# CITY OF ASHFORD NOISE ORDINANCE # 04-002

I. **BE IT ORDAINED BY THE COUNCIL TO THE CITY OF ASHFORD, ALABAMA,** that Ashford City Ordinance 98-213 are hereby repealed in its entirety; and

II. **BE IT FURTHER ORDAINED,** that the following is hereby adopted:

**A. Purpose**

The making, creation and maintenance of loud, raucous, jarring, disturbing, unnecessary, or unnatural noises, which are unusual for their time, place and use, affect and are detrimental to the public health, comfort, convenience, safety, welfare and prosperity of the citizens of the City. As a result of their necessity for the public interest, the provisions and prohibitions of this Ordinance are enacted for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity and peace of the City and its citizens with due concern for the rights of individuals and property owners.

**B. Noise permit required.**

1. It shall be unlawful for any individual or organization to make or create or to ask or pay another to make or create any noise that is raucous, jarring, disturbing, and unreasonably loud or a nuisance to a reasonable person within the area or audibility, without first obtaining a permit in accordance with the procedures set forth in this Ordinance. A permit is not authorized for a noise, which will be repetitive in nature or made on a continuing basis.

2. For purposes of the Ordinance, audibility shall be measured by the auditory senses, words and phrases need not be discernable and bass reverberations are included.

3. **Exceptions.** Nothing in this Ordinance shall be construed to prohibit:

   (a) The ringing of bells or chimes by religious organizations;

   (b) Noises created by police, fire rescue or other emergency vehicles or personnel;

   (c) Live remote broadcast by duly licensed radio stations upon business or public premises;

   (d) Construction activity conducted or construction

Equipment operated upon residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 7:00 p.m.

**C. Prohibited acts for which permit cannot be obtained.**

1. It is hereby declared a nuisance and shall be unlawful to operate or play any radio, stereo system, musical instrument or similar device which produces or reproduces sound, whether from a motor vehicle or by a pedestrian, in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of fifty (50) feet in the case of a motor vehicle or fifty (50) feet in the case of a pedestrian;

2. It is here by declared a nuisance and shall be unlawful to operate or Play any radio, stereo system, television, phonograph, musical instrument or other similar device which produces or reproduces sound, whether from a business or residence, in such a manner as to be plainly audible at a distance of fifty (50) feet to any person inside a commercial, residential, multifamily dwelling or public place.

**D. Penalty for violation.**

Any person convicted of violating any section of this Ordinance shall be punished by a fine not to exceed five hundred ($500.00). Each day any violation of this Ordinance exists or continues to exist shall be a separate offense and punishable as such under this section.

**E. Noise permit application.**

An individual or organization seeking a noise permit shall file an application with the City Clerk on a form provided by the City Clerk's office.

1. Time for Filing. An application for a noise permit must be submitted to the City Clerk at least fifteen (15) business days before the first day of the date or dates for which the permit is sought. Applications received less than fifteen (15) business days before shall not be considered unless the applicant can show the permitting authority good cause for failing to file the application in a timely manner.

2. Contents. The application for a noise permit shall contain the following information:

   (a) The name, address and telephone number of the person completing the application. If the individual is completing

the application on behalf of an organization, the name , address and phone number of the organization as well as the name address and telephone number of the owner, manager or chairman of the organization;

(b) The name, address and telephone number of the individual or organization that will actually create 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 why the noise will be made;

(e) The proposed date, time and length of the noise;

(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.

**F. Procedure for application, review and approval.**

1. Upon receipt of an application for a noise permit, the City Clerk shall forward copies of the application to the Mayor, the City Attorney, the Chief of Police, and the Fire Chief within two (2) business days from the date the application was filed.

2. The Mayor, the City Attorney, and the Fire Chief shall have five (5) business days to review the noise permit application and transmit, in writing, any comments, objections or recommendations regarding the noise permit application to the Chief of Police.

3. The Chief of Police shall be the Permitting Authority and shall be responsible for issuing noise permits.

4. In deciding whether to issue a noise permit, the Permitting Authority 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 City;

(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, including, but not limited to, whether there is a history of violent acts arising out of past similar activities or events at the proposed location;

(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 or multi-family 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.

5. 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.

**G. Contents of noise permit.**

Every noise permit shall state the following information:

1. The name and address of the individual or organization being issued the permit;

2. The location, date, starting time and approximate length of time the noise is to occur;

3. Any limitations, restrictions or conditions on the permit; and

4. Any other information the Chief of Police deems necessary to ensure compliance with the permit and the laws of the City.

**H. Duties of permit; Invalidity of noise permit.**

A noise permit issued pursuant to this Ordinance shall cease to be valid under any of the following circumstances:

1. 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 City laws;

2. The permittee or a designated representative is not present at the permitted location and able to produce the noise permit during the entire time the noise is being made or created; or

3. The application for the noise permit contains a material misrepresentation, which was not corrected before the noise permit was issued.

**I. Revocation of noise permit prior to permitted event or activity.**

The Chief of Police shall have the authority to revoke a permit prior to the activity or event, upon the joint concurrence of the Mayor and/or the City Attorney, granted pursuant to the Ordinance for good cause shown but before doing so, shall give written notice to the permittee stating the grounds for revocation.

**PASSED AND APPROVED THIS 7th DAY OF JUNE 2004.**

**CITY OF ASHFORD**

**(SEAL)**

**Bryan D. Alloway, Mayor**

**ATTEST:**

I, Sherry Sowell, City Clerk of the City of Ashford, Alabama, **DO HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance which was duly adopted by the Council of the City of Ashford at its regular meeting held the 7th day of **June 2004**..

**GIVEN** under my hand and the official SEAL of the City of Ashford, Alabama, this the 7th day of **June 2004**.

**Sherry Sowell, City Clerk**