

ORDINANCE NO. 2023-17

An ordinance of the City of Irondale, Alabama to modify sections of “Chapter 9 – Nuisances, Article III. – Noise” of the Municipal Code of the City of Irondale

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Irondale, Alabama in regular meeting duly assembled, a quorum being present, as follows:

Section 1. Modification of Chapter 9 – Nuisances, Article III – Noise. Chapter 9, Article III of the *Municipal Code of the City of Irondale, Alabama* is hereby deleted in its entirety and replaced with the following:

Sec. 9-71. Reduction, control and prevention of noise – Purpose.

The noise regulations set forth herein are enacted to protect, preserve and promote the health, safety welfare and peace and quiet for the citizens of the city through the reduction, control and prevention of noise. It is the intent of these regulations to establish standards that will eliminate and reduce unnecessary and excessive motor vehicle and community noise, which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

Sec. 9-72. Reduction, control and prevention of noise – Prohibited conduct.

- (1) It shall be unlawful for any person to intentionally or recklessly make, assist in making, continue, cause to be made or continued, or, with regarding to premises upon which they have control or charge of, permit to be made or continued, any unreasonably loud or raucous sound or noise within the jurisdiction limits of the city in such a manner as to be plainly audible to any person at least fifty (50) feet from the source of the sound. Measurement of the audible sound shall be by the auditory senses, without enhancement by a mechanical device such as a microphone or hearing aid.
- (2) In addition to the general prohibition set forth in Sec. 9-72(1), the following specific acts are declared to be unlawful:
 - a. *Horns, signaling devices, etc.* To sound any horn or signaling device on any automobile, motorcycle, truck or other vehicle for an unnecessary or unreasonable period of time on any street or in any public place within the City, except as a danger warning; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
 - b. *Loudspeakers, amplifiers for advertising.* To use, operate or permit to be played, used or operated any radio or television set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine

or device for the producing or reproducing of sound which is on the public street for the purpose of commercial advertising or attracting the attention of the public to any building or structure in such a manner as to be plainly audible to any person at least fifty (50) feet from the source of the noise.

c. *Yelling, shouting, etc.* To yell, shout, hoot, whistle, or sing on the public streets between the hours of 10:00 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 persons in any office, or in any dwelling, hotel or any other type of residence, or of any persons in the vicinity.

d. *Exhaust.* To discharge into the open air of the exhaust of any internal combustion engine, motorboat or any other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

e. *Vehicles out of repair, etc.* To use any automobile, motorcycle, motor scooters, go-cart, or any other vehicle so out of repair, or so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise, including excessive noise coming through the exhaust thereof.

f. *Loud music, etc.* To operate, play or permit the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time in such a manner as to be plainly audible to any person at least fifty (50) feet from the vehicle from which the sound is emitted.

g. *Use of lawn equipment.* To use any lawn equipment in a residential area between the hours of 10:00 p.m. and 7:00 a.m.

h. *Construction activities.* 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, in a residential area between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 9-73. Exceptions.

The provisions of this Article shall not apply to the following:

a. Noises of safety signals, security devices, emergency communication devices, and emergency pressure relief valves.

- b. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in the time of an emergency.
- c. Any other noise resulting from activities of temporary duration permitted by law and for which a license or permit has been granted by the city in accordance with its ordinances and laws, including, but not limited to parades, sporting events, concerts and firework displays. However, this exemption shall not apply to the use of lawn equipment in a residential area or construction activities in a residential area between the hours of 10:00 p.m. and 7:00 a.m.
- d. Noises resulting from the use of commercial lawn equipment by employees of the city while performing their official duties.
- e. Any recreational and educational activity, including, but not limited to school bands and neighborhood ball games.
- f. Public address systems at public facilities.
- g. Any siren, whistle, horn, bell or other signal device used by an emergency vehicle, a governmental vehicle, a police vehicle, and/or a fire department vehicle or civil defense or used by motor vehicles, and trains as warning devices to avoid collisions.
- h. 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.
- i. Noise emanating from (a) a city event, (b) a special event authorized by the city under a special event permit; and/or (c) events and/or activities at the Irondale Civic Center.

Sec. 9-74. Responsibility for Creation of Noise. Any person creating any such sound or noise as described in this article and/or anyone permitting such a sound or noise to be created in, or emanate from, any premises under his/her care, custody or control shall be presumed responsible for any such sound or noise and for any violation(s) related thereto.

Sec. 9-75. Animal and fowl sounds.

No person shall confine, harbor, or keep on a lot, place or premises, any animal or fowl which habitually, continuously or intermittently makes or emits sounds or noises of such volume, nature or extent as to be a public nuisance by reason of being obnoxious or annoying to the ordinary persons in that neighborhood.

Secs. 9-76—9-95. Reserved.

Section 7. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 9. LEGAL RIGHTS NOT IMPAIRED. Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 10. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 11. PUBLICATION OF ORDINANCE. The City Clerk of the City of Irondale is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 12. EFFECTIVE DATE OF ORDINACNE. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

ADOPTED & APPROVED: This 2nd day of May, 2023.

David Spivey, City Council President

APPROVED:

James D. Stewart, Jr., Mayor

ATTESTED:

Leigh Ann Allison, City Clerk

CERTIFICATION

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 2nd day of May, 2023, as the same appears in the minutes of record of said meeting.

Leigh Ann Allison, City Clerk