

**ORDINANCE
2016-1**

**AN ORDINANCE TO AMEND CITY OF EUFAULA CODE OF ORDINANCES § 66-446
TO PROVIDE AS FOLLOWS:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUFAULA, ALABAMA THAT CITY OF EUFAULA CODE OF ORDINANCES § 66-446 BE AMENDED TO READ AS FOLLOWS:

Section 66-446. Unreasonable noises prohibited generally.

(a) *Scope.* It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or excessive noise which unreasonably interferes with the comfort, health, or safety of others within the jurisdiction of the city.

(b) *Specific prohibitions.* In addition to the general prohibition set out above, the following specific acts are declared to be in violation of the article:

- (1) It is hereby declared a nuisance and shall be unlawful 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 person other than the player or operator of the device at a distance of five feet in the case of a motor vehicle or ten feet in the case of a pedestrian.
- (2) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound, whether from a business or a residence, in such a manner as to be plainly audible at a distance of 50 feet to any person in a commercial, residential, multi-family dwelling, or public place.
- (3) Violation of this section shall be a violation and punishable by a fine not to exceed \$200.00.
- ~~(9)~~(4) Each violation shall be a separate offense.

(c) *Specific Exemptions.* The prohibitions in Section 66-446 shall not apply to the following:

- ~~(4)~~(1) Nothing in this section shall be construed to prohibit special performances by a band or orchestra in a hall, building, or in the open air after proper permits have been obtained from the chief of police. Any activity or event of a temporary duration for which a permit has been issued by the city, including but not limited to parades, special performances, sporting events, concerts and fireworks displays. The permit issued by the city may prescribe any reasonable conditions or requirements deemed necessary to minimize the adverse effects upon the community or the surrounding neighborhood.

- (5)(2) ~~Nothing in this section shall be construed to prohibit~~ The ringing of bells or chimes by churches or schools within the city.
- (6)(3) ~~Nothing in this section shall be construed to prohibit a~~ Any noises or sounds produced by radios, sirens, or other equipment attached to, or being operated by, any police, fire, rescue, emergency vehicles or personnel.
- (7)(4) ~~Nothing in this section shall be construed to prohibit~~ The conducting of live remote broadcasts by duly licensed radio stations upon business premises, at the request of the owner of business. Said live remote broadcast shall be limited to daylight hours only.
- (8)(5) ~~Nothing in this section shall be construed to prohibit a~~ Any noises produced by ice cream vendors who obtain a city business license and a permit from the city police department to operate the audible function on the truck. Said audible portion of the truck shall be limited to daylight hours only.
- (6) Any noises produced by aircraft.

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

All ordinances or parts thereof which conflict with this ordinance are hereby repealed.

This Ordinance shall be in full force and effect from the date of its adoption and publication as required by law.

ADOPTED AND APPROVED this 7th day of March, 2016.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION



Robert D. Powers, Council President

ATTEST:



Joy White
City Clerk/Treasurer