

ORDINANCE NO. 2022- 03
GENERAL NOISE ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Highland Lake, Alabama as follows:

Section 1. The Town of Highland Lake Code is hereby amended to include the following General Noise Ordinance:

A. It is hereby declared a nuisance and 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 other persons within the town limits of the Town of Highland Lake.

B. 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 (to include vessels) 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 fifty feet (50').

C. 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 which a manner as to be plainly audible at a distance of fifty feet (50') to any person in a residential location or public place.

Section 2. Exceptions.

A. Nothing in this Ordinance shall be construed to prohibit special performances by a school band or orchestra, whether in a hall, building, or in the open air. However, this exception shall not apply to dances, parties or other events conducted in any residential location, or public place which remains subject to the provisions of Section 1.C. above. Any such event taking place in a commercial location or in a public place shall only take place after the Chief of Police for the Town of Highland Lake, Alabama has issued a noise permit to the owner of such residential location or the applicant, if such event is to take place in a public place, which is available for a fee to be established by the Town Council. In addition, such events taking place in a commercial location or in a public place shall take place between the hours of 8:00 AM and 11:00 PM on Friday and Saturday of each week and 8:00 AM until 10:00 PM on Sunday through Thursday of each week.

B. Nothing in this Ordinance shall be construed to prohibit the ringing of bells or chimes by churches within the town.

C. Nothing in this Ordinance 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.

D. 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.

Section 3. Fireworks.

Fireworks are prohibited within the town limits of Highland Lake except for:

A. Official day of celebration for the 4th of July, which activities must cease by 10:30 PM;

B. New Years Eve, at which time fireworks must cease by 12:30 AM on New Years Day.

Section 4. Penalties For Violation of This Ordinance.

A. A violation of this section shall be punishable by a fine, payable at Town Hall in the amount of \$25.00.

B. For a second offense, a person shall be deemed guilty of a violation and punishable by a fine, payable at Town Hall in the amount of \$50.00.

C. Any person violating this Ordinance who has two prior convictions under this Ordinance shall be guilty of a misdemeanor by a fine not to exceed \$500.00 and shall not be issued any subsequent Noise Permits by the Chief of Police for the Town of Highland Lake, Alabama.

Section 5. Payment of Fines

Fines for violations not paid within ten (10) business days of the issuance of the violation will be referred to the Blount County District Court for prosecution.

Section 6. This Ordinance replaces any and all previous General Noise Ordinances adopted by any Town Council for the Town of Highland Lake, Alabama to include Ordinance 97-2, Ordinance 2005-1, and Ordinance 2010-04. However, this Ordinance does not replace Ordinance 2016-01 which is directed to prohibiting the use of dynamic braking systems or devices in motor vehicles. All other provisions of the Town of Highland Lake Code remain in full force and effect unless modified herein.

This Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this the _____ day of September, 2020.

Mayor

ATTEST:

Town Clerk