

ORDINANCE NO. 2009-20

AN ORDINANCE OF THE CITY OF HAMILTON TO AMEND ORDINANCE NUMBER 2009-19 PROHIBITING THE DISRUPTION OF ASSEMBLIES AND CERTAIN BEHAVIORS AND AMPLIFIED NOISES WITHIN THE MUNICIPAL LIMITS OF THE CITY OF HAMILTON, ALABAMA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, ALABAMA, AS FOLLOWS:

WHEREAS, the City Council of the City of Hamilton finds the need to clarify and limit Section 3 of Ordinance Number 2009-19 to allow for the appropriate use of an electrical or mechanical device for the purpose of amplifying the human voice, or for the purpose of amplifying the sound produced by musical instruments, whether direct or through the use of recordings and/or to maintain or operate any loudspeaker or other device by which sounds are magnified during the conduction of any worship or religious service or any other lawful assembly of people, including athletic events.

NOW THEREFORE, for the foregoing purposes, and other legitimate purposes, BE IT ORDAINED BY THE CITY OF HAMILTON, ALABAMA, THROUGH ITS DULY ELECTED COUNCIL, as follows:

Section 1. AMENDMENT OF SECTION 3 OF ORDINANCE NUMBER 2009-19. Within the corporate limits of the City of Hamilton, Alabama, it shall be unlawful for any person or persons, firms or corporations to make use of an electrical or mechanical device for the purpose of amplifying the human voice, or for the purpose of amplifying the sound produced by musical instruments, whether direct or through the use of recordings. Within the corporate limits of the City of Hamilton, Alabama, it shall be unlawful for any person or persons, firms or corporations to maintain or operate any loudspeaker or other device by which sounds are magnified and made heard over any public street or public place. This section shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such manner as not to be audible at a distance of fifty (50) feet from such vehicle, nor to noise devices, bands, or other musical devices used in any public parade or procession or to any worship or religious service or any other lawful assembly of people, including athletic events. Any person, firm or corporation violating this provision shall be fined not less

than fifty dollars (\$50.00) no more than five hundred dollars (\$500.00).

SECTION 2. INCLUSION. Other than as provided in Section 1 of this amendment, Ordinance Number 2009-20 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY. IF ANY ARTICLE, SECTION, SENTENCE, CLAUSE, PHRASE, OR PART OF THIS ORDINANCE IS FOR ANY REASON DECLARED TO BE UNCONSTITUTIONAL BY THE VALID JUDGMENT OR DECREE OF A COURT OF COMPETENT JURISDICTIONS, SUCH DECISION SHALL NOT AFFECT ANY REMAINING ARTICLES, SECTIONS, SENTENCES, CLAUSES, PHRASES, OR PARTS OF THIS ORDINANCE.

SECTION 4. EFFECTIVE DATE. THIS ORDINANCE SHALL BE IN FORCE AND EFFECT FROM AND AFTER ITS ADOPTION AND PUBLICATION.

ADOPTED and ORDAINED this the 19th day of October, 2009.

Mayor

Attest:

City Clerk