

ORDINANCE NUMBER 2001-001  
NOISE

BE IT ORDAINED by the Council of the Town of Vincent, Alabama, that ordinance Number 2001-001 be adopted by the Council of the Town of Vincent, Alabama as follows:

Section 1. PURPOSE-This ordinance is enacted for the purpose of protecting, preserving and promoting the health, safety, welfare, peace, and quiet for the citizens of Vincent, Alabama, through the reduction, control and prevention of excessive sound or other noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary and excessive community sounds or other noises which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and conduct of business.

Section 2. DEFINITIONS-All technical terminology used in this ordinance shall for the purpose of this ordinance, have the meanings hereinafter ascribed to them.

- a) "Sound"- energy that is transmitted by longitudinal pressure waves in air or other material and is the objective cause of the sensation of hearing.
- b) "Noise"-any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- c) "Commercial premise"-shall for the purpose of this ordinance, mean any premise where offices, businesses, clinics, kennels, shopping, restaurants and service establishments exist.
- d) "Property Line"-shall mean that real or imaginary line and its vertical extension which (a) separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and, b) separates real property from the public premise.
- e) "Residential Premise"-shall mean any premise where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

Section 3. No person, firm or corporation shall operate or cause to be operated on any commercial premise any sound or other noise in such a manner as to create a sound level which is subject to detection by the normal human ear on any residential premise within the Town.

Section 4. No person, firm or corporation shall transmit or allow to be transmitted any live or electronically produced music or other sound on any property at a sound level which is detectable by the normal unaided human ear beyond the property line of the person, firm or corporation upon whose property said sound or other noise is emanating from.

Section 5. It is hereby declared unlawful and a nuisance for any person, firm or corporation to operate or play any radio, musical instrument or similar device or to generate live music, noise or sound, whether from a motor vehicle, a pedestrian or from a commercial or residential premise which may be heard in such manner as to be plainly audible to any person other than the player or operator of the device, or the provider of said music, or the persons located on the premises from which said music, sound or noise emanates.

Section 6. It is hereby declared a nuisance and shall be unlawful 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 or residence, in such manner as to be plainly audible outside of the property line of such business or residence.

Section 7. Regardless of any other provision contained in this ordinance or any section thereof, no person, firm or corporation shall operate or play any radio, stereo system, musical instrument or other or similar device which generates any noise or sound from any

motor or other vehicle located on or within any public road or right-of-way within the Town, at such a sound level or in a manner where same may be detectable by or audible to the normal unaided human ear beyond or outside of the right-of-way boundaries or lines of such public road or right-of-way.

Section 8. Nothing in this ordinance shall be construed to prohibit any noise or sound produced by radio, siren or other equipment attached to or being operated by police, fire, rescue or other emergency vehicles or personnel.

Section 9. Any person, firm or corporation who violates any of the terms of this ordinance shall, on conviction, be fined Five-Hundred and no cents (\$500.00) dollars and may be also sentenced to hard labor for the Town, not exceeding thirty (30) days, one or both.

Section 10. The violation of this ordinance or any part thereof on more than one (1) day shall each constitute separate offenses.

Section 11. Severability-if any section, clause, or provision of this ordinance be declared unconstitutional or held invalid, it shall not affect any other section, clause or provision thereof, but the same shall remain in full force and effect.

Section 12. Adopted and approved on June 5, 2001. This ordinance shall become effective upon passage and publication as required by law.

Joe A. Thompson  
Mayor

John P. Summers  
Council Place 1

Robert E. Kidd  
Council Place 2

Mary Lee Reynolds  
Town Clerk

William H. Denty  
Council Place 3

Mark S. Brown  
Council Place 4

Ray Smiley  
Council Place 5

TOWN OF VINCENT-CLERKS CERTIFICATE OF PUBLICATION

I hereby certify that the above and foregoing Ordinance was published by me by posting copies thereof on the 6<sup>th</sup> day of June, 2001, in three public places within the limits of the Town of Vincent, to wit, the Mayor's office, the Post Office and the Town of Vincent Water Department, in said Town, and that said copies remained so posted for a period of five days.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the Town of Vincent, Alabama this day 5 of June 2001.

Mary Lee Reynolds  
Town Clerk

SEAL

