

**ORDINANCE NO. 2019 - 5132**

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-1678  
PROHIBITING LOUD OR EXCESSIVE NOISE WITHIN THE  
CORPORATE LIMITS OF THE CITY OF PELL CITY, ALABAMA**

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

**Section 1. Loud or Excessive Noise.**

Except as expressly set forth herein, it shall be unlawful and constitute a nuisance for any person to make, create, or maintain any unreasonable, loud, disturbing, or excessive noise that is plainly audible at a distance of seventy five (75) feet or more from the source of the sound if that noise is of such character, intensity, or duration that unreasonably interferes with the comfort, health, or repose of any individual within the corporate limits of the City of Pell City, Alabama.

**Section 2. Motor Vehicles and Pedestrians.**

Except as expressly set forth herein, it shall be unlawful and constitute a nuisance for any person to make, create, or maintain any unreasonable, loud, disturbing, or excessive noise in connection with the operation of a motor vehicle, truck, or other motorized equipment, whether from a radio, musical instrument, or similar device or from the vehicle itself, that is plainly audible at a distance of twenty five (25) feet or more from another motor vehicle or fifty (50) feet or more from a pedestrian if that noise is of such character, intensity, or duration that unreasonably interferes with the comfort, health, or repose of any individual within the corporate limits of the City of Pell City, Alabama.

**Section 3. Commercial and Residential Buildings.**

Except as expressly set forth herein, no person shall operate or play any radio, television, phonograph, musical instrument, or similar device that produces or reproduces sound, whether from a commercial or residential building, in such a manner as to be plainly audible at a distance of seventy five (75) feet or more from the source of the sound if that noise is of such character, intensity, or duration that unreasonably interferes with the comfort, health, or repose of any individual within the corporate limits of the City of Pell City, Alabama.

**Section 4. Bands and Orchestras - Permit Required.**

(a) Nothing in this Ordinance shall be construed to prohibit performances by a band or orchestra inside a hall or building nor any outdoor performance by such band or orchestra. Provided, however, that it shall be unlawful for any band or orchestra to perform unless a permit therefor has been secured from the Police Chief.

(b) To secure a permit, written application shall be made to the Police Chief at least five (5) days prior to the event. The Police Chief shall grant a written permit unless in his/her judgment the public welfare, peace and health require that it be refused.

**Section 5. Remote Broadcasts.**

Nothing in this Ordinance shall be construed to prohibit the conducting of live remote broadcasts by duly licensed radio stations upon business premises at the owner's request. Provided, however, said broadcasts shall not be allowed during the quiet hours set forth herein.

**Section 6. Churches.**

Nothing in this Ordinance shall be construed to prohibit the ringing of bells or chimes by churches within the City.

**Section 7. Exclusions.**

The prohibitions of this Ordinance shall not apply to the following:

- (a) Noises or sounds produced by radios, sirens, or other equipment attached to or being operated by any police, fire, rescue or other emergency vehicles or personnel.
- (b) Noises or sounds caused to be made by manufacturing, governmental, construction, or commercial entities in the normal course of their business.
- (c) Noises or sounds emanating from any official school event held on school property.
- (d) Noises or sounds emanating from any event permitted or sanctioned by the City, such as Lakefest, the Downtown Block Party, or any similar events approved by the City.

**Section 8. Quiet Hours.**

The time from 9:00 p.m. to 7:00 a.m. shall be designated as quiet hours in the City. During those quiet hours, the distance limitations for plainly audible noises regulated herein shall be reduced by fifty (50%). During those quiet hours, it shall be unlawful and constitute a nuisance for any person to make, create, or maintain any unreasonable, loud, disturbing, or excessive noise that is plainly audible from the source of the sound at a distance of one-half the applicable distance set forth herein if that noise is of such character, intensity, or duration that unreasonably interferes with the comfort, health, or repose of any individual within the corporate limits of the City of Pell City, Alabama

**Section 9. Penalty.**

Any individual, firm, partnership or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 or imprisoned for not more than six (6) months, or both, in the discretion of the court. Each violation shall constitute a separate offense.

**Section 10. Severability.**

If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

**Section 11. Repeal of Conflicting Ordinances.**

Any provisions of Ordinance No. 2003-1678 or any other ordinance in conflict with the provisions of this Ordinance shall be and are hereby repealed on the effective date of this Ordinance.

**Section 12. Effective Date.**

This Ordinance shall become effective immediately following approval, passage, and publication as required by law and shall supersede and repeal all ordinances in conflict herewith.

**ADOPTED AND APPROVED** this 13<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
James McGowan, Council President

ATTEST:

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Sheree Pruitt, Assistant City Clerk

**APPROVED** this 13<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
William T. Pruitt, IV, Mayor

ATTEST:

\_\_\_\_\_  
Sheree Pruitt, Assistant City Clerk

**CERTIFICATION**

I, Sheree Pruitt, Assistant City Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the \_\_\_\_\_ day of May, 2019, and that same has been published in accordance with law in the *St. Clair News Aegis* on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Assistant City Clerk