

ORDINANCE 05-06

AN ORDINANCE DECLARING CERTAIN ACTS AND NOISES UNLAWFUL; PROVIDIDNG PENALTIES FOR VIOLATION THEREOF,

BE IT ORDAINED by the City Council of the City of Morris, Alabama, as follow:

Section 1. Scope: It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or excessive noise which unreasonably interferes with the comfort, health or safety of others within the jurisdiction of the City.

Section 2. In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this ordinance:

- (a) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, musical instrument, or similar device, whether from a motor vehicle or by a pedestrian, in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of five feet (5') in the case of a motor vehicle or five feet (5') in the case of a pedestrian.
- (b) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound, whether from a business or a residence, in such a manner as to be plainly audible at a distance of thirty feet (30') to any person in a commercial, residential, multi-family dwelling or public place.
- (c) Violation of this section shall be a violation and punishable by a fine not to exceed Five Hundred Dollar (\$500.00).
- (d) Nothing in this ordinance shall be construed to prohibit special performances by a band or orchestra in a hall, building or in the open air after proper permits have been obtained from the Chief of Police.
- (e) Nothing in this ordinance shall be construed to prohibit the ringing of bells or chimes by the churches within the city.

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- (f) Nothing in this ordinance shall be construed to prohibit any noises or sounds produced by radios, siren, or other equipment attached to, or being operated by, any police, fire, rescue, or other emergency vehicles or personnel.
  - (g) Nothing in this ordinance shall be construed to prohibit the conducting of live remote broadcasts by duly licensed radio stations upon business premises, at the request of the owner of the business. Said live remote broadcasts shall be limited to daylight hours only.
  - (h) Each violation shall be a separate offense.

Section 3: All other ordinances/resolutions or parts of ordinances/resolutions, including parts of the Code of the City of Morris, Alabama, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

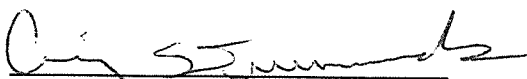
Section 4: Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Section 5: The provisions of this ordinance are cumulative to any other procedure now authorized by law for the accomplishment of the objective herein before the stated.

Section 6: This ordinance shall take effect upon its adoption and publication as required by law.

**ADOPTED** this the 27 day of September, 2005

**APPROVED:**

  
**Mayor**