

ORDINANCE NO. 2159

**ORDINANCE AMENDING CHAPTER 54, ARTICLE XIII. RELATING TO
NOISE**

WHEREAS, the City of Northport has a uniform policy regulating noise, and

WHEREAS, the intent of this policy is to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radios and other devices and the right of the public to a peaceful and healthy environment, and

WHEREAS, the City Council wishes to include in this policy a non-technical method of identifying noise ordinance violations without special equipment.

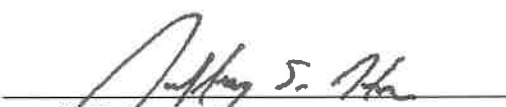
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
NORTHPORT, ALABAMA AS FOLLOWS:**

1. The City of Northport amends Chapter 54, Article XIII. of Northport Municipal Code, as set forth in Exhibit "A" which is attached hereto and incorporated by reference as if fully set out verbatim.
2. This Ordinance shall become effective immediately upon passage and publication.
3. All Ordinances, Resolutions, or parts thereof conflicting in any manner herewith are hereby repealed.

ORDAINED this the 7th day of November, 2022.

**CITY COUNCIL OF THE
CITY OF NORTHPORT**

BY: _____



Jeff Hogg, Its President

ATTEST:



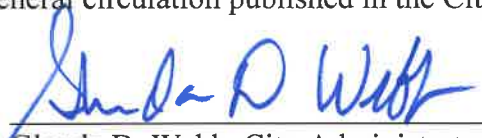
Glenda D. Webb, City Administrator

APPROVED this the 7th day of November, 2022.



Bobby Herndon, Mayor

I hereby certify that the above and foregoing Ordinance was published on November 16, 2022, in the Northport Gazette, a newspaper of general circulation published in the City of Northport.



Glenda D. Webb, City Administrator

1st Reading: October 24, 2022
Motion By: Hogg
2nd Reading: November 7, 2022
Motion By: Bobo
Second By: Washington
Publication: November 16, 2022

EXHIBIT “A”

CHAPTER 54

OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE XIII. NOISE

Sec. 54-391. Definitions.

For the purposes of this ordinance:

Construction activities 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 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, alley, water-waves, or appurtenance thereto.

db(A) shall mean a measure of sound pressure level in decibels on the A-weighted scale.

Decibel meter 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 shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled.

Domestic power equipment shall mean any equipment or device used for routine home building repairs and grounds maintenance.

Noise shall mean any sound which exceeds the prescribed decibel levels at a time and locations described in the article.

Person shall mean and include any individual, corporation, association, partnership or limited partnership.

Property line shall mean the boundary line distinguishing ownership or the common wall of a townhouse, condominium or leased premises.

Residential district 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), multifamily residence districts (RG-1, RG-2, RG-3) and mobile home residence districts (MHP), or as established by future zoning ordinances as residential.

Sound 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 shall mean any machine or device for the amplification [of] the human voice, music or any other sound or noise.

(Ord. No. 1274, § 2, 12-1-97)

Sec. 54-392. Noise in residential districts.

- (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 80 db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds 75 db(A) from 9:00 p.m. until 6:00 a.m. at any property line within a residential district or upon any public street or right-of-way 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 80 db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds 75 db(A) from 9:00 p.m. until 6:00 a.m. 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) *Sound-amplifying equipment.* It shall be unlawful to operate sound-amplifying equipment at any time that is plainly audible at a distance of thirty (30) feet or more from the property line from which the noise emanates and plainly audible within any residential district.
- (d) *Responsibility for creation of noise.* Any person creating any such sound or noise as described in this section and/or anyone permitting such 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.

(Ord. No. 1274, § 3, 12-1-97)

Sec. 54-393. 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 section shall not apply to air traffic at the Tuscaloosa Municipal Airport, parades, cultural events, athletic games, state or county fairs, or functions conducted pursuant to a permit specifically approved by the city council or other appropriate governmental agency. 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.

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- (c) *Sirens, horns and whistles.* The provisions of this section 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 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. and 9:00 p.m.
 - (g) *Domestic power equipment.* The provisions of this section 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 the section 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 section shall not apply to the normal and usual operation of motor vehicles and trains.

(Ord. No. 1274, § 4, 12-1-97)

Sec. 54-394. 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 75 db(A) on any public street or right-of-way in the corporate limits of the City of Northport or its police jurisdiction.

(Ord. No. 1274, § 5, 12-1-97)

Sec. 54-395. Use of engine compression brakes prohibited.

- (a) *Definitions.* The following definitions apply to this section:

Engine compression brake shall mean any device that utilizes air compression and/or rapid release of compressed air in the cylinders of diesel engines to slow or retard vehicle speed. Examples include but are not limited to Jacobs Engine™ Brakes, also know as Jake Brake™ Engine Retarders, Pacbrake™ engine brakes; Tec Brake™ engine brakes; and similar devices that meet the definition.

Noise baffling device shall mean a properly functioning muffler or engine exhaust silencer that eliminates the offensive and disturbing noise caused by use of engine compression brakes. The muffler or engine exhaust silencer must reduce the noise to levels meeting vehicle noise emission standards set or authorized by the Noise Control Act (42 U.S.C. §4901 et seq.) and the

United States Environmental Agency, and must also comply with all other federal, state, or local laws and regulations relating to vehicle noise levels.

Public safety vehicle shall mean any vehicle operated by the Northport Fire and Rescue Service or the Northport Police Department, or any other vehicle included in the definition of "authorized emergency vehicles" as provided in Ala. Code (1975) § 32-1-1.1.

- (b) It shall be unlawful for the operator of a motor vehicle to engage or allow to be engaged, operate, or use, an engine compression brake while the vehicle is operated on any public roadway within the corporate limits.
- (c) This section shall not apply to operators of any of the following:
 - (1) A public safety vehicle.
 - (2) A vehicle involved in an emergency not caused by the operator of the vehicle utilizing the engine compression brake, wherein the operator reasonably believes that use of the engine compression brake is necessary to avoid or mitigate an accident or collision.
 - (3) A vehicle equipped with a noise baffling device. A law enforcement officer or other competent witness may give opinion evidence based on personal observation as to whether a vehicle had a properly functioning noise baffling device.
- (d) The city is authorized but is not required to place traffic control devices in appropriate locations that substantially state "Engine Brake Noise Enforced."
- (e) Any person convicted of violating this section shall be punished in accordance with section 54-4 of this Code.

(Ord. No. 1357, § 1, 5-1-00; Ord. No. 1418, § 1, 1-7-02; Ord. No. 1438, § 1, 8-19-02; Ord. No. 1606, § 1, 4-10-06)

Secs. 54-396—54-409. Reserved.

**DEPARTMENTAL SUMMARY OF REQUESTED ACTION
THE NORTHPORT CITY COUNCIL AGENDA**

AGENDA ITEM NO. 8 (a) 1

MEETING DATE: November 7, 2022

SUBJECT: 2nd Reading, Ordinance Amending Chapter 54, Article XIII. Relating to Noise

Consent Agenda	Action Agenda	Public Hearing
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First Reading	Second Reading X	Other
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Prepared By: C. Cunningham

Approved By: R. Davis

Summary: This ordinance amends the noise ordinance, adopting a simplified policy prohibiting sound-amplifying equipment from being audible more than thirty (30) feet from the property line within a residential district.

Alternatives: Deny

Recommendation: That you adopt the attached Ordinance

Funding Source/GL Code: N/A City Administrator Approval: _____

Motion for Consideration: I move to adopt the Ordinance Amending Chapter 54, Article XIII. Relating to Noise.