

**ORDINANCE NO. 603**

**ORDINANCE GIVING AUTHORITY TO ABATE NOISE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HANCEVILLE, ALABAMA,**  
that the following ordinance is hereby adopted:

**Section 1. Declaration of Findings and Policy:**

**WHEREAS**, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

**WHEREAS**, a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

**WHEREAS**, the people have a right to, and should be ensured of, an environment free from excessive sound,

**WHEREAS**, The provisions of this article are adopted for the purpose of preventing a noise disturbance or unreasonable noise. Above certain levels or durations and during specific times of day, unreasonable noise or noise disturbance is detrimental to the health, safety and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this article. Nothing in this article is intended to deter individuals from lawfully exercising the individual right to freedom of speech or any other freedom guaranteed under the Constitution of the United States of America or of the State of Alabama.

Now **THEREFORE**, it is the policy of the City of Hanceville to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

**Section 2. Definitions:** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- 2.1. *Amplified sound* means any sound that is broadcast through electronically amplified equipment or sound that is electronically enhanced
- 2.2. *Construction* means any site preparation, assembly, erection, substantial repair, alteration, or similar action, excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- 2.3. *Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- 2.4. *Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

- 2.5. *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.
- 2.6. *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.
- 2.7. *Motor vehicle* means any vehicle which is propelled or drawn on land by a motor, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, all terrain vehicles, or racing vehicles, but not including motorcycles. This does not include any vehicle, locomotive, or car operated exclusively on rail or rails.
- 2.8. *Motorboat* means any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices, jet skis and hover craft.
- 2.9. *Motorcycle* means an unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.
- 2.10 *Muffler and sound dissipative device* means a device for abating the sound of escaping gases of an internal combustion engine.
- 2.11. *Noise* any sound which, because of its volume level, duration, and character, either annoys, disturbs, or injures or endangers the comfort, health, peace or safety of a reasonable person.
- 2.12. *Noise control officer (NCO)* means the chief of police and officers of the police department.
- 2.13. *Noise disturbance* means any sound which:
- 2.13.1 Endangers or injures the safety or health of humans or animals;
  - 2.13.2 Annoys or disturbs a reasonable person; or
  - 2.13.3 Endangers or injures personal or real property.
- 2.14 *Plainly audible* means any prohibited sound from a vehicle, building, structure or open space which clearly can be heard at a distance of ten feet or more from the vehicle or 50 feet from the building, structure, or open space, which either annoys, disturbs, or injures or endangers the comfort, health, peace or safety of a reasonable person. The distance measured shall be the actual distance between buildings if less than 50 feet in residential zoned districts. Measurement standards shall be by the auditory senses, based upon direct line of hearing. Words or phrases need not be discernible. Bass reverberations are included.
- 2.15. *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.
- 2.16. *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.
- 2.17. *Public space* means any real property or structures thereon which are owned or controlled by a governmental entity.

- 2.18. *Real property boundary* means an imaginary 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.
- 2.19. *Reasonable person* means an individual of ordinary sensitivities.
- 2.20. *Residential area* means that area defined in chapter 130 as R-1, R-2 or R-T.
- 2.21. *Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- 2.22. *Sound level* means that measurement standards shall be by the auditory sense of a reasonable person, based upon direct line of hearing.
- 2.23. *Vibration* means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
- 2.24. *Weekday* means any day Monday through Friday which is not a municipal holiday.

### **Section 3. Guidelines for determining sound levels:**

- 3.1 The definition of "plainly audible" shall be the measurement standard. Among circumstances which may be considered in determining whether a noise is unlawful and a nuisance include, but are not limited to the following:
  - 3.1.1. Volume of the noise;
  - 3.1.2. Intensity of the noise;
  - 3.1.3. Whether the nature of the noise is usual or unusual for the time and place;
  - 3.1.4. Whether the origin of the noise is natural or unnatural;
  - 3.1.5. The volume and intensity of the background noise, if any;
  - 3.1.6. The proximity of the noise to sleeping facilities;
  - 3.1.7. The nature and the zoning of the area from which the noise emanates;
  - 3.1.8. The density of inhabitation of the area from which the noise emanates;
  - 3.1.9. Time of day or night in which the noise occurs;
  - 3.1.10 Duration of the noise;
  - 3.1.11 Whether the noise is recurrent, intermittent, or constant;
  - 3.1.12 Whether the noise is produced by commercial or noncommercial activity.

### **Section 4. Anti-noise regulations.**

- 4.1. It shall be unlawful for any person to operate, on his premises, or in any public place, any noise-making or reproducing device, either electrical or mechanical, at any time, whether operated for entertainment, amusement, advertisement or other purpose, the use or operation of which creates excessive and objectionable noise, and becomes a public nuisance. For application of this section, it shall be considered a public nuisance to play a

reproducing music or noise device in a public place from 11:30 p.m. until 8:00 a.m. and on Sunday.

4.2. It shall be unlawful for any person to keep or permit on such person's premises or in any public place, any animal or fowl, which by its actions causes objectionable noise and disturbs public peace and rest.

4.3. It shall be unlawful for any person to create in any way any unnecessary noise by making use of any instrument or thing to create noise in such manner that the same disturbs the peace and rest of the public and becomes a nuisance; or to engage in any work or occupation during the nighttime or on Sundays, if such work or occupation creates objectionable noise, thereby becoming a nuisance, unless it is shown that such work is urgent and necessary, and a permit to do the same has been secured from the city. It is unlawful to create, emit or cause to be emitted any excessive, loud and disturbing noise. The following shall be prima facie evidence of excessive, loud and disturbing noise:

4.3.1 The use of any musical instrument, radio set, television set, phonograph or other instrument, machine or device for amplifying, producing or reproducing sound, in such manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, chamber or in the vicinity in which such instrument, machine or device is operated and who are voluntary listeners thereto. The operation of any such instrument, machine or device between the hours of 9:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet or more from the building or structure in which it is located shall be prima facie a violation of this section.

4.3.2 Any noise created for the entertainment, enjoyment or benefit of the creator or their guests shall be presumed to be excessive, loud and disturbing if any of the following apply:

4.3.2.1 The noise is plainly audible for a distance of 50 feet or more from the property line from which the noise emanates, or

4.3.2.2 The noise is clearly audible by a passenger of a motor vehicle, other than a vehicle from which the noise may come, on a public street or thoroughfare with the doors and windows of the vehicle closed; or

4.3.2.3 The noise occurs between the hours of 9:00 P.M. and 7:00 A.M. and can be heard more than thirty (30) feet beyond the property line from which the noise emanates; or

4.3.2.4 In the event noise measuring devices or equipment are available, or become available, to measure the noise as against the ambient background noise, and the noise exceeds the ambient background noise by 15 decibels at any time between 9:00 P.M. and 7:00 A.M. or the noise is 25 decibels louder than the ambient background noise at any hour without regard to cause. Measurements of noise and ambient background noise shall be made at the property line unless other persons using the same property are complaining about the noise in which case the measurement shall be from the source of the noise. The use of measuring devices may be used as a supplement to other evidence or as evidence of a violation but is not required for the establishment of a violation. This section is not intended to be exclusive of any other section or provision of this chapter and

use of a measuring device or equipment, when used, may be supplemental and does not preclude establishing a violation of other sections or through other evidence.

- 4.4. Noise created in vehicles, including a radio, tape or disk player, or by a device or devices on the vehicle or from the vehicle, other than vehicle horns, shall be a violation of this section and presumed excessive, loud and disturbing if the noise is audible at a distance of twenty-five (25) feet or more from the vehicle.
- 4.5. Vehicle horn blown when the vehicle or operator is not in immediate danger or when not used to warn or signal immediate and/or eminent danger.
- 4.6. Persistent barking of a dog or other animal sounds which are audible 50 feet or more from the source.
- 4.7. Exterior construction using hammers, power tools or motor driven equipment between the hours of 9:00 P.M. and 7:00 A.M.
- 4.8. Lawnmowers, bush clearing equipment, blowers, and other equipment used for cleaning or maintenance shall be exempted from this section if the equipment meets the following provisions:
  - 4.8.1 The equipment is being operated and used for the purpose for which it was intended.
  - 4.8.2 The equipment is being operated with the use of all sound dampening devices which meet or exceed original equipment.
  - 4.8.3 The equipment is being used between the hours of 7:00 A.M. and 9:00 P.M.
  - 4.8.4 The equipment is used for the limited time required to accomplish the particular work of job activity.
- 4.9. Motor vehicle, motorcycle or motorboat operation, repair and testing. Repairing, operating, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.

**Section 5. Permits:** It shall be unlawful to use any device known as a sound truck, loudspeaker or sound amplifier, or radio, television or phonograph with a loudspeaker or sound amplifier, or calliope, or any other instrument which emits therefrom loud and raucous noises, on the streets and sidewalks of the city or in any public place within the city, until a permit for the use thereof is issued by the city council or its designee.

- 5.1. *Conditions to issuance.* The city council or its designee shall issue a permit to use such a sound device to any person, provided:
  - 5.1.1 Each application for a permit is filed in writing, together with a permit fee in the amount provided in the city fee schedule, with the city council or its designee before the use thereof; and
  - 5.1.2 Each applicant for a permit signs a written agreement with the city council or its designee that the applicant will not operate such sound device on the streets and sidewalks of the city or in any public place when the sound of such sound device can be heard audibly beyond 300 feet from the point of use.



- 5.2. *To be in writing and specify hours.* Every such permit shall be in writing and shall specify the day and hour for the use of such sound device.

**Section 6. Administration; powers and duties of noise control officer.**

- 6.1. *Responsibility for administration.* The noise control program established by this article shall be administered by the building official in conjunction with the police department.
- 6.2. *Powers of noise control officer.* In order to implement and enforce this article and for general purposes of sound and vibration abatement and control, the noise control officer shall have, in addition to any other authority vested in him, the power to:
- 6.3. *Inspections.*
- 6.3.1. Upon presentation of proper credentials, enter and inspect any private property or place and inspect any report or records at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be sought from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this article may exist.
- 6.3.2. Stop any motor vehicle, motorcycle, motorboat or powered model vehicle operated on a public right-of-way, public space, or public waterway reasonably suspected of violating any provision of this article and issue a notice of violation or abatement order which may require it to be inspected or tested as the officer may reasonably require.
- 6.4. *Records.* Require the owner or operator of any commercial or industrial activity to establish and maintain records and make such reports as the noise control officer may reasonably prescribe.
- 6.5. *Measurements by owner or operator.* Require the owner or operator of any commercial or industrial activity to measure the sound level of or the vibration from any source in accordance with the methods and procedures and at such locations and times as the noise control officer may reasonably prescribe and to furnish reports of the results of such measurements to the noise control officer. The noise control officer may require the measurements to be conducted in the presence of its enforcement officials.
- 6.6. *Duties of noise control officer.* In order to implement and enforce this article effectively, the noise control officer shall:
- 6.6.1 *Standards.* Assist in setting standards for compliance of noise violation ordinances.
- 6.6.2 *Investigation of violations.* Investigate and pursue possible violations of this article.
- 6.6.3 *Delegation of authority.* Delegate functions, where appropriate under this article, to personnel within the police department and, subject to approval of the mayor, to other agencies or departments.
- 6.6.4 *Periodic reports.* Evaluate and report, every year, on the effectiveness of the noise control program and make recommendations for any changes necessary to improve the program. This report shall be made to the mayor, who may amend it after consultation with the noise control officer, and then submit it to the city council for consideration.

- 6.7. *Noise sensitive zone recommendations.* Prepare recommendations, to be approved by the city council, for the designation of noise sensitive zones which contain noise sensitive activities. Noise sensitive activities include, but are not limited to, operations of schools; libraries open to the public, churches, hospitals, court, and nursing homes.

### **Section 7. Duties of other departments.**

- 7.1. *Departmental actions.* All departments and agencies shall, to the fullest extent consistent with other law, carry out their programs in such a manner as to further the policy of this article.
- 7.2. *Departmental cooperation.* All departments and agencies shall cooperate with the noise control officer to the fullest extent in enforcing this article.
- 7.3. *Departmental compliance with laws.* All departments and agencies shall comply with federal and state laws and regulations and the provisions and intent of this article respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

### **Section 8. Enforcement.**

- 8.1. *Abatement orders.*
- 8.1.1 Except as provided herein, in lieu of issuing a notice of violation as provided herein the noise control officer or other official responsible for enforcement of any provision of this article may issue an order requiring abatement of any source of sound or vibration alleged to be in violation of this article within a reasonable time period and according to guidelines which the noise control officer may prescribe.
- 8.1.2 An abatement order shall not be issued when the noise control officer or other enforcement official has reason to believe that there will not be compliance with the abatement order.
- 8.2. *Notice of violation.* Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this article shall be cause for a complaint to be issued by the noise control officer or other responsible enforcement official according to procedures which the noise control officer may prescribe or as set forth herein
- 8.3. *Immediate threats to health and welfare.*
- 8.3.1 The noise control officer shall have the discretion to order an immediate halt to any sound which exposes any person to continuous sound levels that pose an immediate threat to the health, welfare and peace. Within five days following issuance of such an order, the noise control officer shall apply to the appropriate court for an injunction to replace the order.
- 8.3.2. No order pursuant to this section shall be issued if the only persons exposed to sound levels cited above are exposed as a result of trespass, invitation upon private

property by the person causing or permitting the sound, or employment by the person or contractor of the person causing or permitting the sound.

8.3.3 Any person subject to an order issued pursuant to this section shall comply with such order until the sound is brought into compliance with the order, as determined by the noise control officer, or a judicial order has superseded the noise control officer's order.

8.3.4 Any person who violates an order issued pursuant to this section shall, for each day of violation, be fined not less than \$200.00.

8.4. *Presumption of accountability.*

8.4.1 The occupant of the property or residential unit, or the agent of the occupant, on which a generally or specifically prohibited activity takes place, shall be presumed to have permitted the activity to occur.

8.4.2 The occupant of the property or residential unit, or the agent of the occupant, who shall permit another person to create a noise or conduct an activity in violation of this section shall be deemed responsible for the noise or activity to the same extent as the person creating the noise or conducting the activity and shall be subject to the same punishment.

8.5. *Continuing offense.* Each day the owner or person in charge of any premises shall allow such unsanitary condition or nuisance to continue, after having received ten days' written notice to abate same, shall constitute a separate offense and, upon conviction thereof, such owner or person in charge shall be punished as herein provided.

8.6. *Lien.* The amount of the cost of abatement of a nuisance by the city, including all court costs, appraisal fees, administrative costs, attorneys' fees, and all other costs necessarily associated with the abatement action, shall constitute a lien against the real property upon which such costs were incurred. The lien provided for in this section shall be perfected and foreclosed as provided by state law.

8.7. *Municipal court authority; summary abatement.*

8.7.1 Any judge of the municipal court of the city shall have the power to order the removal, abatement, demolition, fine or other appropriate judicial remedy of those things which are declared either by this article, state law or federal law to be nuisances, or which are nuisances per se, and from their nature indisputably are so.

8.7.2 Summary abatement, without notice to the owner thereof, shall only occur where the nuisance is of imminent and serious danger to the health, safety or general welfare of the citizens of the city and the owner or occupant cannot be notified.

8.8 *Penalties.*

8.8.1 Any person adjudged to be in violation of any of the provisions of this article shall be guilty of a violation and, upon first conviction thereof, shall be fined a minimum of \$200 plus court costs.

8.8.2 Upon second conviction for violation of any of the provisions of this article, he shall be fined a minimum of \$300 plus court costs.

8.8.3 Upon third and each subsequent violation of any of the provisions of this article he



shall be fined a minimum of \$400 plus court costs. In addition, he shall be subject to imprisonment for no less than 24 hours.

## **Section 9. Exceptions and variances.**

9.1. *Emergencies.* The provisions of this article shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

9.2. *Special variances.*

9.2.1 The noise control officer shall have the authority, consistent with this section, to grant special variances which may be requested pursuant to subsection 46-97(b)(5), pertaining to construction, and subsection 46-97(b)(8), pertaining to explosives, firearms and similar devices.

9.2.2 Any person seeking a special variance pursuant to this section shall file an application with the noise control officer. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community or on other persons. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the noise control officer containing any information to support his claim. If the noise control officer finds that a sufficient controversy exists regarding an application, a public hearing may be held.

9.2.3 In determining whether to grant or deny the application, the noise control officer shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety, peace and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special variance. Applicants for special variance and persons contesting special variances may be required to submit any information the noise control officer may reasonably require. In granting or denying an application, the noise control officer shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

9.2.4 Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.

9.2.5 Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances under subsection (b)(2) of this section.

9.2.6 The noise control officer may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

9.3. *Variances for time to comply.*

9.3.1 Any person seeking a variance for time to comply shall file an application with the noise control officer. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this article prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. An individual who claims to be adversely affected by allowance of the variance for time to comply may file a statement with the noise control officer containing any information to support his claim. If the noise control officer finds that a sufficient controversy exists regarding an application, a public hearing may be held.

9.3.2 In determining whether to grant or deny the application, the noise control officer shall balance the hardship to the applicant, the community, and other persons of not granting the variance for time to comply against the adverse impact on health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. Applicants for variances for time to comply and persons contesting variances may be required to submit any information the noise control officer may reasonably require. In granting or denying an application, the noise control officer shall place on public file a copy of the decision and the reasons for denying or granting the variance for time to comply.

9.3.3 Variances for time to comply shall be granted to the applicant containing all necessary conditions, including a schedule for achieving compliance. The variance for time to comply shall not become effective until all conditions of the variance are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this article for which the variance was granted.

9.3.4 Application for extension of time limits specified in variances for time to comply or for modification of other substantial conditions shall be treated like applications for initial variances under subsection (c)(1) of this section, except that the noise control officer must find that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

9.3.5 The noise control officer may issue guidelines defining the procedures to be followed in applying for a variance for time to comply and the criteria to be considered in deciding whether to grant a variance.

9.4. *Standard for granting variances.* Variances may be granted if findings are made that immediate compliance with this article cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, or encroachment upon an existing noise, or because of unavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

## **Section 10. Exemptions.**

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

- 10.1. Devices used solely for the purpose of warning, protecting or alerting the public, or some segment thereof, of the existence of an emergency situation.
- 10.2. 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.
- 10.3. Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches or funeral homes.
- 10.4. 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.
- 10.5. Operations by city departments.
- 10.6. 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.
- 10.7. Noises made by persons, firms or corporations having obtained a permit to use the streets or public areas for a public function.
- 10.8. 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.
- 10.9. Aircraft and railroad trains.
- 10.10. 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.

## **Section 11. Repeal of Conflicting Ordinances.**

All ordinances of the City of Hanceville in conflict with this Ordinance and not specifically repealed herein are hereby repealed except the Alcohol Ordinance which shall be superior.

## **Section 12. Severability.**

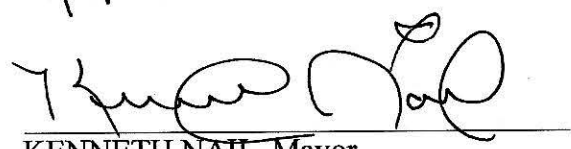
If any provision, section, sentence, clause, or phrase of the Ordinance or the application of same to any persons or set of circumstances, if for any reason is held to be unconstitutional, void, or invalid for any reason unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intention of the City Council of the City of Hanceville in adopting this Ordinance, that no

portion thereof or provision or regulation contained herein shall become inoperative or fail by an reason or any unconstitutionality or invalidity of any other portion, provision, or regulation.

**Section 13. Publication and Effective Date.**

This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED THE 14<sup>th</sup> DAY OF August, 2014.

  
KENNETH NAIL, Mayor

ATTEST:

BY: 