

TOWN OF MENTONE NOISE CONTROL ORDINANCE

WHEREAS, the Town of Mentone is empowered to enact ordinances to protect and to promote the general public health and welfare and to take action to enforce said ordinances; and

WHEREAS, the Town of Mentone desires to implement a fair, uniform, and efficient procedure for dealing with public nuisances created by excessive noise and for addressing the problem of noise and noise complaints.

NOW THEREFORE, for the forgoing purposes and other legitimate purposes for the protection of the public health, safety, and general welfare.

BE IT ORDAINED by the Town Council of the Town of Mentone, Alabama, as follows:

Section 1 Title

This ordinance shall be entitled "**Town of Mentone Noise Control Ordinance.**"

Section 2 Noise Prohibitions

It shall be unlawful for any person to make, continue, or cause to be made or continued any noise of such character, intensity, volume, or duration as to disturb, frighten, or injure the comfort, peace, safety, health, or life of persons within the Town. The following acts, among others are declared to be nuisance noises in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive:

- (a) **Horns, Signaling Devices, Etc.** The unnecessary, continued, or excessive, repeated sounding of any horn or signaling device on any automobile, bus, truck, motorcycle, or other vehicle on any street, public place, or private property within the Town, except as a signal of warning or danger, the sounding of any such device for an unnecessary or unreasonable length of time, the production by means of any such device of any unreasonable loud or harsh sound.
- (b) **Whistles Etc.** The blowing of any locomotive whistle or whistle attached to any stationary boiler or sounding of any gong or bell attached to any building, except as a signal or warning device, or to give notice of time to begin or stop work, or upon the request of proper authorities.
- (c) **Devices Operated by Compressed Air.** The use of any mechanical device operated by compressed air, unless the noise created is effectively muffled or reduced.
- (d) **Exhaust.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorboat, or aircraft except through a muffler

or other device which will effectively prevent loud or explosive noises there from. If any such steam engine, internal combustion engine, motor vehicle, motor boat or aircraft is equipped with a non-defective muffler or noise suppression device as originally installed or specified by the manufacturer, the discharge of exhaust shall be presumed not to be in violation of this section.

- (1) No motor carrier shall operate any motor vehicle of a type at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH as specified under
(40 CFR 202.20 (Federal Environmental Agency Standards for Highway Operation.)
- (2) No person shall operate a motor vehicle upon any public premises or be permitted to operate a motor vehicle upon any public premises at any time or condition of roadway grade, load, acceleration or deceleration in such a manner as to generate sound in excess of the following limits for the category of motor vehicle and measured on an open site with fast meter response at 50 feet from the centerline of lane of travel for the applicable speed limit.

TYPE OF VEHICLE	SPEED LIMIT 35 MPH or Less	Speed Limit over 35 MPH
Motorcycle and Motor Driven Cycles	82 dB(A)	86 dB(a)
Vehicle with gross weight of 10,000 pounds or over	83 dB(A)	87 dB(A)
Vehicles with gross weight under 10,000 pounds	80 dB(A)	84 b(A)

- (e) **Defective Vehicles or Loads.** The use of any motor vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (f) **Loading or Unloading, Etc.** The creation of loud and excessive noise in connection with loading, unloading, or unpacking of any vehicle, or the opening and destruction of bales, boxes, crates and containers where such noise is a nuisance to a nearby residence.
- (g) **Noises near Schools, Libraries or Hospitals.** The creation of any such excessive noise on any street or property adjacent to any school, institution of learning or library while in use, or any hospital, sanitarium or medical or dental clinic, providing there are conspicuous signs indicating the location of the school, library, clinic or hospital.

- (h) **Peddling, Flea Markets.** The shouting and crying of peddlers and vendors or the creation of excessive noise at a flea market which disturbs the peace, quiet, and comfort of the neighborhood.
- (i) **Sound Amplification Systems.** No person shall operate any television, radio, tape player, compact disc or .mp3 player, loudspeaker, or other electronic device used for the amplification of sound, or operate a musical instrument in such a manner or with such volume as to disturb the peace, quiet, or comfort of any neighboring inhabitants at any time, or such that the audible sound therefrom is discernible by the human ear at or within the property boundary of any adjoining or nearby residential premises and which exceeds ninety (90) db(A) during the hours of 10:00 PM and 7:00 a.m.
- (j) **Motor Vehicle Sound Amplification Systems.** No person shall operate or cause to be operated any radio, tape player, compact disc or .mp3 player, loudspeaker, or other electronic devices used for the amplification of sound either in a motor vehicle or separate therefrom, on any public premises or roadway within the Town so as to produce an audible sound measured at least 50 feet from said system.
 - (1.) Measurement of the audible sound shall be by auditory senses based upon direct line of sight.
 - (2.) Possession by a person or persons of any sound amplification system as described in Section 2 shall be prima facie evidence that the person operates, or persons operate, the said system.
 - (3.) CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE
 - (4.) (MEASURED AT 50 FEET)*
 - (5.) Sound Level Limit

(dB(A))	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

Section 3. Exceptions

- (a) This ordinance shall not apply to public, community events held for historic, competitive athletic or sporting, entertainment, or charitable purposes.
- (b) This ordinance shall not apply to activities or events sponsored or sanctioned by the Town of Mentone or the following:
 - (1) Noises of safety signals, warning devices, and emergency pressure relief valves.

- (2) Noises resulting from any authorized emergency vehicle when responding to and emergency call or acting in the time of an emergency.
- (3) Community licensed or permitted concerts or fireworks displays.
- (4) Any noise resulting from activities of temporary duration permitted by law and for which a license or permit has been granted by the Town in accordance with its ordinances.

Section 4. Factors and Standards. The factors and standards to be considered in determining whether a violation of Section 2 above has occurred shall include, but not be limited to, the following:

- (a) The volume of the noise
- (b) The intensity of the noise
- (c) Whether the nature of the noise is usual or unusual
- (d) Whether the origin of the noise is natural or unnatural
- (e) The volume and intensity of the background noise, if any.
- (f) The proximity of the noise to residential sleeping facilities.
- (g) The nature and zoning of the area within which the noise emanates
- (h) The density of inhabitation of the area within which the noise emanates
- (i) The time of day or night the noise occurs
- (j) The duration of the noise
- (k) Whether the noise is recurrent, intermittent, or constant.
- (l) Whether the noise is produced by a commercial or noncommercial activity.

Section 5. Violations

(a). Upon being found guilty and convicted of a first offense under ordinance, a person shall be fined Twenty Five Dollars (\$25.00), and shall be responsible for payment of costs assessed by the district court.

(b) Upon being found guilty and convicted of a second offense under this ordinance, a person shall be fined Fifty Dollars (\$50.00), and shall be responsible for payment of costs assessed by the district court

(c) Upon being found guilty of a third offense under this ordinance a person shall be fined not less than Seventy Five Dollars (\$75.00) and up to Two Hundred Dollars (\$200), and/or sentenced to jail for a period of up to ten (10) days, and shall be responsible for payment of costs assessed by the district court.

READ, PASSED AND ADOPTED this 9 day of May, 2023.

Rob Hammond

**Rob Hammond Mayor and Presiding Officer
of the Town Council of the Town of Mentone**

Kristen Emory

Attest:

**Kristen Emory
Town Clerk**