

Sponsored by Councilman Chapman

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

SECTION 1. Definitions. the following words and terms, when used in this article, shall have the meanings respectively ascribed to them in this section:

- a) Sound System - shall mean any mechanical, electric or electronic device capable of reproducing music, including any amplifier, loudspeaker, or sound reproduction device used in connection therewith.
- b) Person - shall mean every natural person, association or corporation. For the purposes of this ordinance, such term as applied to "association" shall mean the partners or members thereof, and as applied to "corporation" shall mean the officers thereof, except as to an incorporated club, the term "person" shall mean such individual or individuals who, under the bylaws of such club, shall have jurisdiction and control over the operation of any facility owned or operated by such club.
- c) Private Club - shall mean any facility owned or operated by a private organization or association at which food or drink is offered for sale.
- d) Commercial Establishment - shall mean any hotel, motel, restaurant, cafe, lounge, bar, tavern, night club, or other establishment used for commercial purposes.
- e) Vehicle - shall mean any car, truck or motor operated vehicle, whether moving or stationary.
- f) Unreasonable Noise and Vibration - shall mean any unreasonably loud, raucous, or jarring sound, or vibration which, under the circumstances, annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities within the area of the sound's audibility.

Specifically, but without exclusion or limitation, the sounds and vibrations produced by the following acts and causes shall constitute unreasonable noise and vibration within the means of this ordinance:

- The playing or operation of any sound system on the premises of a commercial establishment or private club or residence, or in a vehicle in such a manner as to result in the sound, any portion of the sound, or any vibration therefrom being projected off the premises of the commercial establishment or private club, residence or vehicle so as to be audible or perceptible.

Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be excluded from the operation of this ordinance.

SECTION 2. Unlawful Noises; Exceptions. It shall be unlawful for any person to make, cause, or permit to be made any unreasonable noise or vibration within the city limits of the City of Prichard, including the waters lying within said areas, except for noise necessarily associated with construction work, industry, or lawn or garden care.

SECTION 3. Violations; Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of a minimum amount of \$25.00 and a maximum amount of \$500.00 or imprisonment for a period not exceeding 180 days, or both, for each separate violation within the City limits, and as provided by Section 11-45-9, Code of Alabama, 1975, as amended.

SECTION 4. Order of Abatement. In lieu of issuing a citation or executing an arrest for violation of this article in or on the premises of a commercial establishment or private club, residence, or in a vehicle, any law enforcement officer of the City of Prichard may issue an order to the person having jurisdiction and control of the commercial establishment or private club, residence or vehicle, requiring immediate abatement of any such unreasonable noise or vibration.

Any unreasonable noise or vibration in or on the premises of a commercial establishment or private club, residence or vehicle not abated in compliance with such an abatement order is hereby declared to constitute such commercial establishment or private club, residence or vehicle, a dangerous, offensive and unwholesome annoyance, and a public nuisance, subject to summary abatement pursuant to Section 11-47-117 of the Code of Alabama, 1975, as amended, or as otherwise provided by law.

SECTION 5. Repealer. Any ordinance or part of any ordinance inconsistent herewith shall be null and void.

SECTION 6. Savings Clause. If any section, provision, sentence, clause, or word contained herein shall be found by a Court of competent jurisdiction to be unconstitutional, the remaining portion shall stay and remain in full force and effect.

SECTION 7. Effective Date. This ordinance becomes effective immediately upon its adoption and advertisement as required by laws.

ADOPTED this the 30th day of April, 1991.

Approved: _____

MARGIE M. WILSON, Mayor

Attest:

Cynthia K. Norwood
CYNTHIA K. NORWOOD, Clerk