

ORDINANCE NO. 2021 - 012- PS

AN ORDINANCE AMENDING ORDINANCE 2002-026-PS CODIFIED AT SECTION 38-33 OF ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF TRUSSVILLE, ALABAMA, EXEMPTING ANY SOUND EMITTED FROM THE TRUSSVILLE PAVILION AND STAGE AREA FROM COMPLIANCE WITH ARTICLE II OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF TRUSSVILLE, ALABAMA.

WHEREAS, the City of Trussville, Alabama, (“City”) enacted Ordinance 2002-026-PS to provide for the health, safety, and welfare of its citizens in order to control and otherwise regulate certain unreasonably loud and prohibited noises; and

WHEREAS, the City recently celebrated the completion and opening of the Trussville Downtown Pavilion and Stage Area (hereinafter “Pavilion;”) as part of its downtown redevelopment; and

WHEREAS, with the creation and use of the Pavilion, it has become necessary to clarify and provide for certain restrictions related to the use of the area as a concert and entertainment area that that makes the enforcement of the existing ordinance referenced herein impractical.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF TRUSSVILLE, ALABAMA, that Ordinance 2002-026-PS codified at section 38-33 of Article II of Chapter 38 of the Code of Ordinances be and is hereby amended to restate the following:

I. Section 38-33. Exemptions.

The following activities and areas are exempt from the application of this chapter:

- (a) Devices used solely for the purpose of warning, protecting or alerting the public, or some segment thereof, of the existence of an emergency situation.
- (b) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government, provided that all equipment is operated in accordance with manufacturers' specifications and with all standard equipment, manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition.
- (c) Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches or funeral homes.
- (d) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting or operating within the scope of the authority of said agency or as is necessary for the safety of the public in time of emergency.
- (e) Operations by city departments.
- (f) Sound emanating from authorized athletic contests, parades, and municipally sponsored public celebrations when conducted in areas designed for such use or as allowed by permit.
- (g) Noises made by persons, firms or corporations having obtained a permit to use the streets or public areas for a public function.
- (h) Lawn-care equipment in normal daytime usage if used and maintained in accordance with the manufacturer's specifications.
- (i) Motor or other mechanical noises caused by motor vehicles on public roads. This section is not intended and shall not be construed to interfere with any other state statute or regulation of motor vehicles either through city, state or federal law or regulations. This exemption shall not apply to noise caused by stereos, bass amplifiers, radios, phonographs, musical instruments, compact discs or similar devices emitting noise from motor vehicles.
- (j) Aircraft and railroad trains.

(k) Operations by, or sanctioned by, the proper authorities (city, state or federal) for the protection of persons or property where eminent physical trauma or property damage demands immediate action.

(l) The Trussville Downtown Pavilion and Stage Area or any entertainment district subsequently formed as provided in section 28-3A-17.1 of the Code of Alabama (1975, as amended) is hereby exempt from compliance with Article II of Chapter 38. The "Trussville Downtown Pavilion and Stage Area" is hereby defined as the outdoor event complex located in the section of downtown Trussville, Alabama, commonly known as "Quad 1," that is comprised of a stage, backstage area, dressing rooms, a seating area, and restrooms along with the covered and uncovered pavilion area. The area does not include any privately owned business and the property upon which a private business sits that surrounds the Trussville Downtown Pavilion and Stage Area.

II. Enactment Provisions

Section A. If any part of this ordinance shall be declared invalid or unconstitutional, this shall not affect the validity or the remainder of the ordinance.

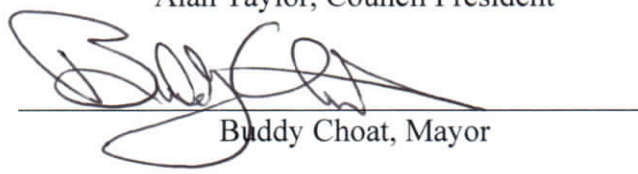
Section B. The remainder of Chapter 38, Article II shall not be effected by this amendment.

Section C. This ordinance shall take effect immediately upon its passage, adoption, and publication as provided by law.

ADOPTED AND APPROVED THIS THE 30TH DAY OF MARCH, 2021

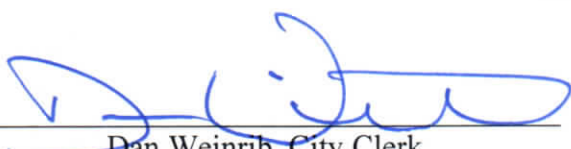


Alan Taylor, Council President



Buddy Choat, Mayor

Attest:



Dan Weinrib, City Clerk

CERTIFICATION OF CITY CLERK

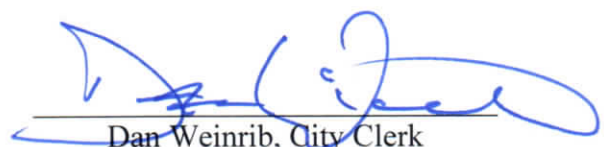
STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Dan Weinrib, City Clerk of the City of Trussville, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Trussville, Alabama, on the 30th day of March, 2021.

The above and foregoing ordinance was published on the 31st day of March, 2021, by posting copies thereof in three public places within the City of Trussville, one of which was at Trussville City Hall.

Witness my hand and seal of office this 31st day of March, 2021.



Dan Weinrib, City Clerk