

**SHELBY COUNTY COMMISSION
ORDINANCE NO. 03-12-22-11**

AN ORDINANCE TO REGULATE NOISE LEVELS OR OTHER ACTIVITY OR CONDUCT CREATING NOISE WITHIN THE UNINCORPORATED AREAS OF SHELBY COUNTY, ALABAMA; TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THE ORDINANCE, AND MATTERS RELATED THERETO.

BE IT ORDAINED BY THE SHELBY COUNTY COMMISSION, THE GOVERNING BODY OF SHELBY COUNTY, ALABAMA, AS FOLLOWS:

SECTION 1. PURPOSE. This Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of and for the citizens of Shelby County, 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 sounds or other noises which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and the conduct of business.

SECTION 2. This Ordinance is adopted partially pursuant to the provisions of Amendment Number 707, Constitution of Alabama 1901, Act No. 2003-315, adopted by the Alabama Legislature on or about June 12, 2003, and other applicable provisions of law and authority granted thereby.

SECTION 3. The operating, playing or permitting the operation or playing of any radio, television, stereo, musical instrument, sound amplifier or other device which produces, reproduces or amplifies sound at such a volume as to annoy or disturb the quiet, comfort, or repose of any person in any residence or to interfere in the conduct of business operations at any commercial enterprise is prohibited and a violation of this section.

SECTION 4. The operation on public property or on public vehicular areas or rights of way of any sound amplifier which is part of, or connected to, any radio, public address system, paging system, sound amplification equipment, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located is prohibited and is a violation of this section.

SECTION 5. The sounding of any horn or signal device on an automobile, truck, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, is prohibited and a violation of this section. The enforcement of this section is strictly limited to private and commercial vehicles and is not applicable to any governmental emergency vehicles, police vehicles, and fire department vehicles.

SECTION 6. (a) Every motor vehicle and the exhaust of every internal combustion engine used on any motor vehicle while on any public road, street, or highway, or other area open and available for public vehicular use, shall at all times be equipped with an effective muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out bypass, a muffler without baffles, or similar device.

(b) The operation of any motor vehicle or machine on or within the rights-of-way of any public street, road, or highway, or on or within any area open for public use which produces an exhaust or other engine noise or sound which is audible from a distance of fifty (50) feet from such motor vehicle is prohibited.

(c) The discharge into the open air of the exhaust of any machine, of any stationary internal combustion engine or motor vehicle, except through a muffler in good working order which contains baffles or similar devices to prevent excessive or unusual noise and/or annoying smoke, or other noise abatement device, is prohibited. The operation of any such machine or stationary internal combustion engine or motor vehicle in such a manner as to be audible from the distance of fifty (50) feet from the building, structure, or premises upon which machine, is located shall be prima facie evidence of a violation of this section. The operation and maintenance of a properly muffled internal combustion engine for the purposes of generating electrical power or for the purpose of lawn or property maintenance shall not be considered a violation of this paragraph.

SECTION 7. The operation of public address systems at public facilities shall not be subject to the provisions of this Ordinance nor shall this Ordinance or any section or subsection thereof apply to any special licensed public events or apply to any sounds made or caused by any licensed operating business in the ordinary course of conducting such business.

SECTION 8. It is hereby declared unlawful and a nuisance for any person, firm, or corporation to make or generate noise in violation of any section of this Ordinance or otherwise to engage in conduct prohibited thereby.

SECTION 9. 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 10. Any person, firm, or corporation who violates any of the terms, provisions, sections, or subsections of this Ordinance shall be guilty of a Class C misdemeanor punishable as provided by Alabama law.

SECTION 11. The violation of this Ordinance or any section or subsection thereof on more than one (1) day, shall each constitute separate offenses.

SECTION 12. If any section, clause, or provision of this Ordinance shall be declared unconstitutional or held invalid, such shall not affect any other section, clause, or provision

thereof, but the same and all other provisions hereof shall remain in full force and effect.

SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective on the 22 day of December, 2003.

This signature shall denote that this is a certified copy of Resolution 03-12-22-11 passed at the Shelby County Commission meeting December 22, 2003.

Kim Reynolds, Administrative Assistant II
to the County Manager