

ORDINANCE #2-2017

NOISE CONTROL ORDINANCE

CITY OF DORA, ALABAMA

AN ORDINANCE TO MAKE IT UNLAWFUL FOR ANY PERSON TO MAKE, CONTINUE OR CAUSE TO BE MADE OR CONTINUED ANY LOUD OR EXCESSIVE NOISE, WHICH UNREASONABLY INTERFERES WITH THE COMFORT, HEALTH OR SAFETY OF OTHERS WITHIN THE CORPORATE LIMITS OF THE CITY OF DORA, DORA ALABAMA, AND TO PRESCRIBE PENALTIES AND FINES FOR VIOLATION THEREOF.

BE IT ORDAINED by the City Council of the City of Dora, Alabama, while in a regular session on the 26th day of October, 2017 at 7:00 p.m. as follows:

Section 1: Authority: This Noise Control Ordinance is approved and adopted by the City of Dora, Alabama in the exercise of its general police powers under the laws of the State of Alabama, specifically including but not limited to Title 11-45-1, et seq, Code of Alabama, 1975.

Section 2: Purpose: This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and peace and quiet for the citizens of Dora, Alabama through the reduction, control and prevention of excessive sound or other noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary and excessive community sounds or other unreasonable noises which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and conduct of business.

Section 3: Acts declared loud, disturbing, etc., noise.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but this list shall not be deemed to be exclusive.

- (a) **Horns and other signal devices.** It shall be unlawful to sound any horn or signal device on any automobile, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended. The creation, by means of any signal device, of any unreasonably loud or harsh sound and the sounding of such device for an unnecessary and unreasonable period of time shall be unlawful.
- (b) **Radios, phonographs, etc.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any other time, so as to annoy or disturb the quiet, comfort or repose of any person in any office, hospital, dwelling, hotel or other type of residence or of any person in the vicinity shall be unlawful.
- (c) **Shouting, singing, etc., on streets.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or other type of residence or of any person in the vicinity shall be unlawful.
- (d) **Keeping animals or birds.** The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity shall be unlawful.
- (e) **Vehicles out of repair, rattling, grinding, etc.** The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to cause loud or unnecessary grating, grinding, rattling or other noise shall be unlawful.

- (f) ***Blowing of steam whistles.*** It shall be unlawful to blow 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 fire or danger or upon request of the proper city authorities.
- (g) ***Loading and unloading vehicles; opening and destruction of bales, boxes, crates, etc.*** The creation of a loud and excessive noise in connection with the loading and unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers shall be unlawful.
- (h) ***Adjacent to schools, institutions, hospitals, etc.*** It shall be unlawful to create any excessive noise on any street adjacent to any school, hospital, institution of learning, church or court while the same is in operation, which excessive noise interferes with the workings or sessions thereof.
- (i) ***Use of loudspeakers or amplifiers.*** The use of loudspeakers or amplifiers for advertising or other purposes shall be unlawful, except in the course of public addresses which are noncommercial in character.
- (j) ***Use of drums, etc.*** The use of any drum, instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale or display of merchandise shall be unlawful. This exception does not apply to such sporting or athletic exhibitions, entertainments, performances, religious or public gatherings at a residential dwelling or neighborhood, district, or section.

Section 4: Creating loud, disturbing, etc., noise prohibited.

It shall be unlawful to create a noise of such character, intensity or duration as to be detrimental to the life and health of any individual or in disturbance of the public peace and welfare.

Section 5: This ordinance is not applicable to sporting or athletic exhibitions, entertainments, etc.

This ordinance shall not apply to the reasonable operation of sound-amplifying equipment at sporting or athletic exhibitions, entertainments, performances, religious or other public gatherings. This exception does not apply to such sporting or athletic exhibitions, entertainments, performances, religious or public gatherings at a residential dwelling or neighborhood, district, or section.

Section 6: This ordinance is not applicable to public business.

None of the terms or prohibitions in this ordinance shall apply to or be enforced against:

- (a) Any vehicle of the city while engaged upon necessary public business.
- (b) Excavations or repairs of bridges, streets, or highways by or on behalf of the city, public utility or the state during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the day.

Section 7: Building and street work in residential districts between dawn and dusk.

The erection, excavation, demolition, alteration, or repair of any building in any residential neighborhood, other than between the hours of dawn and dusk, shall be unlawful except in cases of urgent necessity in the interest of public health or safety.

Section 8: Certain acts and noises unlawful.

(a) *Scope:* It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or excessive noise which unreasonably interferes with the comfort, health, or safety of others within the city limits of the City of Dora.

(b) In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this section:

- (1) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, musical instrument, or similar device, whether from a motor vehicle 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 fifteen (15) feet in the case of a motor vehicle or thirty (30) feet in the case of a pedestrian.

(2) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound, whether from a business or a residence, in such a manner as to be plainly audible at a distance of fifty (50) feet to any person in a commercial, residential, multi-family dwelling, or public place.

(3) Nothing in this section shall be construed to prohibit special performances by a band or orchestra in a hall, building, or in the open air after proper permits have been obtained from the chief of police.

(4) Nothing in this section shall be construed to prohibit the ringing of bells or chimes by churches within the city.

(5) Nothing in this section shall be construed to prohibit any noises or sounds produced by radios, sirens, or other equipment attached to, or being operated by, any police, fire, rescue, or other emergency vehicles or personnel.

(6) Nothing in this section shall be construed to prohibit the conducting of live remote broadcasts by duly licensed radio stations upon business premises, at the request of the owner of the business. Said live remote broadcasts shall be limited to end at 9 p.m.

Section 9: Fines and Punishments.

Any person found to be in violation of any section of this ordinance shall, be punished by - fine of Twenty-five Dollars (\$25.00) for the first conviction, Fifty Dollars (\$50.00) for the second conviction, and One Hundred Dollars (\$100.00) for the third conviction. Upon a person's fourth conviction of violating any section of this ordinance the person shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to jail for a period not exceeding Ten (10) days.. Each violation shall be a separate offense.

Section 10: Saving Clause.

If any provision or section of this Ordinance is found to be in conflict with any other provision or section of this Ordinance or with any local, state, or federal law or regulation, the more stringent standard shall apply. The invalidity, unconstitutionality or illegality of any provision or section of this Ordinance shall not have any effect upon the validity, constitutionality or legality of any other provision or section and shall be fully valid, binding and enforceable.

APPROVED AND ADOPTED by the City Council of the City of Dora, Alabama,
this the 26th day of October 2017.