

STATE OF ALABAMA)

COUNTY OF WALKER)

CITY OF CORDOVA)

ORDINANCE # 2004-005

UNREASONABLE NOISE OR VIBRATION – GENERALLY PROHIBITED

SECTION 1:

It shall be unlawful for any person to make, cause, or on premises under his or her legal control, permit to be made any unreasonable noise or vibration audible or perceptible within the corporate limits or police jurisdiction of the city, including the waters lying within such areas.

For purposes of this, Section 1, "unreasonable noise or vibration" is defined to mean any unreasonably loud, raucous, or jarring sound or vibration which is not constitutionally protected speech in form and scope of audibility and which, under the circumstances of time, place and manner in which it is produced and audible or perceptible, annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities within the area of the audibility or perceptibility of the noise or vibration without the consent of such person.

SECTION 2:

It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used or operated any radio, tape recorder, cassette player, or other machine or devices for reproducing sound if the machine or device is located in or on any public property, including any public street, highway, building, beach, parking lot, sidewalk, park or thoroughfare or located in or on any motor vehicle on a public street, highway, or public space and if the sound generated by such machine or device is audible at a distance of fifty (50) feet from the machine or device producing the sound.

This Section 2, shall not be construed to regulate the initial production or amplification of sound, and the direct amplification of the human voice or music through the use of bullhorns or amplifiers is not regulated under this Section 2.

SECTION 3:

Any person violation any provision of Section 1 or Section 2 shall be guilty of an offense against the City and shall upon conviction be fined not less than Twenty five dollars (\$25.00) nor more than Five Hundred dollars (\$500.00) and/or in addition may be sentenced from one (1) day to six (6) months imprisonment in the City Jail at the discretion of the Court.

SECTION 4:


If any section, subsection, sentence, clause, phrase or portion of this ordinance is, or may be for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion, shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

This ordinance shall become effective upon publication and the City Clerk is hereby directed to post same in three (3) public places in the City of Cordova, Alabama.

Adopted this the 23 day of August, 2004.


Mayor

ATTEST:


City Clerk