

ORDINANCE 39-004-2015

AN ORDINANCE TO AMEND SECTION 39-96-1, MOBILE CITY CODE, NOISE IN RESIDENTIAL DISTRICTS

Sponsored by: Ricardo Woods, City Attorney

BE IT ORDAINED BY THE CITY COUNCIL OF MOBILE, ALABAMA, as follows:

Sec. 39-96-1 - Noise in Residential Districts, is hereby amended as follows:

SECTION ONE. Sec. 39-96-1(a), *Intent*, is hereby amended to delete its entirety and the following is substituted therefor:

(a) *Intent*. It is the intent of the city council of the city to endeavor to provide citizens an environment free from such excess sounds or noise in order to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the inhabitants of the municipality.

SECTION TWO. Sec. 39-96-1(b), *Definitions*, is hereby amended to delete in their entirety the following definitions:

(3) *Continuous noise*; and

(8) *Noise*.

SECTION THREE. Sec. 39-96-1(c), *Noise in residential districts restricted*, subsections (1) and (2) are deleted in their entirety and the following is substituted therefor:

(1) Generally. It shall be unlawful and a nuisance to make, continue or cause to be made or continued any loud or excessive noise that unreasonably interferes with the comfort, health, or safety of others within the corporate limits of the City of Mobile.

(2) In addition to the general prohibition set out above, it shall be unlawful, a nuisance and a violation of this section, for any person to:

(a) Use, operate, or permit to be used or operated, any device, radio, musical instrument, television, phonograph, drum, sound amplifying equipment or device which produces or reproduces sound, either stationary or mobile, in such a manner that, during the hours from 6:00 am. to 10:00 p.m.:

(i) It is plainly audible at a distance of 50 feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City; or

(ii) It creates any noise which exceeds 85 db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City.

(b) Use, operate, or permit to be used or operated, any device, radio, musical instrument, television, phonograph, drum, sound amplifying equipment or device which produces or reproduces sound, either stationary or mobile, in such a manner that, during the hours from 10:00 p.m. to 6:00 am.:

(i) It is plainly audible at a distance of 25 feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City; or

(ii) It creates any noise which exceeds 50 db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City.

(c) *Loud or raucous sounds or noises.* Willfully make or cause a noise which disturbs the peace or quiet of any residential district and which during the hours from 6:00 a.m. to 10:00 p.m.:

(i) Is plainly audible at a distance of 50 feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City; or

(ii) Exceeds 85 db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City.

(d) *Loud or raucous sounds or noises.* Willfully make or cause a noise which disturbs the peace or quiet of any residential district and which during the hours from 10:00 p.m. to 6:00 am.:

(i) Is plainly audible at a distance of 25 feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City; or

(ii) Creates any noise which exceeds 50 db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the City.

(e) Any person creating any such sound or noise as described in this section and/or anyone permitting such a sound or noise to be created in, or emanate from, any premises under his care, custody or control, shall be presumed responsible for any such sound or noise.

SECTION FOUR: REPEALER

All City Code Sections and Ordinances or parts of City Code Sections and Ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION FIVE: SEVERABILITY

If any Section, Sentence, Paragraph, Clause, Phrase or Word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance, and it shall not be construed to have been the intent of the City Council of the City of Mobile to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance shall be deemed and held to be valid as if such parts had not been included therein.

SECTION SIX: EFFECT OF ORDINANCE

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

Adopted: February 18, 2015

Lisa C. Lambert, City Clerk