



Madison County Government
Planning and Development Department

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Alan J. Dunstan
County Board Chairman

ATTACHMENT "A"

CHAPTER 53: NOISE ORDINANCES

§ 53.01 TITLE

This subchapter shall hereinafter be known as the "Madison County Noise Pollution Act" and may be so cited. Penalty, see § 53.99.

§ 53.02 PURPOSE

To prevent noise pollution in that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, increases construction costs, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment. Penalty, see § 53.99.

§ 53.03 – DEFINITIONS:

Whenever used in this Ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meaning:

NOISE DISTURBANCE: Any sound which may do the following:

- (a) causes annoyance or disturbs humans or which has any adverse psychological or physiological effects on humans,
- (b) endangers or injures the health or safety of humans or animals,
- (c) causes annoyance or disturbance to a reasonable person of normal sensitivities, or
- (d) endangers or injures personal or real property.

REAL PROPERTY BOUNDARY: A line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person.

RESIDENTIAL AREA: An area designated for any residential use under the zoning ordinance of Madison County.

HOLIDAYS: For purposes of the application of this ordinance, the following shall be considered holidays: New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day, and Christmas Day.

¹ Amended at November 15, 2006 County Board Meeting

§ 53.04 – NOISE PROHIBITIONS:

(a) It shall be unlawful and a nuisance for any person to make, continue, or cause to be made or continued any loud, unreasonably loud, disturbing, unnecessary or excessive noise which unreasonably interferes with the comfort, health or safety of others.

(b) It shall be unlawful and a nuisance for any person to permit any noise as described in paragraph (a) of this Section to be made in or upon any house or premises owned or possessed by them or under their management and or control.

§ 53.05 – SPECIAL VIOLATIONS:

The following shall be declared a nuisance and shall be unlawful:

(a) For a motor vehicle operator to operate or play any radio, musical instrument or similar device from said motor vehicle in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of twenty (20) feet.

(b) For a pedestrian to operate or play any radio, musical instrument or similar device in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of thirty (30) feet.

(c) For any person to operate or play any radio, television, musical instrument or similar device or to produce live music, sound or noise in any manner which produces or reproduces sound or noise, whether from a business, residence or any other premises, in such a manner as to be plainly audible outside of the real property boundary of such business, residence or other premises between the hours of 10:00 p.m. and 9:00 a.m., Central Standard Time (CST).

(d) For any person to keep any animal, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any ordinary person.

(e) For any person to load, unload, open, close or other handling of boxes, crates, containers, building materials, garbage trucks or similar objects between the hours of 10:00 p.m. and 6:00 a.m. CST in such a manner as to cause a noise disturbance across residential real property boundary.

(f) For any person to operate or permit the operation of any tools or equipment used in construction, drilling or demolition work in such a manner that the sound there from creates a noise disturbance across a residential real property boundary, at any of the following times:

- (i) Between 10:00 p.m. and 6:00 a.m. CST on any day of the week, or
- (ii) At any time on any ~~Saturday~~¹, Sunday, or holiday.

Public service utilities are exempt from this provision. Further, no person shall be adjudicated guilty of this provision if he demonstrates the existence of a bona fide emergency that necessitated performance of the work during prohibited hours.

¹ Amended at November 15, 2006 County Board Meeting

(g) For any person to operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m. CST so as to cause a noise disturbance across a residential real property boundary.

(h) For any person to operate a motor vehicle or any internal combustion engine, which is excessively loud, so as to disturb the quiet, comfort, or repose of persons across a residential real property boundary. This includes excessive noise levels as the result of a defective or modified exhaust system or as a result of any one or more of the following: unnecessary rapid acceleration, deceleration, engine revving or tire squealing.

§ 53.06 – EXCEPTIONS:

(a) Special performances by a band or orchestra after permits have been obtained from the County.

(b) Ringing of bells or chimes by churches.

(c) Any noises or sounds produced by police, fire, rescue or other emergency vehicles or personnel.

(d) Organized school-related programs, activities and other events.

(e) Organized public programs, activities, events, and parades or other public programs, activities or events authorized by county government.

§ 53.07 – AUTHORITY OF THIS ORDINANCE:

This ordinance shall take precedence over any neighborhood covenants.

53.99 – PENALTY:

It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:

(a) For the first offense, the minimum fine shall be \$50.00 and the maximum fine shall be \$250.00; and

(b) For any subsequent offense, the minimum fine shall be \$150.00 and the maximum fine shall be \$1000.00.

(c) Community Service hours may be ordered by the court in addition to the above mentioned fines and if ordered, said hours must be served within one year of the date sentence is imposed by proper authorities.

(d) The violation of this ordinance or any part thereof on more than one (1) day shall constitute separate offenses.

¹ Amended at November 15, 2006 County Board Meeting

¹ Amended at November 15, 2006 County Board Meeting