

**Ordinance No. 829-13A**  
**NOISE ORDINANCE**

An Ordinance to amend Ordinance 829-13 heretofore adopted by the City Council  
of the City of Helena, Alabama, and designated as the Noise Ordinance.

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

Ordinance No. 829-13 heretofore adopted by the City Council of the City of Helena, Alabama, is  
hereby amended to read as follows:

**NOISE ORDINANCE**

**SECTION 1. Intent.**

It is the intent of the City Council to endeavor to provide citizens with an environment free from  
such excess sounds or noise as may jeopardize their health, welfare and safety, or degrade the quality  
of life.

**SECTION 2. Definitions.**

For the purposes of this article:

*Construction activities:* Construction activities, when used herein, shall mean any and all activity  
incidental to the construction, erection, demolition, assembling, altering, installing or equipping of  
buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating,  
and filling.

*Construction equipment:* Construction equipment, when used herein, shall mean construction  
activity utilizing any equipment or devices such as, but not limited to, pile drivers, power shovels,  
derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers,  
bulldozers, crawler-tractors, rotatory drills and augers, cranes, ditchers, trenchers, scrapers, wagons,  
pumps, compressors, pneumatic power equipment, or other mechanical apparatus operated by fuel  
or electric power in the construction, repair or demolition of any building, structure, land, street,  
alleys, waterways, or appurtenance thereto.

*db(A):* db(A), when used herein, shall mean a measure of sound pressure level in decibels on the A-  
weighted scale.

*Decibel meter:* Decibel meter, when used herein, shall mean an instrument to measure decibels  
which meets or exceeds American National Standards Institute (ANSI) section 1.4, 1971(r.1976)  
standards for type 2 special purpose meters.

*Device:* Device, when used herein, shall mean any mechanism which is intended to produce or  
which actually produces sound when operated or handled.

*Noise:* Noise, when used herein, shall mean any sound which exceeds the prescribed decibel levels  
at a time and location described in the article.

*Person:* Person, when used herein, shall mean and include any individual, corporation, association,  
partnership or limited partnership, limited liability company, limited partnership, or any other legal entity.

*Property line:* Property line, when used herein, shall mean the boundary line distinguishing ownership or the common wall of a townhouse, condominium, or leased premises.

*Residential district:* Residential district, when used herein, shall have the same meaning as in the Zoning Ordinance of the City, including single-family residence districts (R-1, R-2, R-3, R-4), multi-family residence districts (RMF-1, -4) and mobile home residence districts (RMH), or as established by future zoning ordinances as residential.

*Sound:* Sound, when used herein, shall mean that which is or can be heard, or particularly a temporal and spatial oscillation in pressure, or other physical quality, in a medium with internal forces that cause compression and rarefaction of that medium and which propagates at finite speed to distant points.

*Sound-amplifying equipment:* Sound-amplifying equipment, when used herein, shall mean any machine or device for the amplification of the human voice, music, or any other sound or noise.

### **SECTION 3: Scope.**

Except as authorized herein, 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 4: Noise in residential districts.**

In addition to the general prohibition set forth hereinabove in SECTION 3, the following specific acts, when occurring in residential districts, or producing noise or sound which is detectable within such residential districts, are declared to be in violation of this Ordinance:

- (a) *General Restriction.* It shall be unlawful for any person to 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 so as to create any sounds or noise which exceeds eighty (80) db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds seventy (70) db(A) from 9:00 p.m. until 10 p.m. Sunday through Thursday and 9:00 p.m. to 12:00 a.m. Friday and Saturday 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) *Loud or raucous sounds or noises.* It shall be unlawful for any person to willfully make, cause, or continue any noise which disturbs the peace or quiet of any residential district and which exceeds eighty (80) db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds seventy (70) db(A) from 9:00 p.m. until 10 p.m. Sunday through Thursday and 9:00 p.m. to 12:00 a.m. Friday and Saturday 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) *Responsibility for creation of noise.* 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 5: Exceptions.**

- (a) *Emergency and public work.* Noise or sound created in the performance of public service

by governmental agencies or their contractors; or emergency work engaged in by persons for the public safety, health or welfare; or to restore property to a safe condition following a public emergency; or work to restore essential public services, including construction activities directly related to the abatement of any emergency, shall not be subject to the provisions of this article.

- (b) *Noises from authorized activities.* The prohibitions of this article shall not apply to noise emanating from a legally operated industrial site, factory, or plant in the ordinary course of its industrial operations, to parades, cultural events, athletic games, state or county fairs, or functions conducted pursuant to a permit specifically approved by the City of Helena City Council or other appropriate governmental agency. In addition to other functions conducted pursuant to a permit approved by the City Council, any legally operated business may no more than two times in a given calendar year apply for a special permit to exceed the applicable noise limit for a period not to exceed four hours and not to extend past seven o'clock (7:00) p.m. Such permits shall bear a cost of fifty dollars (\$50.00) and such business shall be responsible for notifying the affected and surrounding property owners and residences. Issuance of a business license shall not constitute approval of, or authorization by, the City Council of the City within the meaning of this section.
- (c) *Sirens, horns, and whistles.* The provisions of this article shall not apply to any siren, whistle, horn, or bell used by emergency vehicles or civil defense or used by motor vehicles, trains, and boats as warning devices to avoid collisions.
- (d) *Bells or chimes.* The provisions of this article shall not apply to any bell or chimes, or any device for the production or reproduction of the sound thereof which are associated with a clock or time-keeping device, a church, or school.
- (e) *Burglar alarms.* The provisions of this article shall not apply to any burglar alarm or security device; provided, however, no burglar alarm or security device shall sound for more than fifteen (15) minutes after being activated.
- (f) *Construction activity or equipment.* The provisions of this article shall not apply to any construction activity or equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (g) *Domestic power equipment.* The provisions of this article shall not apply to any domestic power equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (h) *Vessels.* The provisions of this article shall not apply to the operation of any motor boat or vessel on any lake, river, stream, or waterway.
- (i) *Motor vehicles and trains.* The provisions of this article shall not apply to the normal and usual operation of motor vehicles and trains.
- (j) *Musical bands.* The provisions of this article shall not apply to performances by musical bands 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 so long as the performances of said band are in accord with any restrictions, terms, and conditions of the permit.

#### **SECTION 6. Noise on public streets generally.**

It shall be unlawful for any person to use, operate, or permit to be used or operated in a motor vehicle any sound-amplifying equipment, including, but not limited to, radios, compact disc players and cassette tape players which produces or reproduces sound in such a manner as to create any sounds

or noise which exceeds seventy-five (75) db(A) on any public street or right-of-way in the corporate limits of the City of Helena or its police jurisdiction.

**SECTION 7. Violations/Punishment.**

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

**SECTION 8. Ordinances in conflict.**

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 9. Severability.**

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, or words of any part of this Ordinance not expressly declared unconstitutional.

**SECTION 10. Effective date.**

This Ordinance shall become effective after its passage, approval, and publication.

APPROVED AND ADOPTED THIS 4 DAY OF August, 2014.

[SEAL]



ATTEST:

Amanda C. Traywick  
Amanda C. Traywick, City Clerk

[Signature]  
Mark R. Hall, Mayor

[Signature]  
Leigh Hulsey, Council Member

[Signature]  
Mike Jones, Council Member

[Signature]  
Cris A. Nelson, Council Member

[Signature]  
Leslie Bartlett, Council Member

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Harold Woodman, Council Member