

ORDINANCE NO. 09182017a

**AN ORDINANCE ESTABLISHED TO REGULATE NOISE
WITHIN THE TOWN OF VANCE**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

The Town Council for the Town of Vance hereby authorizes the Magistrate for the Town of Vance to impose regulations as set out below:

I. Intent.

It is the intent of the city council to endeavor to provide citizens with an environment free from such excess sounds or noise as may jeopardize their health, welfare and safety, or degrade the quality of life.

II. Definitions.

For the purposes of this article:

Construction activities shall mean any and all activity incidental to the construction, erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

Construction equipment shall mean construction activity utilizing any equipment or devices such as, but not limited to, pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, bulldozers, crawler-tractors, rotatory drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors, pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways, or appurtenance thereto.

db(A) shall mean a measure of sound pressure level in decibels on the A-weighted scale.

Decibel meter shall mean an instrument to measure decibels which meets or exceeds American National Standards Institute (ANSI) section 1.4, 1971(r. 1976) standards for type 2 special purpose meters.

Device shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled.

Domestic power equipment shall mean any equipment or device used for routine home or building repairs and grounds maintenance.

Noise shall mean any sound which exceeds the prescribed decibel levels at a time and location described in the article.

Person shall mean and include any individual, corporation, association, partnership or limited partnership.

Property line shall mean the boundary line distinguishing ownership or the common wall of a townhouse, condominium or leased premises.

Residential district shall have the same meaning as in the Zoning Ordinance of the city, including single-family residence districts (R-1, R-2, R-3, R-4), multi-family residence districts (RMF-1, -4) and mobile home residence districts (RMH), or as established by future zoning ordinances as residential.

Sound shall mean that which is or can be heard, or particularly a temporal and spatial oscillation in pressure, or other physical quality, in a medium with internal forces that cause compression and rarefaction of that medium and which propagates at finite speed to distant points.

Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music or any other sound or noise.

III. Noise in residential districts.

(a) *General Restriction.* It shall be unlawful for any person to use, operate or permit to be used or operated any device, radio, musical instrument, television, phonograph, drum, sound-amplifying equipment or device which produces or reproduces sound either stationary or mobile, in such a manner so as to create any sounds or noise which exceeds eighty (80) db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds seventy-five (75) db(A) from 9:00 p.m. until 6:00 a.m. at any property line within a residential district or upon any public street or right-of-way within or bordering upon any residential district within the corporate limits of the city.

(b) *Loud or raucous sounds or noises.* It shall be unlawful for any person to willfully make, cause or continue any noise which disturbs the peace or quiet of any residential district and which exceeds eighty (80) db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds seventy-five (75) db(A) from 9:00 p.m. until 6:00 a.m. at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.

(c) *Responsibility for creation of noise.* Any person creating any such sound or noise as described in this section and/or anyone permitting such a sound or noise to be created in, or emanate from, any premises under his care, custody or control shall be presumed responsible for any such sound or noise.

IV. Exceptions.

(a) *Emergency and public work.* Noise or sound created in the performance of public service by governmental agencies or their contractors; or emergency work engaged in by persons for the public safety, health or welfare; or to restore property to a safe condition following a public emergency; or work to restore essential public services, including construction activities directly related to the abatement of any emergency, shall not be subject to the provisions of this article.

(b) *Noises from authorized activities.* The prohibitions of this article shall not apply to parades, cultural event, athletic games, state or county fairs, or functions conducted pursuant to a permit specifically approved by the Vance City Council or other appropriate governmental agency. Issuance of a business license shall not constitute approval of, or authorization by the city council of the city within the meaning of this section.

(c) *Sirens, horns and whistles.* The provisions of this article shall not apply to any siren, whistle, horn or bell used by emergency vehicles or civil defense or used by motor vehicles, trains and boats as warning devices to avoid collisions.

(d) *Bells or chimes.* The provisions of this article shall not apply to any bell or chimes, or any device for the production or reproduction of the sound thereof which are associated with a clock or time-keeping device, a church or school.

(e) *Burglar alarms.* The provisions of this article shall not apply to any burglar alarm or security device; provided, however, no burglar alarm or security device shall sound for more than fifteen (15) minutes after being activated.

(f) *Construction activity or equipment.* The provisions of this article shall not apply to any construction activity or equipment operated between the hours of 6:00 a.m. to 9:00 p.m.

(g) *Domestic power equipment.* The provisions of this article shall not apply to any domestic power equipment operated between the hours of 6:00 a.m. to 9:00 p.m.

(h) *Vessels.* The provisions of this article shall not apply to the operation of any motor boat or vessel on any lake, river, stream or waterway.

(i) *Motor vehicles and trains.* The provisions of this article shall not apply to the normal and usual operation of motor vehicles and trains.

V. Noise on public streets generally.

It shall be unlawful for any person to use, operate, or permit to be used or operated in a motor vehicle any sound-amplifying equipment, including, but not limited to, radios, compact disc players and cassette tape players which produces or reproduces sound in such a manner as to create any sounds or noise which exceeds 75 db(A) on any public street or right-of-way in the corporate limits of the City of Vance or its police jurisdiction.

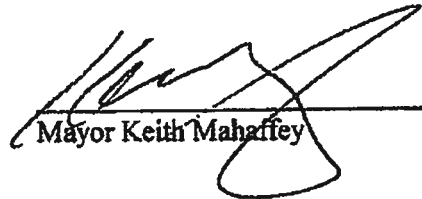
VI. Enforcement.

(a) Abatement order. Any sworn police officer of the city shall have the authority to issue a written or verbal order to any person found in violation of this article to abate the nuisance and if, after having received such order, such nuisance is not immediately abated, then the person found in violation of this article may be cited for a violation.

(b) Penalties. Any person violating any provision of this article shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both, in the discretion of the city court.

(c) Injunctive relief. In addition to any other penalties or remedies provided hereunder, the city shall have the right to proceed in the circuit court for injunctive relief for any violation of this article by filing suit therefor in the name of the city.

ADOPTED AND APPROVED THIS THE 18th DAY OF September, 2017.



Mayor Keith Mahaffey

ATTEST:



Tracy Burt, Town Clerk