

Ordinance 829-13

NOISE ORDINANCE

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

SECTION 1. Scope. It shall be unlawful for any person to make, continue, or cause to be made or continue to cause to be made any loud or excessive noise or vibrations, which unreasonably interferes with the comfort, health and/or safety of others within the city limits of the City of Helena.

SECTION 2. In addition to the general prohibition set forth above, the following specific acts shall be declared to be in violation of this ordinance:

The playing or operation of any musical instrument, appliance, amplifier, loudspeaker, or sound reproduction device in or on the premises of a commercial establishment or private club, residence or in a vehicle in such a manner as to result in the sound, any portion of the sound or any vibration there from being projected off the premises of the commercial establishment, private club or residence or from the vehicle so as to be deemed excessively and disturbing to the normal human ear.

It shall be unlawful for any person to make, cause or permit to be made any unreasonable noise or vibration within the city limits, except for noise necessarily associated with construction work, industry or commerce, supervised educational activity, lawn or garden care and then only during the hours from 6 a.m. to 11p.m Sunday through Thursday, 6 a.m. to 12 a.m. Friday and Saturday. Included in this exception shall be high school band practice, performance of bands during sporting events held at school and city parks, youth sporting events at city parks, all city church functions, all within reason or any other such special events or functions which may be unforeseen, but are deemed appropriate by the Chief of Police.

SECTION 3. Nothing in this ordinance shall be construed to prohibit performances by a band at a business or residence that is held outside of the business or residence after proper permits from the City of Helena have been obtained and approved by the Chief of Police.

SECTION 4. Nothing in this ordinance shall be construed to prohibit any noises or sounds produced by radios, sirens, or other equipment attached to, or being operated by, any police, fire, rescue or other emergency vehicle or personnel.

SECTION 5. All complaints will be investigated by the Helena Police Department to determine if a violation has occurred as

described in Section 2. If a violation has occurred, the City of Helena police will take appropriate action to remediate the violations of noise and /or vibration immediately.

SECTION 6. Any person, firm or corporation found to be guilty of a violation of this ordinance shall be punished by a fine not to exceed \$500.00 or six months in the City Jail, or both. Each violation of this ordinance shall be deemed to be a separate offense.

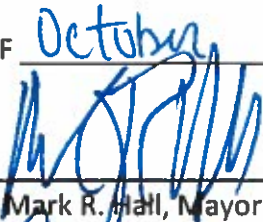
SECTION 7. All ordinances or parts of ordinances, in conflict with this ordinance are hereby expressly repealed to the extent that they conflict with this ordinance.

SECTION 8. If any section, sentence, clause, word or part of this ordinance is for any reason declared to be unconstitutional in a court of competent jurisdiction, such decision shall not be construed to affect or invalidate or impair any remaining sections, sentences, clauses or phrases, words of any part of this ordinance not expressly declared unconstitutional.

SECTION 9. This ordinance shall become effective after its passage, approval and publication.

APPROVED AND ADOPTED THIS 21 DAY OF October, 2013.

[SEAL]



Mark R. Hall, Mayor




Leigh Hulse, Council Member



Mike Jones, Council Member

ATTEST:



Amanda C. Traywick
City Clerk



Cris A. Nelson, Council Member



Leslie Bartlett, Council Member



Harold Woodman, Council Member