

ORDINANCE NO. 2172

AMEND ORDINANCE NO. 741, ADOPTED JANUARY 26, 1998, AT CHAPTER 15 HEALTH AND SANITATION, ARTICLE 1 IN GENERAL, AT SECTION 15.1. BY REPEALING AND ADDING CERTAIN LANGUAGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 8, 2025, as follows:

Section 1. That Chapter 15, HEALTH AND SANITATION, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by adding certain language at ARTICLE I. IN GENERAL, Sec. 15.1. by repealing and adding certain language, so the entire section shall read:

Sec. 15.1. Short Title.

This section shall be known and may be cited as the “City of Gulf Shores Noise Control Ordinance.”

Sec. 15.2. Legislative Intent.

It is hereby declared to be the public policy of the city to control the ambient sound level in the city, in order to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city, and facilitate the enjoyment of the natural attractions of the city. It is the public policy of the city that every person is entitled to ambient sound levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noise within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

Sec. 15.3. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in this article.

"A" weighted sound level (A Scale) means the sound level as measured using the "A" weighting network with a Sound Level Meter meeting the standards set forth in ANSI S1.4-2014 or its successors. The unit of reporting is dB(A).

"Ambient Sound Level" means that measured value which represents the summation of sound from all of the discrete sources affecting a given site at a given time, including those from the source under investigation. Examples of ambient sounds include steady traffic of

properly muffled vehicles or the surf. Ambient Sound Level is synonymous with background sound level.

"ANSI" means the American National Standards Institute which serves as the administrator and coordinator of the United States private sector voluntary standardization system.

"Boom Box" is slang for and means a self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this article

"Boom Car" is slang for and means a personal or commercial vehicle with music amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this article.

"Commercial Area" means structures or buildings where non-residential uses predominate and the structures or buildings where the noise complaint is generated is zoned in a Business District, Tourist Business District, or any other District classification except an Education District or Residential District in accordance with the terms and maps of the City of Gulf Shores Zoning Ordinance.

"Complainant" means any person who has lodged a complaint with the City of Gulf Shores Police Department alleging the receipt of excessive Noise on real property the person has an interest in as an owner, tenant, renter or employee.

"Emergency Work" means any work or action necessary to deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or responding to public safety and life-threatening conditions.

"Meter Reading" means a recorded reading on a Sound Level Meter of the highest sound level obtained from the sound source under investigation, disregarding unrelated peaks due to extraneous ambient noises.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use Property" means any single and distinct parcel of land that maintains two or more major uses such as a building which maintains both commercial (usually on the ground floor) and residential uses.

"Noise" means, for the purposes of this article, any sound not in compliance with the provisions of this article.

"Officer" means any sworn officer of the City of Gulf Shores Police Department.

"Person" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, the State, or any political subdivision thereof.

"Plainly Audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a

portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify Plainly Audible sound. The Officer need not determine or be able to discern the title, specific words, or the artist performing the song.

"Real Property Line" means either (a) the imaginary line including its vertical extension that separates one parcel of real property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

"Receiving Land Use" means a parcel of real property adjacent to the Real Property Line of property from which a sound source under investigation by the Gulf Shores Police Department is generated.

"Residential Area" means and includes structures or buildings used for human habitation where one or more persons reside and residential users predominate, provided the structure or building where the noise complaint is generated is zoned in a Residential District in accordance with the terms and maps of the City of Gulf Shores Zoning Ordinance.

"Sound Level Meter" means an instrument that conforms to ANSI S1.4-1983 or its successors.

Sec. 15.4. Measurement of Sound Levels.

For the purpose of measuring the volume, intensity and frequencies of sound, the measurement of sound shall be made with a decibel or a Sound Level Meter operating on the "A" scale of any standard design and quality meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the sound source under investigation.

Sec. 15.5. Prohibitions.

- (a) No person shall make, continue, or cause to be made in the city any noise disturbance, including, but not limited to:
 - (1) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the limits of the City of Gulf Shores; or
 - (2) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the vicinity from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residents or places of business.
- (b) Notwithstanding the general prohibition in (a) is not violated, it shall be unlawful, except as expressly permitted herein, to make, or allow the making of any sound causing

a Meter Reading in excess of the limits set forth in this Ordinance when measured at the Real Property Line of the Complainant, or the Real Property Line of a Receiving Land Use, as set forth below in Tables I and II.

(c) When a sound source under investigation can be identified and its sound measured in more than one land use category, the sound level limits of the most restrictive land use category shall apply.

A. *Maximum permissible sound levels in Residential Areas measured under the A Scale.* No person shall operate or cause to be operated any source of sound in such a manner as to create a Total Sound Level which exceeds the limits set forth in Table I.

Indoor measurements shall only be taken if the sound source is on or within the same property occupied by multiple persons, as in the case of a Multi-dwelling Unit Building or a Multi-use Property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building or if the Real Property Line between a residential unit and the source property is a common wall, floor or ceiling).

**TABLE I
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS IN RESIDENTIAL AREAS
dB(A)**

	SUNDAY (12AM-9AM)(10PM-12AM) MONDAY-THURSDAY (12AM-8AM)(10PM-12AM) FRIDAY (11PM-12AM)(12AM-8AM) SATURDAY (11PM-12AM)(12AM-9AM)	GULF SHORES HOLIDAYS (12AM-9AM)(10PM-12AM)	ALL OTHER TIMES
LOCATION			
OUTDOORS	50	50	65
INDOORS	35	35	50

B. *Maximum permissible sound levels in Commercial Areas measured under the A Scale.* No person shall operate or cause to be operated any source of sound in such a manner as to create a Total Sound Level which exceeds the limits set forth in Table II.

**TABLE II
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS IN COMMERCIAL AREAS
dB(A)**

	SUNDAY (12AM-9AM)(10PM-12AM) MONDAY-THURSDAY (12AM-8AM)(10PM-12AM) FRIDAY (11PM-12AM)(12AM-8AM) SATURDAY (11PM-12AM)(12AM-9AM)	GULF SHORES HOLIDAYS (12AM-9AM)(10PM-12AM)	ALL OTHER TIMES
LOCATION			
OUTDOORS	55	55	75
INDOORS	40	40	60

C. Boom Boxes, radios, stereos, or any similar device, and Boom cars, shall not be operated on a public space or public right-of-way in such a manner as to be Plainly Audible at a distance of 30 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be Plainly Audible by any person other than the operator.

Sec. 15.6. Exemptions.

- A. Construction operations between 7:00 a.m. and 8:00 p.m. for which building permits have been issued, or Construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accordance with its manufacturers' specifications and uses as standard equipment, its manufacturers' Mufflers and noise-reducing equipment and in proper operating condition.
- B. Back-up alarms so long as they are self-adjusting to Ambient Sound Levels.
- C. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- D. Noises resulting from Emergency Work.
- E. Any other Noise resulting from activities of a temporary duration permitted by law and for which a waiver therefore has been granted by the City in accordance with Section 15.7. Regulation of Noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in Section 15.7.
- F. Noises made by persons having obtained a permit to use the public streets, parks, or public beaches for open-air short-term events, such as fairs, parades, festivals, concerts, etc.
- G. All Noises coming from the normal operations of aircraft (not including scale model aircraft).

- H. Unamplified Sound Production Devices while being used in conjunction with on-going religious services.
- I. Non-amplified crowd Noises.
- J. Agricultural activities, when all internal combustion engines are equipped with a properly functioning Muffler.
- K. Impulse sound resulting from the controlled detonation of explosives at quarries and Construction sites.
- L. Sanitation vehicles on a public right-of-way.
- M. Road construction or maintenance projects.

Section 15.7. Waivers.

- A. Any person who owns or operates a sound source, or intends or desires to operate or maintain a sound source, for one of the following purposes may apply for a waiver from the City Council, pursuant to an appropriate application or form to be made available from the City Clerk:
 - 1. Private or public celebrations;
 - 2. Nighttime Construction projects; or
 - 3. Homeowner Construction projects.
- B. Applications for a waiver shall supply information including, but not limited to:
 - 1. The nature and location of the Noise source for which such application is made;
 - 2. The reason for which the waiver is requested, including the hardship, if any, that will result to the applicant or the public if the waiver is not granted;
 - 3. The nature and intensity of Noise that will occur during the period of the waiver;
 - 4. A description of interim Noise control measures to be taken by the applicant to minimize Noise and the impacts occurring therefrom; and
 - 5. The name, address and means of contacting a responsible party during the hours of operation for which the waiver is issued.
- C. The City Council may charge the applicant a fee established by Resolution of the City Council to cover expenses resulting from the processing of the waiver.
- D. In making the determination on granting a waiver, the City Council shall consider:
 - 1. The character and degree of injury to, or interference with, the health and welfare of the reasonable use of adjacent property which is caused or threatened to be caused by the sound to result from the waiver;
 - 2. The social and economic value of the activity for which the waiver is sought; and
 - 3. The ability of the applicant to apply best practical Noise control measures.
- E. The waiver application shall enumerate the conditions of the waiver, including but not limited to:

1. Specific location, dates and times for which the waiver is valid;
2. Sound level limits which shall not be exceeded at the nearest affected residential or commercial property;
3. The use Noise control measures to minimize Noise impacts on adjacent property owners.

Sec. 15.8. Enforcement.

- A. If a person violates any provision of this article an Officer may issue a citation or summons, or the city may institute an action in a court of competent jurisdiction for injunctive relief, or any or all of them, to prohibit and prevent such violation or violations.
- B. Any person convicted of violating any provision of this article may be punished as follows:
 1. *First Offense:* By a fine of five hundred dollars (\$500.00).
 2. *Second offense or two (2) or more violations occurring within any six (6) months period:* Class A misdemeanor punishable by a fine of no more than two thousand dollars (\$2,000.00) or a sentence of not more than sixty (60) days in jail, or both.
 3. Any motor vehicle found to be in violation may be subject to towing and impoundment. If the vehicle is redeemed within twenty-four (24) hours, the redemption fee shall be one hundred seventy-five dollars (\$175.00), which is not inclusive of the fine.
 4. Each day that a nuisance noise exists shall constitute a separate violation of this article.

Sec. 15.9. Severability.

Each separate provision of this article is deemed independent of all other provisions herein so that if any portion or provision of this article is declared invalid, all other provisions thereof shall remain valid and enforceable.

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Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 8th day of SEPTEMBER, 2025.

Robert Craft, Mayor

ATTEST:

Tobi Waters, MMC
City Clerk

CERTIFICATE

I Tobi Waters, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2172 (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on September 8, 2025 and the same was duly published as required by law.

City Clerk