfare, peace, quiet and repose of the citizens of Spanish Fort through the reduction, control and prevention of excessive and unreasonable noise; and

WHEREAS, the City Council wishes to establish standards that will eliminate and reduce unnecessary and excessive noises which are detrimental to individuals and the community in the enjoyment of life, property and the conduct of business and private affairs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Illegal Noises-Loud, Disturbing or Unnecessary Noises Prohibited.

A. It shall be unlawful and a nuisance for any person to make, continue or cause to be made or continued any loud, unreasonably loud, disturbing, unnecessary or excessive noise which unreasonably annoys, disturbs, injures, endangers or interferes with the comfort, repose, health, peace or safety of others in the corporate limits of the City of Spanish Fort, Alabama. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned or possessed by him or under his management or control.

B. In addition to the general prohibition set forth above, the following acts or noises are declared to be in violation of this ordinance; provided, however that, such enumeration shall not be deemed to be exhaustive or exclusive:

1. Horns, signaling devices, etc.

- a. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger warning when and as required by ordinances of the City of Spanish Fort or by the Code of Alabama;
- b. The sounding of such signaling device for any period of time exceeding that which is necessary to warn the needed person or persons to be alerted; and
- c. The use of any horn, whistle or other device operated by engine exhaust.

2. Animals, birds, etc.

The keeping of any animal or bird which causes repeated noise which is plainly audible to any person inside a commercial, residential or public building between the hours of 10:00 p.m. and 7:00 am.

3. Stationary, non-emergency signaling devices.

- a. The sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device intended primarily for non-emergency purposes, from any location, for more than one minute in any hourly period.
- b. Any such bell, chime and similar device used in conjunction with places of religious worship or schools shall be exempt from the operation of this ordinance.

4. Unmuffled Engine Exhausts.

The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device to effectively prevent emission of loud or explosive noises therefrom which is in good working order and in constant operation.

5. Fireworks.

The explosion of firecrackers, skyrocket, roman candles, pinwheels or any other form of fireworks shall be prohibited, except as set forth herein. Notwithstanding the foregoing, fireworks shall be allowed on the following dates and times: (a) on July 4, from 10:00 a.m. to 10:00 p.m.; (b) on December 31, from 10:00 a.m. to 1:00 a.m. on January 1; and (c) on January 1, from 10:00 a.m. to 10:00 p.m. In addition, the Mayor is hereby authorized to issue a permit, in his discretion, for the display of fireworks in public parks or other open places within the City, subject to such terms and conditions as deemed necessary by the Mayor.

6. Radios, stereos, televisions, musical instruments, electronic devices, etc.

- a. The operating, playing or permitting the operation or playing of any device, radio, television, stereo, drum, musical instrument, sound amplifier or similar device from within a structure or building which produces, reproduces or amplifies sound in such a manner as to create any sound or noise which is plainly audible at any property line within a residential district; or
- b. The operating, playing or permitting the operation or playing of any device, radio, television, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to be plainly audible to any person inside a commercial, residential or public building. This includes, but is not limited to, any low level rhythmic base component of music sufficient to constitute a violation thereof.
- c. The operating, playing or permitting the operation or playing of any device, radio, television, personal stereo, cassette player, compact disc player, digitally stored audio or video player, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound by a passenger on a common carrier or by a pedestrian in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of fifty (50) feet.

7. Unreasonable sound amplification from a vehicle.

- a. The operation or permitting the operation of any sound amplification system which is plainly audible outside a radius of fifty (50) feet when the vehicle is on a public highway or on premises open to the public, unless that system is being operated to request assistance or warn of a hazardous situation.
- b. This section does not apply to:
 - (1) Emergency vehicles;
 - (2) Vehicles operated by utilities; and
 - (3) Sound systems of vehicles used for advertising in parades, political events or other special events when properly permitted by the City Council.

8. Defect in vehicle or load.

The use or operation of any automobile, motorcycle or other vehicle which by its physical state of repair, physical state of disrepair or by the manner in which it is loaded creates any grating, grinding, rattling or other noise which is plainly audible outside a radius of fifty (50) feet when the vehicle is on a public highway or on premises open to the public.

9. Emergency signaling devices.

Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within fifteen minutes of activation or there has been an attempted or actual entry of the premises or vehicle. Three false alarms within one year shall be deemed prima facie evidence of a violation.

10. Domestic Power Tools.

- a. The operating, or permitting the operation, of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar device between the hours of 9:00 p.m. and 7:00 a.m. in a residential area in such a manner as to create any sound or noise which is plainly audible at any property line within a residential district.
- b. Any domestic power equipment or tools, including, but not limited to, any mechanically powered saw, sander, drill, grinder, lawn or garden tool, blower or device, operated upon any residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 9:00 p.m.

11. Construction.

- a. The operation of any tools or equipment and all activities incidental to any construction activities, including, but not limited to, the erection, demolition, assembling, altering, repairing, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearings, grading, excavating and filling between the hours of 9:00 p.m. and 7:00 a.m. which creates any sound or noise which is plainly audible at a property line within a residential district.
- b. Emergency repair or maintenance of public roads, highways and parks, or sewer, water, electric, gas or telephone systems, at any time, or any such private construction necessary to restore property to a safe condition following a public calamity, required to protect persons or property from eminent exposure to danger shall be exempt from the operation of this ordinance.
- c. In all business districts, owners of property consisting of 100 acres or more which are engaged in construction activities may apply to the City Council for a special exception to the provisions of this ordinance to allow for extended hours of operation as long as the site can be accessed through a business district, subject to any terms and conditions deemed necessary by the City Council to protect neighboring property owners.

- d. Any construction equipment operated upon residential, commercial or public premises during the time period between 7:00 a.m. and 9:00 p.m. shall be exempt from the provisions of this ordinance; provided, however, that such equipment shall be equipped with a properly installed muffler in good working order.

C. The provisions of Section 1 shall not apply to:

1. Any siren, whistle, horn or bell used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, burglary or police activity, except as otherwise provided herein.
2. Any school sponsored recreational or educational activity, including, but not limited to, school bands and athletic events, provided that between the hours of 11:00 p.m. and 7:00 a.m. such activity does not exceed the maximum sound levels specified herein.
3. Licensed refuse collection vehicles operating during the time period between 6:00 am. and 9:00 p.m.; provided, however, that sound omitted from licensed refuse collection vehicles operated upon or within 150 feet of any residential premises between the hours of 9:00 p.m. and 6:00 am. shall not exceed the maximum sound levels specified herein.
4. The emission of sound for the purpose of alarming persons to the existence of an emergency; or
5. The emission of sound in the performance of emergency work.
6. Public address systems located outdoors shall be allowed at public parks as outlined below, unless otherwise authorized by the Mayor. Public address systems may be operated at the following locations and hours:
 - a. Spanish Fort Elementary School, Monday through Saturday from 9:00 a.m. to 9:30 p.m., and Sunday from 1:00 p.m. to 7:00 p.m.
 - b. Spirit Park, Monday through Saturday from 9:00 a.m. to 9:30 p.m., and Sunday from 1:00 p.m. to 7:00 p.m.
 - c. Spanish Fort High School, Monday through Sunday from 7:00 a.m. to 11:00 p.m.
 - d. No external or outdoor speakers shall be placed within 100 feet of a residential property line. All such external or outdoor speakers shall be directed away from any residential district and directed or facing toward the facility in use.
 - e. No noise or sound from such public address system shall exceed 65 decibels at a residential property line.
 - f. No noise or sound from such public address system shall be plainly audible to any person inside the primary building or structure in a residential district.
 - g. The installation or construction of an outdoor public address system shall be submitted to the Planning Commission for plan approval in order to ensure compliance with the provisions of this ordinance.

D. The Mayor shall have the right to waive any or all of the requirements of this ordinance in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement, or on such special occasions as the Mayor may determine.

SECTION 2. Penalty.

A. Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

B. This Ordinance shall also be subject to enforcement by the issuance of a summons and complaint pursuant to a municipal ordinance ticket.

SECTION 3. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 4. Severability Clause.

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. Effective Date.

This Ordinance shall become effective thirty (30) days after upon its adoption or as otherwise required by state law.

Adopted and approved this _____ *day of* _____, 2007.

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk