

**ORDINANCE 2014-001R1**

**AN ORDINANCE TO REGULATE NOISE WITHIN THE TOWN LIMITS OF GURLEY,  
ALABAMA**

**Section 1. Intent.**

It is the intent of the Town Council to establish standards designed to reduce and eliminate unnecessary and excessive sounds and noises which jeopardize the public health, welfare, and safety or which are detrimental to the individual and collective quality of life for Gurley residents.

**Section 2. Definitions.**

*When used in the ordinance, the following terms shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:*

***Audible*** means loud enough to be heard. Words and phrases do not have to be discernible by the hearer for sound or noise to be audible.

***Town*** shall mean Town of Gurley, Alabama.

***Person*** means any individual, corporation, firm, partnership, association, organization or any other group or entity, whether public or private in nature.

***Property line*** means the boundary line distinguishing ownership of real property or the common wall between townhouses, condominiums, or similarly-developed premises.

***Public premises*** means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, and parks but shall not include any public property leased to any nongovernmental entities.

**Section 3. General Violations.**

It shall be unlawful for any person within the corporate limits of the Town to make, produce, cause, continue, allow, or permit any loud, excessive, unusual or unnecessary noise which unreasonably interferes with the comfort, repose, health, peace, safety or welfare of others inside the corporate limits of the Town.

**Section 4. Specific Violations.**

*In addition to the general prohibition set forth in Section 3, the following specific acts are declared to be unlawful:*

- (a) **Motorized vehicles on public premises.** It shall be a violation of this section to use, play, or operate or permit to be used, played or operated any radio, compact disc player, digital music device, loudspeaker, stereo, musical or percussive instrument, or any other similar device which produces or reproduces sound, in or on a motor vehicle located on the public streets of the Town.; located on property owned or leased by the Town; within a public park; within a public parking lot; or any other public premise within the Town, whether such motor vehicle is stationary or in motion, in such a manner as to produce noise which is audible more than twenty-five (25) feet from the vehicle where the sound originates.
- (b) **Motorized vehicles on private premises.** It shall be a violation of this section to use, play, or operate or to permit to be used, played, or operated any radio, compact disc player, digital music device, loudspeaker, stereo, musical or percussive instrument, or any other similar device which produces or reproduces sound, in or on a motor vehicle located on private property within the Town, whether such motor vehicle is stationary or in motion, in such a manner as to produce noise which is audible more than twenty-five (25) feet from any property line of the property where the vehicle is located.
- (c) **Other than motor vehicles—across property lines.** With the exception of noise emanating from motor vehicles as contemplated by subsections (a) and (b), it shall be a violation of this section to use, play, operate or permit to be used, played or operated any radio, compact disc player, digital music device, television, stereo, musical or percussive instrument, or any other similar device which produces or reproduces sound, in such a manner as to produce noise which is audible more than twenty-five (25) feet from any property line of the property where the sound originates.
- (d) **Noises produced by horns, signaling devices, etc.** It shall be a violation of this section 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 Town, except as a signal of warning or danger; to use any signaling device except one operated by hand or electricity; to use any horn, whistle, or other device operated by engine exhaust; or to use any such signaling device when the regular movement of traffic is stalled, delayed, or otherwise slowed for any reason.
- (e) **Whistles.** It shall be a violation of this section to blow any locomotive whistle or any whistle attached to any stationary fixture except as a signal of warning or danger; to give notice of the time to begin or stop work; or upon the request of proper authorities.
- (f) **Exhaust.** It shall be a violation to discharge into the open air the exhaust of a steam engine, stationary internal combustion engine, motor vehicle, motorboat, aircraft, or other

vehicle except through a muffler or other device which effectively prevents loud or explosive noises.

- (g) **Defect in vehicle or load.** It shall be a violation of this section to use any motor vehicle which is either in such a state of disrepair or is loaded in such a manner that its use creates loud and unnecessary grating, grinding, rattling or other noise.
- (h) **Noise adjacent to schools, libraries, churches, hospitals.** It shall be a violation of this section to create any excessive noise on any street adjacent to any school, library, church, or hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys those lawfully within the buildings or on the premises, provided conspicuous signs are displayed along such street identifying the same as adjacent to a school, library, church, or hospital.
- (i) **Peddlers.** It shall be a violation of this section for peddlers, solicitors or any similar vendors to shout, cry, yell, or announce their presence or wares in a manner which disturbs the peace and quiet of any residential neighborhood.
- (j) **Participation in noisy parties or gatherings.** It shall be a violation of this section for persons to congregate at a party or gathering from which emanates noise of a sufficient volume or such a nature that it disturbs the peace, quiet, comfort and repose of any neighboring inhabitants, except as granted by a municipal permit. If deemed appropriate by a responding officer, some or all of the persons present at such a party or gathering (other than the owners and/or tenants of the property) may be ordered to immediately disperse and vacate the premises. Any persons refusing to follow such lawful order may be subject to arrest.

#### **Section 5. Commercial activities; exceptions.**

- (a) **Loading and unloading.** It shall be a violation of this section to create loud and excessive noise in connection with loading or unloading of any vehicle or dumpster or with the opening and destruction of bales, boxes, crates or containers, where such noise is audible more than twenty-five (25) feet from any property line of the property where the sound originates.
- (b) **Operation of trucks and equipment.** It shall be a violation of this section to operate dumpster-moving equipment, street sweepers, delivery trucks, or similar equipment where such noise is audible more than twenty-five (25) feet from any property line of the property where the sound originates.
- (c) **Exception.** It shall not be a violation of this section if the commercial activity prohibited by subsection (a) or (b) occurs during the hours from 7:00a.m. until 10:00p.m Monday through Saturday or during the hours from 10:00a.m until 7:00p.m on Sunday and Town-observed holidays.

#### **Section 6. Construction-related noise.**

It shall be a violation of this section to engage in any construction-related activity that produces noise extending beyond the property line of the land upon which construction is taking place except between the hours of 7:00 am and 9:00 pm Monday through Saturday and the hours of 10:00 am and 7:00 pm on Sunday and Town-observed holidays. Provided, however, that the operation of construction equipment at any hour is permitted as long as it does not produce noise that violates the provisions of Section 3.

#### **Section 7. Exemptions from enforcement.**

*The following uses and activities shall be exempt from noise level regulations set forth in this ordinance:*

- (a) Safety signals, warning devices, and emergency pressure relief valves.
- (b) Authorized emergency vehicles responding to an emergency call or acting in time of emergency.
- (c) Emergency work performed by or on the authorized behalf of the Town of Gurley, any public utility, or any other governmental agency to restore essential services or to restore property to a safe condition following a public emergency, including construction activities directly related to the abatement of the emergency.
- (d) Aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt from the provisions of this chapter.
- (e) Any vehicle or equipment of the Town or a public utility while engaged in necessary public business.
- (f) Excavations or repairs to bridges, streets, or highways by or on behalf of the Town or other governmental agency.
- (g) Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snow blowers, tillers, saws, sanders, drills or similar devices) between 7:00a.m. and 9:00p.m. any day of the week.
- (h) Attendant on-site noise and playing of instruments connected with actual performance or practice of organized sporting events or school events held on school campuses and in publicly-owned parks and facilities.
- (i) Chiming of bells or other similar sound produced by religious institution, school, or clock or bell tower.
- (j) Town-sponsored or Town-organized events.

- (k) Any siren, whistle, horn or bell used in case of fire, collision, civil defense, burglary, police activity or imminent danger; however, no burglar alarm or security device shall be allowed to sound for more than fifteen (15) minutes after being activated.
- (l) Household generators used during a power outage.

**Section 8. Noise permit.**

- (1) ***Application; exceptions.*** Except for the provisions related to motor vehicles, applications may be made for a noise permit relieving the applicant from the requirements and provisions of this ordinance. Such application shall be filed with the Town Clerk no later than fifteen (15) days before the first date for which the permit is sought.
- (2) ***Contents of application. The application for a noise permit shall contain the following information:***
  - (a) The name, address, and the telephone number of the person completing the application, If the individual is completing the application on behalf of a business or organization, the name, address and phone number of the main office or headquarters of the organization as well as the name , address, and phone number of the owner, manager or chairperson of the organization.
  - (b) The name, address, and phone number of the individual, business or other group that will actually produce the noise.
  - (c) A description of the noise that will occur, including whether the source of the noise will be live or mechanical.
  - (d) The reason the noise will be made.
  - (e) The proposed date and time the noise will begin and when it will end.
  - (f) A street address and general description of the location where the noise will occur, including, but not limited to, whether the property on which the noise will occur is a residence, park, church, commercial establishment, or other.
  - (g) If the noise will be made in connection with a gathering of people, an estimate of the number of people involved.
- (3) ***Procedure for review and approval application.*** Upon receipt of an application for a noise permit, the Town Clerk shall forward copies of the application to the Mayor, the Police Chief and the Town Administrator for their review and comment. Following receipt of their input, the Mayor/Town Administrator, as the permitting authority, shall be responsible for making the final determination regarding issuance of the requested permit. In deciding whether to issue a noise permit, the Mayor/Town Administrator shall consider the following factors:

- (a) Whether the proposed activity or event complies with all applicable licensing, permitting and zoning laws and requirements of the Town;
- (b) Whether the proposed activity, event or noise is reasonably likely to interfere with or jeopardize the health, welfare and safety of individuals in the vicinity;
- (c) The nature of the activity, event or noise, including whether the noise involves protected speech or expression;
- (d) The nature of the location, whether residential, commercial or other.
- (e) The proximity of the location to single-family or multifamily residences, churches and/or schools with consideration for the time of day the activity or event is to occur;
- (f) The length of time the noise will be made; and
- (g) Any other factors deemed relevant to the decision making process.

*When issuing a noise permit, the permitting authority may place any limits, restrictions, or conditions on the permit it deems reasonably necessary to preserve public health, safety and welfare.*

(4) ***Contents of permit.*** Every noise permit shall state the following information:

- (a) The name and address of the individual or organization being issued the permit;
- (b) The location, date, starting time and approximate length of time the noise is to occur;
- (c) Any limitations, restrictions or conditions on the permit; and
- (d) Any other information the Mayor deems necessary to ensure compliance with the permit and the laws of the Town.

(5) ***Invalidity of the permit.*** *A noise permit issued pursuant to this section shall cease to be valid under any of the following circumstances:*

- (a) The permittee, individual or organization making or creating the noise fails to comply with all permit directions, limitations, restrictions or conditions and with all applicable Town laws;
- (b) The permittee or a designated representative is not present at the permitted location and unable to produce the noise permit during the entire time the noise is being made or created; or
- (c) The application for the noise permit contains a material misrepresentation which was not corrected before the noise permit was issued.

(6) ***Revocation of permit.*** The Mayor shall have the authority to revoke a permit prior to the activity or event, upon the joint concurrence of the Town Administrator and Police

Chief for good cause shown but, before doing so, shall give written notice to the permittee stating the grounds for the revocation.

**Section 9. Presumptions and prima facie evidence; penalties for violation.**

**(1) *Presumption of responsibility; prima facie evidence.***

- (a) Any person creating any sound or noise as is prohibited in this ordinance or anyone permitting such a sound or noise to emanate from any premises or vehicle under his/her care, custody, or control shall be presumed responsible for the production of any such sound or noise.
- (b) Possession by a person or persons of any sound production device or sound reproduction device as described in Section 3 (a) through (c) shall be prima facie evidence that the person operates, or those persons operate, said device.

**(2) *Penalties.***

- (a) Any person adjudged to be in violation of any of the provisions of this Ordinance shall be guilty of a violation and, upon first conviction thereof, shall be fined a minimum of one hundred dollars (\$100.00) plus court cost.
- (b) Upon a second conviction for violation of any of the provisions of this Ordinance, shall be fined a minimum of two hundred and fifty (\$250.00) dollars plus court cost.
- (c) Upon third and each subsequent conviction for violation of any of the provisions of this Ordinance, they shall be fined a minimum of five hundred dollars (\$500.00) plus court cost. In addition, he shall be subject to imprisonment for no less than twenty-four (24) hours.
- (d) For purposes of prosecution, each day a violation is committed or permitted to continue is a separate offense.

**Section 10.**

That the provisions of this Ordinance and any amendments which may be made in the future are separate and severable and that if any provision of this Ordinance, or any application thereof to any person, thing, or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance which can be given effect without the invalid provisions or application.

**Section 11.**

That this Ordinance shall become effective upon its passage and final publication thereof as required by law.

**READ, APPROVED and ADOPTED** at a regular meeting of the Town Council of Gurley Alabama, on this the 18<sup>th</sup> day of November, 2014.

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Robert Sentell, Mayor and Presiding Officer  
the Town Council of the Town of Gurley

ATTEST:

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Tawnie Bryant, Town Clerk