

Model Ordinances > Mobile, Alabama

as of 2008

Sec. 39-92. Disorderly conduct.

A person commits the offense of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he: (1) Engages in fighting or in violent, tumultuous or threatening behavior; or (2) Makes unreasonable noise; or (3) In a public place uses abusive or obscene language or makes an obscene gesture; or (4) Without lawful authority, disturbs any lawful assembly or meeting of persons; or (5) Obstructs vehicular or pedestrian traffic, or transportation facility; or (6) Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse. (Code 1965, Â§ 41-4.1; Ord. No. 41-057, 7-5-83)

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, Â§ 41-38; Ord. No. 39-045, Â§ 1, 8-2-94; Ord. No. 39-028, 5-13-97; Ord. No. 39-007, Â§ 2-4, 2-10-98; Ord. No. 39-015-2008, Â§ 1, 3-18-08) Cross references: Noisy animals, Â§ 7-13; noisy public assemblies, Â§ 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 as may jeopardize their health, welfare and safety, or degrade the quality of life. (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) Continuous noise shall mean the equivalent continuous A-frequency weighted sound pressure level per American National Standards Institute (ANSI) Section 1.43-1997, paragraphs 3.2, taken over a thirty-second time interval. (4) db(a) shall mean a measure of sound pressure level in decibels on the A-weighted scale. (5) 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. (6) Domestic power equipment shall mean any equipment or device used for routine home or building repairs and grounds maintenance. (7) Device shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled. (8) Noise shall mean any sound which exceeds the prescribed decibel levels, at a time and location described in this section. (9) Person shall mean and include any individual, corporation, association, partnership or

limited partnership. (10) Property line. The boundary line distinguishing ownership or the common wall of a town house, condominium, or leased premises. (11) 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. (12) 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. (13) Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music, or any other sound or noise. (c) Noise in residential districts restricted. (1) Generally. It shall be unlawful for any person to 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 so as to create any continuous noise which exceeds 85 db(a) during the hours of 6:00 a.m. until 10:00 p.m. or which exceeds 50 db(a) from 10:00 p.m. until 6:00 a.m. 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. (2) Loud or raucous sounds or noises. It shall be unlawful for any person to willfully make or cause a continuous noise which disturbs the peace or quiet of any residential district and which exceeds 85 db(a) during the hours of 6:00 a.m. until 10:00 p.m. or which exceeds 50 db(a) from 10:00 p.m. until 6:00 a.m. 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. 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. (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. (Ord. No. 39-015, Â§Â§ 1--4, 3-17-98; Ord. No. 39-014, Â§ 1, 2-29-00; Ord. No. 39-017, Â§ 1, 3-21-00)

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, Â§ 41-57)