

# **CITY OF HUEYTOWN**

## **ORDINANCE NO. 23-0822-02**

**RULES AND REGULATIONS FOR THE CONTROL OF NOISE POLLUTION WITHIN THE CITY OF HUEYTOWN, ALABAMA AND TO REPEAL SECTIONS 34-106-34-111 OF CHAPTER 34 ENTITLED "ENVIRONMENT"; ARTICLE II ENTITLED "NUISANCES"; DIVISION 4 ENTITLED "NOISE", OF THE MUNICIPAL CODE OF THE CITY OF HUEYTOWN, ALABAMA**

**BE IT ORDAINED, THAT SECTIONS 34-106-111 OF CHAPTER 34 ENTITLED "ENVIRONMENT"; ARTICLE II ENTITLED "NUISANCES"; DIVISION 4 ENTITLED "NOISE", OF THE MUNICIPAL CODE OF THE CITY OF HUEYTOWN, ALABAMA ARE HEREBY REPEALED BY THE CITY COUNCIL OF THE CITY OF HUEYTOWN, ALABAMA** and the following rules and regulations for the control of noise pollution within the City of Hueytown, Alabama, are substituted in its place as follows:

### **SECTION 1. PURPOSE**

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet for the citizens of Hueytown, Alabama, through the reduction, control and prevention of excessive noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary and excessive vehicle and community noises which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and conduct of business.

### **SECTION 2. DEFINITIONS**

All terms used in this ordinance shall, for the purpose of this ordinance, have the meanings hereinafter ascribed to them.

"Ambient Noise" shall mean background noise.

"A' Weighted Sound Level" shall mean the sound pressure level as measured with the sound level meter using the "A" weighing network. The standard unit notation is dB(A).

"Audible Sound" shall mean any sound for which the information content of that sound is transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

"Commercial Premise" shall mean any premise where offices, clinics, kennels, shopping, and service establishments exist.

"Construction" shall mean any and all activity incidental to the 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 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, rotary drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors and 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, waterways or appurtenances thereto.

"dB(A)" shall mean the composite abbreviation for A-weighted sound level in decibels.



"Decibel" shall mean a logarithmic unit of measure of ten used in measuring magnitudes of sound. The symbol is dB.

"Domestic Power Equipment" shall mean any equipment or device rated at fifteen (15) horsepower or less and used for home or building repairs and grounds maintenance.

"Emergency work" shall mean any activities performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

"Hard Test Site" shall mean any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel, or similar reflective material for more than 1/2 the distance between the microphone target point and the microphone location point.

"Highways" shall mean the streets, alleys, and highways within the city limits and the police jurisdiction of the City of Hueytown.

"Industrial Premise" shall mean any premise where manufacturing, processing, or fabrication of goods or product takes place. For purposes of this ordinance, all railroad rights-of-way are considered to be industrial premises.

"Land Use Category" shall mean the actual existing utilization of the land regardless of its designation by the City of Hueytown's Zoning Board.

"Microphone Line" shall mean the unmarked reference line running parallel to the vehicle path and passing through the microphone.

"Microphone Target Point" shall mean the unmarked location on the center of the lane of travel that is closest to the microphone.

"Motorcycle" shall mean any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, but excluding a tractor.

"Motor Driven Cycle" shall mean every motorcycle and every motor scooter with a motor which does not exceed five brake horsepower, including every bicycle with a motor attached.

"Motor Vehicle" shall mean any self-propelled vehicle.

"Muffler" shall mean an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

"Noise" shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

"Property Line" shall mean that real or imaginary line and its vertical extension which (a) separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, or (b) separates real property from the public premise.

"Public Premise" shall mean all real property including appurtenances thereon which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and waterways.

"Recreational and Educational Activity" shall mean any game, sport, or other activity, whether on public or private property, which a person or persons are pursuing for educational purposes or for the purpose of amusement and enjoyment, but shall not include recreational motorized vehicles or the use of equipment which amplifies sound.



"Recreational Motorized Vehicle" shall mean all recreational vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

"Residential Premise" shall mean any premise where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

"Soft Test Site" shall mean any test site having the ground surface covered with grass, other ground cover, or similar absorptive material for 1/2 or more of the distance between the microphone target point and the microphone location point.

"Sound" shall mean energy that is transmitted by longitudinal pressure waves in air or other material and is the objective cause of the sensation of hearing.

"Sound Amplification System" shall mean any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

"Sound Level" shall mean a measure of the level of a sound with a weighing network in the measurement chain.

"Sound Level Meter" shall mean an apparatus or instrument including a microphone, amplifier, attenuator, output meter, and frequency weighing networks for the measurement of sound levels.

"Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**SECTION 3. COMMUNITY NOISE LEVEL STANDARDS** (Excluding Vehicles on Public Premises)

**3.1 Sound Levels by Receiving Land Use.**

(a) No person shall operate, cause to be operated or generate any source of sound in such a manner as to create a sound level which exceeds the following limits when measured at or within the property line of the receiving land use.

Sound Levels by Receiving Land Use

| Receiving Land Use Category  | Time              | Sound Level Limit dB(A) |
|--|-------------------|-------------------------|
| Residential, public space open space, agricultural, institutional property | 7 A.M. – 10 P.M.  | 85                      |
|  | 10 P.M. - 7 A. M. | 85                      |
| Commercial or business   | At all times      | 85                      |
| Industrial   | At all times      | 85                      |

When a noise source can be identified and its sound measured in more than one land use category, the sound level limits of the most restrictive land use category shall apply.

(b) No person shall operate, cause to be operated, or generate any source of sound which is electronically amplified, or permit to be operated any sound amplification system such that the audible sound therefrom is discernible by the human ear at or within the property boundary of any adjoining or nearby residential premise between the hours of 10:00 P.M. and 7:00 A.M., except that the operation or generation of any electronically amplified sound originating from any commercial or industrial establishment used to page or



notify individuals or to announce information shall not be permitted at anytime if the audible sound therefrom is discernible by the human ear at or within the property boundary of any residential premise. The provisions of 3.1(b) shall take effect and be in force from and after sixty (60) days following adoption.

**3.2 Exemptions.** The sound levels in Section 3.1 shall not apply to sounds emitted from:

(a) Any bell or chime from any clock, school or church.

(b) Any siren, whistle, horn, or bell used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, burglary, police activity, or imminent danger, provided, however, that no burglar alarm shall remain activated for more than fifteen (15) minutes after being activated and further provided that no burglar alarm shall be allowed to produce alarm sounds in excess of those specified in Section 3.1 for more than 15 minutes in any two hour period.

(c) Any activity of a temporary duration which is permitted by law and for which a license or permit has been granted by the City, including but not limited to parades, sporting events, concerts and firework displays.

(d) Any construction equipment operated upon a residential, commercial, industrial, or public premise during the time period between 7:00 A.M. and 10:00 P.M., provided, however, that operation of construction equipment between the hours of 10:00 P.M. and 7:00 A.M. shall not exceed the maximum sound levels specified in Section 3.1, and further provided that such equipment shall be equipped with a properly installed muffler in good working order.

(e) Any domestic power equipment operated upon any residential, commercial, industrial or public premise during the time period between 7:00 A.M. and 10:00 P.M. provided that such equipment does not exceed a sound level of eighty (80) dB(A) when measured at a minimum of twenty-five (25) feet from the noise source, and further provided that between the hours of 10:00 P.M. and 7:00 A.M. such equipment does not exceed the maximum sound levels specified in Section 3.1.

(f) Any emergency work.

(g) Any detonation of explosives used to fragment rock for mining, quarrying, excavation, and construction.

(h) Any recreational and educational activity including, but not limited to, school bands and neighborhood ball games, provided that between the hours of 10:00 P.M. and 7:00 A.M. such activity does not exceed the maximum sound levels specified in Section 3.1.

(i) Licensed refuse collection vehicles operated during the time period between 7:00 A.M. and 10:00 P.M., provided, however, sounds emitted from licensed refuse collection vehicles operated upon or within 150 feet of any residential premise between the hours of 10:00 P.M. and 7:00 A.M. shall not exceed the maximum sound levels specified in Section 3.1.

(j) Aircraft.

(k) Animals.

(l) Motor vehicles operated on public premises. (See SECTION 4)

(m) Noise sources within multi-family dwellings, office, and apartment complexes, condominiums, and similar structures occupied by more than one tenant which impact only those persons within the same dwelling, complex, or building.

**3.3 Section 3.1(a) Measurement Procedure.** The sound level meter shall be operated in accordance with the instrument manufacturer's instructions and as follows:

(a) Microphone Orientation. The microphone shall be pointed towards the allegedly offensive noise source, unless the instrument manufacturer's instructions specifically indicate otherwise.

(b) Meter Setting. The meter shall be set for the A-weighted network and "slow" response mode.

(c) Calibration. An external calibration check and battery check shall be made before and after each use.



- (d) Meter Readings. The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.
- (e) Ambient Conditions. Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least 10 dB(A) lower than the sound level of the noise source being measured, provided however that no source shall emit noise in excess of 86 dB(A) when measured twenty five (25) feet or more from the source.
- (f) Sound levels shall be measured at the approximate location of the property line or the boundary of the public premise, at a height of at least four (4) feet above the immediate surrounding surface.
- (g) In no case shall the operator or observer be closer than two (2) feet from the system's microphone, nor shall he locate himself between the microphone and the noise source being measured.

**3.4 Method of Enforcement.** The Chief of Police, and officers under his supervision, shall enforce all of the provisions of Section 3. Where a violation of any provision of this Ordinance is found, the Chief of Police and officers under his supervision are hereby authorized to:

- (a) Appear before a Municipal Court Magistrate to make an affidavit under oath and request that a summons be issued for a person or persons, where there is probable cause for believing that the person or persons are in violation of this Ordinance, requiring said person or persons to appear in Municipal Court to answer charges of the violation.
  - (b) To serve as a witness, and to provide evidence of the violation, at the request of a person or persons who have registered a noise complaint and wish to appear before a Municipal Court Magistrate for the purpose of making an affidavit under oath and requesting that a summons be issued for the person or persons where there is probable cause to believe that the person or persons are in violation of this Ordinance, requesting said person or persons to appear in the Municipal Court of the City of Hueytown to answer charges of the violation.
- Where the provisions of Section 3 are enforced by a sworn peace officer, the peace officer shall proceed with enforcement under any method available to him or her pursuant to the laws of the State of Alabama.

**SECTION 4. MOTOR VEHICLES AND SOUND AMPLIFICATION SYSTEMS ON PUBLIC PREMISES**

**4.1.1 Sound Levels by Vehicle Type.** No person shall operate a motor vehicle upon any public premise, or be permitted to operate a motor vehicle upon any public premise at any time or under any conditions of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed under measurement procedures established herein.

**Sound Levels by Vehicle Type**

| TYPE OF VEHICLES  | Speed Limit Zone 35 mph or Less | Speed Limit Zone Over 25 mph |
|---|---------------------------------|------------------------------|
| (a) Motorcycles and motor-driven cycles                 | 82 dB(A)                        | 85 dB(A)                     |
| (b) Vehicles with gross weight over 10,000 lbs. or over | 86 dB(A)                        | 85 dB(A)                     |
| (c) Vehicles with gross weight under 10,000 lbs.        | 80 dB(A)                        | 85 dB(A)                     |

**4.1.2 Standing Motor Vehicles.** No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the



vehicle is stationary, for reasons other than traffic congestion, within 150 feet (46 meters) of a residential area, between the hours of 10 P.M. and 7 A.M. the following day.

**4.1.3 Licensed Refuse Collection Vehicles.** The maximum permissible sound level as specified in Section 4.1.1 shall not apply to sounds emitted from refuse collection vehicles operated on a public premise during the time period between 7:00 A.M. and 10:00 P.M., provided, however, sounds emitted from refuse collection vehicles operated within 150 feet of any residential premise between the hours of 10:00 P.M. and 7:00 A.M. shall not exceed the maximum sound levels as specified in Section 4.1.1.

**4.1.4 Horns and Signaling Devices.** No person shall sound any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or highway, except as a danger warning, and then only for a reasonable period of time.

**4.1.5 Sound Amplification Systems.**

(a) No person shall operate or cause to be operated, any sound amplification system either in a motor vehicle or separate therefrom, on any public premise so as to produce an audible sound measured at least twenty five (25) feet from the said system. Measurement of the audible sound shall be by the auditory senses, based upon direct line of sight.

(b) Section 4.1.5 shall make no distinction between stopped, standing, parked, or moving motor vehicles.

(c) Possession by a person or persons of the sound amplification system in subsection (a) shall be prima facie evidence that the person operated, or those persons operate, the said system.

(d) Exemption (a), (b), (c), (f), and (h) of Section 3.2 herein above shall apply to Section 4.1.5.

(e) The provisions of Section 4.1.5 shall take effect and be in force from and after sixty (60) days following adoption.

**4.2 Measurement Procedure.**

**4.2.1 Sound Level Meter Operation.** The sound level meter shall be operated in accordance with the instrument manufacturers instructions and as follows:

(a) The microphone shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3 1/2 feet (1.1 m) and not more than 4 1/2 feet (1.4 m) above the surface on which the microphone stands.

(b)(1) When the sound level measurement system is hand-held or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the high-way in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.

(b)(2) In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(c) The microphone shall be oriented toward the measurement area consistent with the recommendation of the sound level instrument's manufacturer. If the manufacturer does not recommend an orientation for its microphone, the microphone shall be pointed towards the vehicle being measured.

(d) Meter Setting. The meter shall be set for the A-weighted network and "fast" response mode.

(e) Calibration Check. An external calibration check and battery check shall be made before and after each period of use and at intervals not exceeding 2 hours when the instrument is used longer than a 2 hour period.

(f) Measurements shall be made of the sound level generated by the motor vehicle regardless of the highway grade, load, acceleration or deceleration.

(g) The sound level generated by the motor vehicle is the highest reading observed on the sound level meter as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in Section 4.2.3. The sound level of the vehicle being measured must be observed to rise at least 6 dB(A) before the maximum sound level occurs and to



fall at least 6 dB(A) after the maximum sound level occurs in order to be considered a valid sound level reading.

#### **4.2.2 Test Site Measurement Area Requirements.**

##### **4.2.2.1 Standard Test Sites.**

(a) Measurements shall be made at a test site which is adjacent to, and includes a portion of, a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) or more than 83 feet (25.3 m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Section 4.2.2.2

(b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

- (1) Small cylindrical objects such as fire hydrants or telephone or utility poles;
- (2) Mailboxes;
- (3) Traffic railings of any type of construction except solid concrete barriers (see 4.2.3.3.); or
- (4) One or more curbs having a vertical height of 1 foot (3 m) or less.

(c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:

- (1) Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6 m) higher than the surface of the traveled lane of the highway;
- (2) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade a long side the highway) with a slope that is less than 45 degrees above the horizontal.
- (3) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the traveled lane of the highway.

(d) The surface of the ground within the measurement area must be relatively flat. The test site shall be a "soft" test site. However, if the test site is determined to be "hard", the correction factor specified in Section 4.2.3.2 shall be applied to the measurement.

(e) The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of:

- (1) Holes or other defects which would cause a motor vehicle to emit irregular tire, body, or chassis impact noise; and
- (2) Loose material such as gravel or sand.

(f) The traveled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 200 feet (16 m) of that point.

##### **4.2.2.2 Non-Standard Sites.**

(a) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

(b) Plan view diagrams on nonstandard test sites are shown in Figures 2 and 3. Figure 2 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3 m) distance between the microphone location point and the microphone target point. Figure 3 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7 m) distance between the microphone location point and the microphone target point.



**4.2.3 Correction Factors.** The rules in this subpart specify correction factors which are added to, or subtracted from the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during the measurement of the motor vehicle's sound level emissions at a test site which is not a standard site. The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

**4.2.3.1 Distance Correction Factors.**

Microphone distance correction factors: If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the maximum observed sound level reading generated by the motor vehicle shall be corrected as specified in the following table:

| Distance Correction Factors   |   |
|---|---|
| If the distance between the microphone location point and the microphone target point is: | The value dB(A) to be applied to the observed sound level reading is: |
| 35 feet (10.7 m) or more but less than 39 feet (11.9 m)--                                 | -3  |
| 39 feet (11.9 m) or more but less than 43 feet (13.1 m)                                   | -2  |
| 43 feet (13.1 m) or more but less than 48 feet (14.6 m)                                   | -1  |
| 48 feet (14.6 m) or more but less than 48 feet (17.7 m)                                   | 0   |
| 58 feet (17.7 m) or more but less than 70 feet (21.3 m)                                   | +1  |
| 70 feet (21.3 m) or more but less than 83 feet (25.3 m)                                   | +2  |

**4.2.3.2 Ground Surface Correction Factor.** When measurements are made at a test site which is "hard", a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle.

**4.3.3.3 Sound-reflecting Surface Correction Factors.** The distances between the microphone line and its nearest sound-reflecting surface and between the center line of the lane of travel and its nearest sound-reflecting surface shall be measured. These distances shall be located on the nomogram in Figure 4 on their respective axis, and the two marks shall be connected by a straight line. The point on the central axis that is intersected by the straight line indicates the dB correction factor that shall be applied to the sound level reading obtained from such vehicle passing through the site. (The dotted line in Figure 4 illustrates a -2 dB(A) correction for sound-reflecting surfaces at 52 feet from the center of the lane of travel and 25 feet from the microphone line.)

- (a) The correction factors determined by the nonogram in Figure 4 shall be used only for sound-reflecting surfaces that are parallel to the lane of travel.
- (b) Basically parallel surfaces may have irregularities or projections of not more than 2 feet, measured perpendicular to the lane of travel, with the distance shown in Figure 1, 2 and 3 measured from the nearest projecting surfaces.
- (c) Sound-reflecting surfaces not basically parallel to the lane of travel shall be a distance as specified in Section 4.3.1 and 4.2.2.2. This restriction does not apply to surfaces that are perpendicular to the lane of travel and behind the parallel surface for which corrections are made, such as a fence, or the side walls of a building.
- (d) Distance from Embankments. Distance measurements from smooth embankments covered with vegetation, concrete, asphalt, dirt, or other relatively smooth cover shall be made from the point where the slope begins to exceed 45 degrees above horizontal. Measurements from non-smooth embankments shall be made from the point where the irregularity begins, 4.2.3.4 Application of Correction Factors. If two



correction factors apply to a measurement, they are applied cumulatively.

**4.3 Method of Enforcement.** The Chief of Police, and officers under his supervision, shall enforce all of the provisions of Section 4. Violations shall subject persons to citation to citation to appear in Municipal Court, or other lawful enforcement action.

## **SECTION 5. INSTRUMENTATION**

Equipment used in making sound level measurements shall meet the following requirements:

- (a) Sound Level Meter. Sound level meters shall be of types 1, 2, or S2A, meeting the requirements of the American National Standards Institute, Incorporated, or its successor bodies.
- (b) Sound Level Calibrator. An acoustic calibrator of the coupler type, accurate to within  $\pm 0.5$  dB, shall be utilized for the calibration of sound level meters.
- (c) Windscreen. A properly installed windscreen recommended by the manufacturer of the sound level meter shall be used.
- (d) Calibration. Each sound measuring instrument shall be returned to the manufacturer or their authorized service center or other qualified laboratory for calibration once every three years. Calibrations shall be to standards traceable to the National Bureau of Standards.

## **SECTION 6. INSTRUMENT OPERATOR TRAINING**

Persons conducting sound level measurements under the provisions of this ordinance shall be trained by a recognized school or a person or persons whose qualifications have been approved by the Chief of Police. This training shall include, but not be limited to, techniques of sound measurements and operation of sound measuring instruments.

## **SECTION 7. APPLICATION EXCEPTIONS**

This ordinance shall apply to the operation of all motor vehicles, both upon public premises, and on other public or private premises, and it shall be unlawful for any person to operate a motor vehicle either upon or off the public streets without complying with this ordinance, except however, the following vehicles are exempt from the operation of this ordinance.

- (a) Any motor vehicle engaged in a professional or amateur sanctioned competitive sports event on public or private property where such events are otherwise a lawful and permitted use of the property.
- (b) Agricultural equipment on a job site or traveling on highways when used and maintained in accordance with manufacturer's specifications.
- (c) Any vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

## **SECTION 8. UNDUE HARDSHIP**

Applications for a permit for relief from the sound levels designated in this ordinance, except for motor vehicles operated on a public street or highway, may, on the basis of undue hardship, be made to the Noise Control Officer. Any permit granted by the Noise Control Officer hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Noise Control Officer may grant the relief as applied for only if he finds:

- (a) That additional time is reasonably necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or
- (b) That the activity, operation, or noise source will be of a temporary duration, and cannot be done in a manner that would comply with this ordinance; and
- (c) That no other reasonable alternative is available to the applicant, and
- (d) That the applicant represents and the Noise Control Officer finds that the noise source as permitted will not violate recognized safety



standards. The Noise Control Officer may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

#### **SECTION 9. SEVERABILITY**

If any section, clause, or provision of this ordinance be declared unconstitutional or held invalid, it shall not affect any other section, clause, or provisions thereof, but the same shall remain in full force and effect.

#### **SECTION 10. PENALTIES**

Any person who violates, fails, or refuses to obey or comply with any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law.

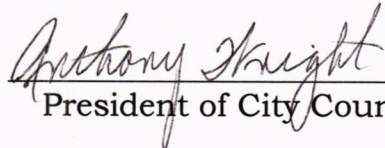
#### **SECTION 11. REPEAL**

Ordinance no. 060411-2, § 1, as adopted and approved on the 25<sup>th</sup> day of April, 2006 codified in the Municipal Code of Ordinances of the City as Sections 34-106 – 34-111 of Chapter 34, Article II, Division 4 is hereby repealed.


That this ordinance shall become effective upon its due adoption by the City Council of the City of Hueytown, Alabama and its publication in compliance with Alabama Municipal Law.

**NOW THEREFORE BE IT FURTHER ORDAINED** that this ordinance shall become effective upon its adoption, approval, and publication.

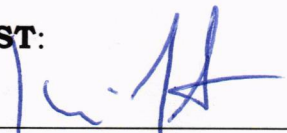
**ADOPTED** this 12<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
President of City Council

**APPROVED** this 12<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
Mayor

**ATTEST:**


  
\_\_\_\_\_  
City Clerk & Treasurer

#### **CERTIFICATION**

I, Kevin Fouts, City Clerk of the City of Hueytown, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Hueytown, Alabama, at its regular meeting held on **September 12, 2023** as same appears in the minutes of record of said meeting, and was thereby published by posting of same in each of the following public places, all of which are located within the corporate limits of the City of Hueytown, Alabama:

- |                             |                         |
|-----------------------------|-------------------------|
| 1. Mayor's Office/City Hall | 3. Hueytown Post Office |
| 2. Hueytown Public Library  | 4. Food Giant Grocery   |

Signed this 12<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
City Clerk & Treasurer