

Ordinance No. 2025-9
NOISE CONTROL ORDINANCE

AN ORDINANCE TO MAKE IT 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 CEDAR BLUFF, ALABAMA AND TO PRESCRIBE PENALTIES AND FINES FOR VIOLATION THEREOF.

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

SECTION 1. Title.

This Ordinance may be cited as the "Noise Control Ordinance".

SECTION 2. Authority.

This Noise Control Ordinance is approved and adopted by the Town Council of the Town of Cedar Bluff, Alabama in the exercise of its general police powers under the laws of the State of Alabama, specifically including but not limited to Ala. Code S 11-45-1, et seq.

SECTION 3. Purpose.

This ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of Cedar Bluff, Alabama through the reduction, control and prevention of excessive sound or other noise. It is the intent of this Ordinance to establish standards that will eliminate and reduce unnecessary and excessive community sounds or other unreasonable noises which are harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

SECTION 4. Definitions.

The following definitions are provided for any terms used within this ordinance.

- A. "Commercial Area" means any area designated for commercial uses under the Zoning Ordinance of the Town.
- B. "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.
- C. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

- D. *"Domestic power equipment"* means powered tools and devices used by homeowners for residential tasks like home repair and yard maintenance. This category typically includes equipment like chainsaws, drills, lawnmowers, and garden tools.
- E. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- F. ~~"Emergency Work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.~~
- G. "Impulsive Sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.
- H. "Motor Vehicle" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.
- I. "Motorcycle" means an unenclosed motor vehicle having a seat for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and mini-bikes.
- J. "Muffler or Sound Dissipative Device" means a device for abating the sound of escaping gasses of an internal combustion engine.
- K. "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- L. "Noise Disturbance" means any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.
- M. "Person" means any individual, association, partnership, corporation or other legal entity.
- N. "Powered Model Vehicle" means any self-propelled airborne, waterborne or land borne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.
- O. "Public Right-of-Way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.
- P. "Public Space or Public Property" means any real property or structures thereon which are owned or controlled by a governmental entity.
- Q. "Real Property Boundary" means a line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

R. "Residential Area" means an area designated for any residential use under the Zoning Ordinance of the Town.

S. "Town" means the Town of Cedar Bluff, Alabama.

SECTION 3: Noise in public property or commercial area.

It shall be unlawful for any person to play, use or operate, or permit to be played, used or operated, any device (including but not limited to sound amplifying equipment, construction equipment, motor vehicles or other such devices) for producing sound, in or on any public property, including any public street, road, building, sidewalk, or park, or commercial area in such a manner that the sound generated is plainly audible at a distance of eighty (80) feet or more from the source of the sound unless such activity has been authorized by the Town. Unless specific authorization has been provided, authorized uses on public property and commercial area must occur between the hours of 6 a.m. and 11 p.m.

SECTION 4: Noise in residential districts.

In addition to the general prohibition set forth herein above in SECTION 3, the following specific acts, when occurring in residential districts, or producing noise or sound which is detectable within such residential districts, are declared to be in violation of this Ordinance:

- (a) *General Restriction.* It shall be unlawful for any person to use, operate, or permit to be used or operated, any device which is plainly audible at a distance of 80 feet (including but not limited to sound amplifying equipment, construction equipment, motor vehicles or other such devices) during the hours of 9:00 p.m. until 6 a.m. or which is plainly audible at a distance of 80 feet from 9:00 p.m. until 6 a.m. Sunday through Thursday and 11:00 p.m. to 6:00 a.m. Friday and Saturday 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 Town.
- (b) *Loud or raucous sounds or noises.* It shall be unlawful for any person to willfully make, cause, or continue any noise which disturbs the peace or quiet of any residential district and which is plainly audible at a distance of 80 feet during the hours of 9:00 p.m. until 6:00 a.m. or which is plainly audible at a distance of 80 feet from 9:00 p.m. until 6:00 a.m. Sunday through Thursday and 11:00 p.m. to 6:00 a.m. Friday and Saturday 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 Town.
- (c) *Responsibility for creation of noise.* 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.

SECTION 5. Noise on public streets generally.

It shall be unlawful for any person to use, operate, or permit to be used or operated in a motor vehicle or any sound-amplifying equipment, including, but not limited to,

radios or stereo equipment, loud speakers, motor vehicle mufflers, etc. which produces or reproduces sound which is plainly audible at a distance of eighty (80) feet or more from the source on any public street or right-of-way in the corporate limits of the Town of Cedar Bluff or its police jurisdiction.

SECTION 6: Exceptions.

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 article.

- (a) *Noises from authorized activities.* The prohibitions of this article shall not apply to noise emanating from a legally operated industrial site, factory, or plant in the ordinary course of its industrial operations, to parades, cultural events, athletic games, state or county fairs, or functions conducted pursuant to a permit specifically approved by the Town of Cedar Bluff Town Council or another appropriate governmental agency. Such permits shall bear a cost of fifty dollars (\$50.00). Issuance of a business license shall not constitute approval of, or authorization by, the Town Council of the Town within the meaning of this section.
- (b) *Sirens, horns, and whistles.* The provisions of this article 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.
- (c) *Bells or chimes.* The provisions of this article 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 or time-keeping device, a church, or school.
- (d) *Burglar alarms.* The provisions of this article shall not apply to any burglar alarm or security device; provided, however, no burglar alarm or security device shall sound for more than thirty {30} minutes after being activated.
- (t) *Construe/ion activity or equipment.* The provisions of this article shall not apply to any construction activity or equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (g) *Domestic power equipment.* The provisions of this article shall not apply to any domestic power equipment operated between the hours of 6:00 a.m. to 9:00 p.m.
- (h) *Vessels.* The provisions of this article shall not apply to the operation of any motor boat or vessel on any lake, river, stream, or waterway.
- (i) *Motor vehicles and trains.* The provisions of this article shall not apply to the normal and usual operation of motor vehicles and trains.

- (j) *Musical bands.* The provisions of this article shall not apply to performances by musical bands at a business or residence that is held outside of the business or residence after proper permits from the Town of Cedar Bluff have been obtained and approved by the Chief of Police so long as the performances of said band are in accord with any restrictions, terms, and conditions of the permit.

SECTION 7. Violations/Punishment.

Any person, firm, or corporation found to be guilty of a violation of this Ordinance shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or six (6) months in the County Jail, or both. Each violation of this Ordinance shall be deemed to be a separate offense.

SECTION 8. Ordinances in conflict.

This Ordinance replace Cedar Bluff Ordinances 71, 77-01, 2007-12, and 2012-08. In addition, all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby expressly repealed to the extent that they conflict with this Ordinance.

SECTION 9. Severability.

If any section, sentence, clause, word, or part of this Ordinance is for any reason declared to be unconstitutional in a court of competent jurisdiction, such decision shall not be construed to affect or invalidate or impair any remaining sections, sentences, clauses or phrases, or words of any part of this Ordinance not expressly declared unconstitutional.

SECTION 10. Effective date.

This Ordinance shall become effective upon its adoption and publication.

ADOPTED THIS THE 8 DAY OF DECEMBER, 2025.



Bill Warren, Mayor

CLERK'S CERTIFICATE OF PUBLICATION

I hereby certify that the above and foregoing ordinance was duly adopted at a regular meeting of the Town Council of the Town of Cedar Bluff, Alabama, at which a quorum was present.




Jenni Burt, Town Clerk

CERTIFICATION OF PUBLICATION

I, Jennifer Burt, Town Clerk for the Town of Cedar Bluff, Alabama, hereby certify that a notice for Ordinance No. 2025 - 9, adopted by the Town Council on December, 2025, was posted in the office of the Mayor, Cedar Bluff Post Office, Cedar Bluff utility Board and the Cedar Bluff Police Department beginning on the ____ day of December, 2025, in accordance with the provisions of Code of Alabama (1975) Section 11-45-8.

12-9-25

Date


Town Clerk