

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 15, SECTION 15-40, RELATIVE TO NOISE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PHENIX CITY, ALABAMA, that Chapter 15, Section 15-40 of the Code of Ordinances is hereby amended to read as follows:

Section 15-40. NOISE

Section 15-40.1. Offenses.

Any person that violates any section of this ordinance shall be guilty of a violation for the first offense punishable by a fine of not more than \$25.00. Any second violation within one year shall be a misdemeanor punishable by a fine of not more than \$50.00 and may be sentenced to hard labor for up to ten days. Any third violation within one year shall be a misdemeanor punishable by a fine of not more than \$500.00 and may be sentenced to hard labor for up to thirty days.

Section 15-40.2. Unnecessary, unnatural, etc. , noises prohibited.

It is hereby declared to be a nuisance and it shall be unlawful for any person to make cause or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him or upon any public street, alley or thoroughfare in the city any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to persons, or which are so harsh or so prolonged or unnatural, or unusual in their use, time, and place as to occasion physical discomfort, or which are injurious to the lives, health, peace or comfort of the inhabitants of the city or any number thereof.

Section 15-40.3. Radios, phonographs, etc.-Use generally.

It shall be unlawful for any person to play use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the production or reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto, or in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants. Nothing contained in this section shall be construed to prohibit playing 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.

Section 15-40.4. Same-Use for advertising purposes.

It shall be unlawful for any person for advertising purposes, or for the purpose of attracting the attention of the passing public, to play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound on the streets or public places of the city in any place where the sound therefrom is cast directly upon the streets or public places, or which is so placed and operated that the sound therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

Section 15-40.5. Sound trucks, calliopes, etc.

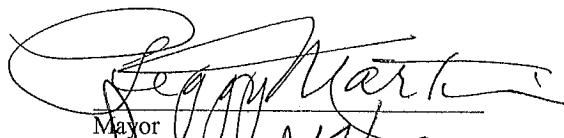
It shall be unlawful for any person, either as principal, agent or employee to play, use or operate for advertising purposes, or for any other purpose whatsoever on or upon the public streets, alleys or thoroughfares in the city any device known as a sound truck, loudspeaker or sound amplifier or radio or phonograph with a loudspeaker or sound amplifier, or any other instrument known as a calliope or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places.

Section 15-40.6. Specific acts declared violations.

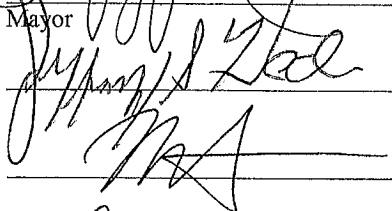
- (a) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, musical instrument, or similar device, whether from a motor vehicle or by a pedestrian, in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of five (5) feet in the case of a motor vehicle or ten (10) feet 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 fifty (50) feet to any person in a commercial, residential, multi-family dwelling, or public place.
- (c) Nothing in this section 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.
- (d) Nothing in this section shall be construed to prohibit the ringing of bells or chimes by churches within the city.
- (e) Nothing in this section shall be construed to prohibit any noises or sounds produced by radios, sirens, or other equipment attached to, or being operated by, any police, fire, rescue, or other emergency vehicles or personnel.
- (f) Nothing in this section 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 and after dark until 10:00 PM EST.

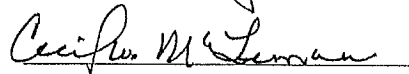
All ordinances in conflict herewith are hereby repealed.

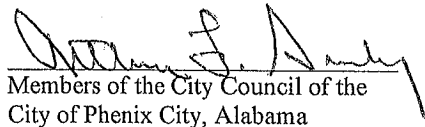
PASSED, APPROVED and ADOPTED this the 19th day of October, 1999.



Mayor







Members of the City Council of the
City of Phenix City, Alabama

ATTEST:



City Clerk