

Sec. 39-96. - Noise generally.

(a) *Noise prohibited.*

- (1) It shall be unlawful for any person to play, use or operate, or permit to be played, used or operated, any radio, tape player, cassette player, compact disc player, or other machine or device for reproducing sound, in or on any public property, including any public street, road, building, sidewalk, or park, in such a manner that the sound generated is plainly audible at a distance of twenty-five (25) feet or more from the source of the sound.
- (2) It shall be unlawful for any person to play, use or operate any radio, tape player, cassette player, compact disc player, or other machine or device for reproducing sound in any motor vehicle on a street or highway in such a manner that the sound generated is plainly audible at a distance of twenty-five (25) feet or more from the motor vehicle.
- (3) Possession by a person or persons of any of the machines or devices enumerated above shall be prima facie evidence that that person operates or those persons operate the machine or device.

(b) *Exceptions.* The prohibition of this section shall not apply to:

- (1) Any athletic event, cultural event or concert authorized by the city.
- (2) 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.

(c) *Punishment.* Any person found guilty of violating any of the provisions of this section shall be punished as prescribed in chapter 1, article II, division 2, Mobile City Code, with a fine of one hundred sixty dollars (\$160.00) plus court costs, or by community service for a period not exceeding six (6) months, or by both fine and imprisonment, and/or community service at the discretion of the judge.

(Code 1965, § 41-38; Ord. No. 39-045, § 1, 8-2-94; Ord. No. 39-028, 5-13-97; Ord. No. 39-007, §§ 2—4, 2-10-98; Ord. No. 39-015-2008, § 1, 3-18-08)

Cross reference— Noisy public assemblies, §§ 49-31—49-33.

Sec. 39-96.1. - Noise in residential districts.

(a) *Intent.* It is the intent of the city council of the city to endeavor to provide citizens an environment free from such excess sounds or noise in order to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the inhabitants of the municipality.

(b) *Definitions.* For the purposes of this section:

- (1) *Construction activities* shall mean any and all activity incidental to the construction, erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.
- (2) *Construction equipment* shall mean construction activity utilizing 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, rotatory drills and augers, cranes, ditcher, trenchers, scrapers, wagons, pumps, compressors, 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 appurtenance thereto.
- (3) *db(a)* shall mean a measure of sound pressure level in decibels on the A-weighted scale.
- (4) *Decibel meter* shall mean an instrument to measure decibels which meets or exceeds American National Standards Institute (ANSI) Section 1.4, 1997 standards for type 2 special meters and is capable of measuring the equivalent continuous A-frequency weighted sound pressure level per ANSI S1.43-1997 paragraph 3.2. These devices will be rechecked once a year for accuracy.

- (5) *Domestic power equipment* shall mean any equipment or device used for routine home or building repairs and grounds maintenance.
 - (6) *Device* shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled.
 - (7) *Person* shall mean and include any individual, corporation, association, partnership or limited partnership.
 - (8) *Property line*. The boundary line distinguishing ownership or the common wall of a town house, condominium, or leased premises.
 - (9) *Residential district* shall have the same meaning as in the zoning ordinance of the city, including single-family residence districts (R-1), two-family residence districts (R-2), multi-family residence districts (R-3), and residential business districts (R-B), or as established by future zoning ordinances as residential.
 - (10) *Sound* shall mean that which is or can be heard, or particularly a temporal and spatial oscillation in pressure, or other physical quality, in a medium with internal forces that cause compression and rarefaction of that medium and which propagates at finite speed to distant points.
 - (11) *Sound-amplifying equipment* shall mean any machine or device for the amplification of the human voice, music, or any other sound or noise.
 - (12) *Dumpster* shall mean any container two (2) cubic yards or larger, that is used to hold construction and demolition material, garbage, trash, rubbish, recyclable materials, or any combination thereof.
- (c) *Noise in residential districts restricted*.
- (1) Generally. It shall be unlawful and a nuisance to make, continue or cause to be made or continued any loud or excessive noise that unreasonably interferes with the comfort, health, or safety of others within the corporate limits of the city.
 - (2) In addition to the general prohibition set out above, it shall be unlawful, a nuisance and a violation of this section, for any person to:
 - a. Use, operate, or permit to be used or operated, any device, radio, musical instrument, television, phonograph, drum, sound amplifying equipment or device which produces or reproduces sound, either stationary or mobile, in such a manner that, during the hours from 6:00 a.m. to 10:00 p.m.:
 1. It is plainly audible at a distance of fifty (50) feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city; or
 2. It creates any noise which exceeds eighty-five (85) db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.
 - b. Use, operate, or permit to be used or operated, any device, radio, musical instrument, television, phonograph, drum, sound amplifying equipment or device which produces or reproduces sound, either stationary or mobile, in such a manner that, during the hours from 10:00 p.m. to 6:00 a.m.:
 1. It is plainly audible at a distance of twenty-five (25) feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city; or
 2. It creates any noise which exceeds fifty (50) db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.
 - c. Loud or raucous sounds or noises—6:00 a.m. to 10:00 p.m. Willfully make or cause a noise which disturbs the peace or quiet of any residential district and which during the hours from 6:00 a.m. to 10:00 p.m.:
 - 1.

Is plainly audible at a distance of fifty (50) feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city; or

2. Exceeds 85 db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.
- d. Loud or raucous sounds or noises—10:00 p.m. to 6:00 a.m. Willfully make or cause a noise which disturbs the peace or quiet of any residential district and which during the hours from 10:00 p.m. to 6:00 a.m.:
 1. Is plainly audible at a distance of twenty-five (25) feet or more from any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city; or
 2. Creates any noise which exceeds fifty (50) db(a) at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.
- e. Any person creating any such sound or noise as described in this section and/or anyone permitting such a sound or noise to be created in, or emanate from, any premises under his care, custody or control, shall be presumed responsible for any such sound or noise.
- (3) It shall be unlawful for any person to empty any dumpster in any residential district zoned as R-1, R-2, R-3, or R-B, or within five hundred (500) feet of the property line of any property that is zoned R-1, R-2, R-3, or R-B, during the hours from 10:00 p.m. until 6:00 a.m.
- (4) It shall be unlawful for any person to deliver, pick up, or raise any dumpster, or any roll-off box or container, in any residential district zoned as R-1, R-2, R-3, or R-B, or within five hundred (500) feet of the property line of any property that is zoned R-1, R-2, R-3, or R-B, during the hours from 10:00 p.m. until 6:00 a.m.
- (5) It shall be unlawful for any person to pick up construction or demolition material, garbage, trash, rubbish, recyclable materials, or any combination thereof, with a truck which has a compactor or the capacity to raise, move, or empty any dumpster, or any roll-off box or container, in any residential district zoned as R-1, R-2, R-3, or R-B, or within five hundred (500) feet of the property line of any property that is zoned R-1, R-2, R-3, or R-B, during the hours from 10:00 p.m. until 6:00 a.m.

(d) *Exceptions.*

- (1) *Emergency and public work.* Noise or sound created in the performance of public service by governmental agencies or their contractors; or emergency work engaged in by persons for the public safety, health or welfare; or to restore property to a safe condition following a public emergency; or work to restore essential public services, including construction activities directly related to the abatement of any emergency, shall not be subject to the provisions of this section.
- (2) *Noises from authorized activities.* The prohibitions of this section shall not apply to air traffic at the Mobile Municipal Airport, or any activities of a temporary duration which are 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, Greater Gulf State Fair and fireworks displays.
- (3) *Sirens, horns and whistles.* The provisions of this section shall not apply to any siren, whistle, horn or bell used by emergency vehicles or civil defense or used by motor vehicles, trains and boats as warning devices to avoid collisions.
- (4) *Bells or chimes.* The provisions of this section shall not apply to any bell or chimes, or any device for the production or reproduction of the sound thereof which are associated with a clock of time keeping device, a church or school.
- (5)

Burglar alarm. The provisions of this section shall not apply to any burglar alarm or security device, provided, however, no burglar alarm or security device shall sound for more than fifteen (15) minutes after being activated.

- (6) *Construction activity or equipment.* The provisions of this section shall not apply to any construction activity or equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (7) *Domestic power equipment.* The provisions of this section shall not apply to any domestic power equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (8) *Vessels.* The provisions of this section shall not apply to the operation of any motor boat or vessel on any lake, river, stream or waterway.
- (9) *Motor vehicles and trains.* The provisions of this section shall not apply to the normal and usual operation of motor vehicles and trains.
- (10) *Dumpsters.* The provisions of this section relating to the emptying of dumpsters, and to the delivery, pick up, or raising of any dumpster, in or near residential areas between the hours of 10:00 p.m. and 6:00 a.m., shall not apply in the following circumstances:
 - a. To the emptying, delivery, pick up, or raising of any dumpster that has a plastic or poly-material lid and plastic or poly-material side doors and that is situated on a minimum two-inch thick rubber pad;
 - b. To the emptying, delivery, pick up, or raising of any dumpster that is constructed of plastic or poly-materials; and,
 - c. To the emptying, delivery, pick up, or raising of any dumpster that has a plastic or poly-material lid and plastic or poly-material side doors by using a truck that is equipped with functioning automatic hydraulic deceleration valves that reduce the noise caused by emptying the dumpster by limiting the abrupt stops during the emptying cycle that occur:
 - 1. At the end of the lifting portion of the cycle when the dumpster reaches a stop point over the truck; and
 - 2. At the end of the lowering portion of the cycle when the dumpster is set back on the ground.
- (11) The provisions of this section relating to the emptying, delivery, pick up, or raising of dumpsters and roll-off boxes or containers in or near residential areas between the hours of 10:00 p.m. and 6:00 a.m. shall not apply to any dumpster or roll-off box or container located within the central business district or on any school or college property. For purposes of this section, the central business district is defined as the area bounded on the North by St. Anthony Street from the Mobile River to Claiborne, then by St. Michael Street from Claiborne Street to Washington Avenue; on the West by Washington Avenue; on the South by Government Street from Washington Avenue to Claiborne Street, then by Church Street to the Mobile River; and on the East by the Mobile River.

(Ord. No. 39-015, §§ 1—4, 3-17-98; Ord. No. 39-014, § 1, 2-29-00; Ord. No. 39-017, § 1, 3-21-00; Ord. No. 39-011-2009, §§ 1—3, 3-19-09; Ord. No. 39-004-2015, §§ 1—3, 2-18-15)

Sec. 39-97. - Sound trucks, etc.

It shall be unlawful for any person, by agent or otherwise, to operate on or along the streets, sidewalks or other public places of the city or its police jurisdiction any vehicle with a loudspeaker, phonograph, radio or other instrument of like kind or nature in operation when the sound from such instrument can be heard in the buildings adjoining the street, sidewalk or other place along which the vehicle containing the instrument is traveling.

(Code 1965, § 41-57)