



ORDINANCE 2017-17
Amending Ordinance 2016-200

NOISE ORDINANCE FOR THE CITY OF SEMMES

WHEREAS, it is the duty and desire of the City Council of the City of Semmes, Alabama, to encourage, promote, and preserve the natural quiet and peaceful environment of our City and its police jurisdiction, free from excess and objectionable noise which may be a detriment to health, welfare and safety, and which degrades the quality of life; and,

WHEREAS, living together in a city requires mutual consideration and degrees of mutual accommodation; and,

WHEREAS, it falls the duty of the City Council to establish City policy and civic standards to which all citizens may resort and benefit from.

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

SECTION 1: Excessive noise is deemed a nuisance and is hereby prohibited within the Corporate Limits and Police Jurisdiction of the City of Semmes as follows:

(1) It shall be unlawful for any person to play, use or operate, or permit to be played, used or operated, any radio, tape player, cassette player, compact disc player, or other machine or device for producing sound, in or on any public property, including any public street, road, building, sidewalk, or park, in such a manner that the sound generated is plainly audible at a distance of forty-five (45) feet or more from the source of the sound.

(2) It shall be unlawful for any person to play, use or operate any radio, tape player, cassette player, compact disc player, or other machine or device for producing sound in any motor vehicle on a street or highway in such a manner that the sound generated is plainly audible at a distance of forty-five (45) feet or more from the motor vehicle.

(3) It shall be unlawful for any person to produce, directly or by amplification, repeated and persistent sound or noise, or to allow animals, e.g., dogs, in such person's care or keeping, to make such sounds or noise in repeated and



persistent manner such that they can be clearly audible on public streets or property at a distance of more than 45 feet from the edge of said property.

SECTION 2: Exceptions.

The prohibitions of this ordinance shall not apply to:

- (1) Any athletic event, cultural event or concert authorized by the City.
- (2) Noise created by government workers or contractors or utility company workers while working on roads and right-of-ways.
- (3) Noises from authorized activities. The prohibitions of this ordinance shall not apply to any activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts, and fireworks displays.
- (4) Sirens and horns. The provisions of this ordinance shall not apply to any siren or horn used by public safety or other motor vehicles and trains as warning devices.
- (5) Burglar alarms. The provisions of this ordinance shall not apply to any burglar alarm or security device, provided, however, that burglar alarms and security devices shall be silenced as soon as practical and in no event later than 15 minutes after activation.
- (6) Construction activity or equipment. The provisions of this ordinance shall not apply to any construction activity or equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (7) Domestic power equipment. The provisions of this ordinance shall not apply to any domestic power equipment operated between the hours of 7:00 a.m. to 9:00 p.m.
- (8) Motor vehicles and trains. The provisions of this ordinance shall not apply to the normal and usual operation of trains nor to motor vehicles which are equipped with properly operating mufflers.



Section 3: Penalties for failure to comply with this ordinance:

- (1) A written warning shall be issued for a first violation.
- (2) Upon any violation after which a written warning has been issued a fine not to exceed \$300.00 may be assessed, together with court costs.

Section 4: Definitions.

- (1) *Construction activities and equipment* shall mean any and all activity and equipment operation incidental to the construction, demolition, altering, or installing of buildings, structures, roads, including land clearing, grading, and excavating and filling.
- (2) *Noise*: sound that is loud or unpleasant or that causes disturbance, interference with the hearing of desired sounds or communication, or that causes injury to the ears.
- (3) *Device*, in this ordinance shall mean anything which produces sound.
- (4) *Person* shall mean and include any individual or corporate entity.
- (5) *Property line*: The boundary line between parcels of property.
- (6) *Residential area* shall mean any place in which people make their homes.
- (7) *Sound* shall mean that which can be heard with the ears.
- (8) *Sound equipment* shall mean any device for producing sound or noise.
- (9) *Domestic power equipment* shall mean any equipment or device used for routine home or building repairs and grounds maintenance.

Section 5: Codification.

Upon the codification of city ordinances, authority is hereby granted to reassign the section numbers of this ordinance as may be found to be appropriate at such time, this ordinance to remain in full force in effect under such newly assigned number(s) as though assigned herein.



Section 6: Public Notice; Effective Area.

This ordinance shall become effective within the city limits and police jurisdiction of the city upon publication pursuant to applicable law for thirty consecutive (30) days.

Section 7: Repealer.

This ordinance shall supersede and repeal City of Semmes Ordinance 2016-200, and any and all other previous ordinances or provisions of ordinances in conflict with this ordinance.

Section 8: Severability.

If any article, section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

Adopted and approved this 19th day of September, 2017.

/s/David Baker - Mayor

ATTEST:

/s/Brandi Brock - City Clerk