

STATE OF ALABAMA  
COUNTY OF GENEVA  
CITY OF SAMSON

ORDINANCE  
ORDINANCE NUMBER 2005-11

BE IT ORDAINED by the City Council of the City of Samson, Alabama, as follows:

SECTION I

**NOISES, DISTURBING OR UNNECESSARY, PROHIBITED**

It shall be unlawful and constitute a nuisance for any person to make, create or maintain any unreasonable, loud, disturbing or unnecessary noise or noise of such character, intensity or duration as to be detrimental to life, health, comfort or repose of any individual, within the City of Samson or its police jurisdiction.

SECTION II

**SAME - ENUMERATION**

The following noises, among others of the same characteristics, intensity or annoyance shall be prohibited at all times and at all places within the City of Samson, Alabama and police jurisdiction thereof and are prohibited under the terms of Section I:

- (1) **Horns, signaling devices, etc.:** The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city except as a danger warning or signal, provided the sounding of such device is necessary and of reasonable short duration; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of such device for any unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust; and the use by a motorist when traffic is for any reason held up.
- (2) **Radios, televisions, etc.:** To operate or play any radio, musical instrument, or similar device, whether from a motor vehicle or 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 twenty-five (25) feet; or to operate or play any radio, television, computer, musical instrument, amplifier, or similar device which produces or reproduces sound, whether from a business or residence, in such a manner as to be plainly audible to any person at a distance of fifty (50) feet from the building; in the case of an apartment building, hotel, motel, duplex or townhouse complex, to operate such a device at a level where it is plainly audible inside any apartment or residential dwelling other than that of the player or operator.
- (3) **Loudspeakers, amplifiers for advertising, etc.:** The use or operation of any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, product, service, merchandise or political candidate, or allowing such use or operation, except as authorized by the governing body.
- (4) **Animals, birds, etc.:** The keeping of any animal or bird which causes frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (5) **Exhausts:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will prevent loud or explosive noises therefrom.
- (6) **Defect in vehicle or load:** The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises.

- (7) **Adjacent to schools, courts, churches, hospitals, etc.:** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital; provided, conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.
- (8) **Hawkers, peddlers, etc.:** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of a neighborhood.
- (9) **Drums, etc.:** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (10) **Pile drivers, hammers, etc.:** The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance or tool, the use of which is attended by loud or unusual noise, except on written permission of the city prescribing the locality where and the hours during which such operation is permissible.
- (11) **Yelling, shouting, etc.:** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (12) **Loading, unloading and opening boxes, etc.:** The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Sundays, Christmas, New Year's or Thanksgiving or before 7:00 a.m. or after 11:00 p.m.; provided, however, that under emergency conditions the city may grant exceptions thereto.
- (13) **Firearms and fireworks:** The explosion of firecrackers, skyrocketes, Roman candles, pinwheels or any other form of fireworks or the unnecessary shooting of any firearms, except specifically authorized by law or the proper official.
- (14) **Steams Whistles:** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (15) **Blowers:** The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (16) **Operation of public transportation buses and trucks:** The causing, permitting or continuing of any excessive, unnecessary and avoidable noise in the operation of a public transportation bus or truck.

### SECTION III

#### SAME – NOT TO PREVENT OPERATION OF AUTOMOBILES, ETC.

The requirements of Sections I and II shall not be construed to prevent the operation of automobiles or light delivery vehicles at any time; provided, however, that such motor vehicles shall not have any attachment thereon for creating unnecessary noise, shall at all times be properly muffled and shall be so operated as to create the least possible noise or nuisance.

**SECTION IV**

**SAME- CITY MAY WAIVE REQUIREMENTS**

The city shall have the right to waive any or all of the requirements of Sections I and II in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement or on such special occasions as the governing body may determine. The following exceptions also apply:

- (1) Nothing in these sections shall be construed to prohibit the ringing of bells or chimes by churches within the city.
- (2) Nothing in these sections shall be construed to prohibit any noise 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.
- (3) Nothing in this Section shall be construed to prohibit any noises or sounds at any city, county, school, or civic function.
- (4) Nothing in these sections 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.
- (5) Nothing in these sections 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.

**SECTION V**

**VIOLATIONS - PUNISHMENT**

- (a) Violation of Section I and II shall constitute a violation and is punishable by a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in jail not to exceed six (6) months .
- (b) Each violation shall be a separate offense.

**SECTION VI**

Ordinances or part of Ordinances which conflict with this Ordinance are hereby repealed. The provisions of this Ordinance are cumulative and shall not be construed to repeal or supercede any laws not inconsistent herewith.

**SECTION VII**


If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

**SECTION VIII**


This Ordinance shall become effective upon adoption and publication.

ADOPTED AND APPROVED THIS 15 DAY OF NOVEMBER, 2005.

CITY OF SAMSON, ALABAMA

  
 By: ~~Clay King~~, Mayor Pro-Tem  
 Roger BAINC

ATTEST:

  
 Hazel McGowan, City Clerk

SEAL