

ORDINANCE NO. 2002-188

Amending #158

AN ORDINANCE TO PROHIBIT EXCESSIVE NOISE WITHIN THE TOWN OF ARGO AND TO PROVIDE THE PENALTY FOR ANY VIOLATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGO, ALABAMA AS FOLLOWS:

SECTION 1. It 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 others within the jurisdiction of the Town of Argo.

SECTION 2. In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this ordinance.

(a) It is hereby declared a nuisance and shall be unlawful to operate or play any radio, television, phonograph, musical instrument or similar device, whether from a motor vehicle 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 five (5) feet in the case of a motor vehicle or ten (10) feet in the case of a pedestrian.

(b) 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 residence, in such a manner as to be plainly audible at a distance of fifty (50) feet to any person in a commercial, residential, multi-family dwelling or public place.

(c) It is hereby declared a nuisance and shall be unlawful to perform, or allow performance by a band or orchestra in the open air without first obtaining the proper permits from the Town of Argo in the following manner:

1. *Application can be made to the Town Council prior to a regularly scheduled meeting of the Town Council or to the Mayor..*
2. *Upon approval by the Town Council or Mayor, a permit will be issued by the Town Clerk to the person sponsoring or procuring said band or orchestra.*
3. *Unless otherwise specified by the Town Council or Mayor, said live open air performance shall be limited to 7:00 a.m. to 10:00 p.m. hours only.*

SECTION 3. Nothing in this ordinance shall be construed to prohibit:

- (a) Special performances by a band or orchestra in a hall, building, or in the open air after permission has been obtained from the Town Council or Mayor.
- (b) The ringing of bells or chimes by churches of the Town of Argo.
- (c) Any noise or sounds produced by radios, sirens or other equipment attached to, or being operated by any police, fire, rescue, utility or other emergency vehicles or personnel.

(d) 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 7:00 a.m. to 9:30 p.m. hours only.

SECTION 4. Any person, firm, corporation or other entity violating any provision of this ordinance shall be fined not less than twenty-five (\$25.00) nor more than five hundred (\$500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 5. If any section, clause, paragraph, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion thereof which is not in and of itself invalid or unconstitutional.

SECTION 6. This Ordinance shall take effect immediately upon the approval, adoption and publication as provided by law.

ADOPTED AND APPROVED this the 6th day of May, 2002.

Paul D. Jennings
Mayor

ATTEST:

Myrtle Norton
Town Clerk

STATE OF ALABAMA
ST. CLAIR COUNTY
TOWN OF ARGO

I, Myrtle Norton, Clerk for the Town of Argo, Alabama, do hereby certify that the above and foregoing is a true and exact copy of that Ordinance adopted by the Town Council of the Town of Argo, Alabama, at a regular meeting held on the 6th day of May, 2002, and the same now appears in the Ordinance Book of the Town of Argo, In witness thereof, I hereunto set my official signature.

Myrtle Norton
Town Clerk

THIS ORDINANCE POSTED AT THE FOLLOWING LOCATIONS:

TOWN HALL
BUCKEYE GROCERY
ARGO HARDWARE

Town of Argo 8885 Gadsden Highway Argo, Alabama 35173 Phone: (205) 655-9395 Fax: (205) 655-9517		TO THE TOWN COUNCIL OF ARGO, ALABAMA APPLICATION FOR OPEN AIR PERFORMANCE PERMIT	
Date of Application:		Date of Performance:	
		Time of Performance (Limited between 7:00 a.m. & 10:00 pm) From: To:	
Location of Performance: (Physical Street Address)			
Type of Performance: (Describe - band, orchestra, disc jockey, etc.)			
Name of Applicant:			
Address of Applicant:			
Business Phone:		Home Phone:	
		Cellular Phone or Pager:	
Name of Sponsor: (If different from Applicant)			
Address of Sponsor:			
Applicant's Signature:		Date:	
This applicant is (Approved) (Disapproved) on this the _____ day of _____			
Mayor:		Town Clerk:	
Council Member:			
Council Member:			
Council Member:			
Council Member:			
Council Member:			