

ORDINANCE NO. 05-05-17-271

AN ORDINANCE TO CONTROL NOISES WHICH CAUSE ANNOYANCE OR DISTURBANCE OR OTHERWISE ENDANGERS OR INJURES THE HEALTH AND SAFETY OF HUMANS AND ANIMALS.

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

§1 - Definitions:

Whenever used in this Ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meaning:

NOISE DISTURBANCE: Any sound which may do the following:

- (a) causes annoyance or disturbs humans or which has any adverse psychological/physiological effects on humans.
- (b) endangers or injures the health or safety of humans and animals,
- (c) or causes annoyance or disturbance to a reasonable person of normal sensitivities, or
- (d) endangers or injures personal or real property.

REAL PROPERTY BOUNDARY: A line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person.

RESIDENTIAL AREA: An area designated for any residential use under the zoning ordinance of the city.

MAJOR HOLIDAYS: New Years Day, Independence Day, Thanksgiving and Christmas.

§2 - Noise Prohibitions:

(a) It shall be unlawful and a nuisance for any person to make, continue or cause to be made or continued any loud, unreasonably loud, disturbing, unnecessary or excessive noise which unreasonably interferes with the comfort, health or safety of others.

(b) It shall be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned or possessed by him or under his management or control.

§3 - Special Violations:

The following shall be declared a nuisance and shall be unlawful:

(a) 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 other person other than the player or operator of the device at a distance of twenty (20) feet in the case of a motor vehicle or thirty (30) feet in the case of a pedestrian.

(b) To operate or play any radio, television, musical instrument or similar device or to produce live music, sound or noise in any manner which produces or reproduces sound or noise, whether from a business, residence or any other premises, in such a manner as to be plainly audible outside of the real property boundary of such business, residence or other premises between the hours of 10 p.m. and the following morning at 9:00 a.m.

(c) To keep any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any ordinary person in the vicinity.

(d) To load, unload, open, close or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 6:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary.

(e) To operate or permit the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 10:00 p.m. and 6:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or major holidays, such that the sound there from creates a noise disturbance across a residential real property boundary, except for emergency work or public service utilities.

(f) To operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

(g) To operate a motor vehicle or any internal combustion engine, which is excessively loud so as to disturb the quiet, comfort, or repose of persons across a residential real property boundary. This includes excessive noise levels as the result of a defective or modified exhaust system or as a result of an unnecessary rapid acceleration, deceleration, engine revving or tire squealing.

§4 - Exceptions:

(a) Special performances by a band or orchestra after permits have been obtained from the city government.

(b) Ringing of bells or chimes by churches in the city.

(c) Any noises or sounds produced by police, fire, rescue or other emergency vehicles or personnel.

(d) Organized school-related programs, activities and other events.

(e) Organized public programs, activities, events, and parades or other public programs, activities or events authorized by city government.

§5 - Penalties:

It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:

(a) For the first offense, the fine shall be \$50.00 and ten (10) hours of community service.

(b) For the second offense, within twelve (12) calendar months, the fine shall be \$200 and forty (40) hours of community service.

(c) For any subsequent offense, within twelve (12) calendar months, the fine shall be \$500 and forty (40) hours of community service.

(d) The violation of this ordinance or any part thereof on more than one (1) day shall each constitute separate offenses.

§6 - Authority of this Ordinance:

This ordinance shall take precedence over any neighborhood covenants.

§7 - Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

§8 - Effective date:

This ordinance shall become effective on and after June 14, 2005

ADOPTED this 7th day of June, 2005