

ORDINANCE NO. 1301

An ordinance regulating unreasonable noise and vibration;
providing a penalty for violation hereof.

WHEREAS, urban activity necessarily generates noises and vibrations which, left unregulated, can interfere with the rights, safety, and welfare of the citizenry; and

WHEREAS, it is necessary to protect citizens and visitors in the City of Chickasaw from unreasonable and disruptive levels of noise and vibration on the streets and from uninvited noise and vibration within the privacy of their homes and residences; and

WHEREAS, the City Council of Chickasaw desires to enact a noise and vibration ordinance with sufficient flexibility to prohibit all noises and vibrations of a type or volume that a reasonable person, under the given circumstances, would not tolerate, now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, AS FOLLOWS:

Section 1. The following words and terms, when used in this Ordinance, shall have the meanings respectively ascribed to them in this Section:

(a) Applicable Limits. City limits or police jurisdiction of the City of Chickasaw, Alabama.

(b) Commercial Establishment. Any hotel, motel, restaurant, cafe, lounge, bar, tavern, night club or other licensed enterprise for the retail sale of food or drink.

(c) Private Club. Any facility owned or operated by a private organization or association at which food or drink is offered for sale.

(d) Vehicle. Any car, truck or motor operated vehicle whether moving or stationary.

(e) Unreasonable Noise and Vibration. Any unreasonably loud, raucous or jarring sound or vibration which, under the circumstances, annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities within the area of the sound's audibility. Specifically, but without exclusion or limitation, the sounds and vibrations produced by the following acts shall constitute unreasonable noise and vibration within the meaning of this ordinance:

The playing or operation of any musical instrument, appliance, amplifier, loudspeaker, or sound reproduction device in or on the premises of a Commercial Establishment or Private Club, residence or in a vehicle in such a manner as to result in the sound, any portion of the sound, or any vibration therefrom being projected off the premises of the Commercial Establishment, Private Club or residence or from the vehicle so as to be audible or perceptible. Noncommercial public speaking and

public assembly activities conducted on any public space or public right of way shall be excluded from the operation of this Ordinance.

(f) Person. Every natural person, association, or corporation. For the purposes of Section 3 of this Ordinance, such term as applied to "association" shall mean the partners or members thereof, except that as to an incorporated club, the term "person" shall mean such individual or individuals who, under the by-laws of such club, shall have jurisdiction and control over the operation of any facility owned or operated by such club.

Section 2. It shall be unlawful for any person to make, cause, or permit to be made any unreasonable noise or vibration within the city limits of the City of Chickasaw, including the waters lying within said areas, except for noise necessarily associated with construction work, industry or commerce, supervised educational activity, lawn or garden care and then only during the hours from 6:00 a.m. to 10:00 p.m. Included in this exception shall be high school band practice, performance of bands during sporting events held at school and City Parks, youth sporting events at city parks, all within reason or any other such special events or functions which may be unforeseen, but are deemed appropriate by the City Council.

Section 3. Any person violating the provisions of Section 2 of this Ordinance shall, upon conviction, be punished by a fine of a minimum amount of \$25.00 and a maximum amount of \$500.00 or imprisonment for a period not exceeding 180 days, or both, for

each separate violation, within the limits and as provided by Section 11-45-9, Code of Alabama, 1975, as amended.

Section 4. In lieu of issuing a citation or executing an arrest for violation of this Ordinance in or, on the premises of a Commercial Establishment or Private Club, residence or in a vehicle, any law enforcement officer of the City of Chickasaw may issue an order to the person having jurisdiction and control of the Commercial Establishment or Private Club, residence or vehicle requiring the immediate abatement of any such unreasonable noise or vibration. Any unreasonable noise or vibration in or on the premises of a Commercial Establishment or Private Club, residence or vehicle not abated in compliance with such an abatement order is hereby declared to constitute such Commercial Establishment or Private Club, residence or vehicle a dangerous, offensive and unwholesome annoyance and nuisance, as provided by Section 11-47-117 of the Code of Alabama, 1975, or as otherwise provided by law.

Section 5. That this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

ADOPTED this 13 day of November, 1990.