



City of Madison
Noise Permit Application

Instructions: Completed form is to be returned to the Office of the City Clerk-Treasurer. Deadline for submission of the permit application is not less than fifteen (15) days prior to the beginning of the event.

Person completing application:

Name: _____
Address: _____
Phone number(s): _____

If completing application for a business or organization, please provide the following information for both the organization and the owner, manager or chairperson thereof:

Organization
Name: _____
Address of main office or headquarters: _____
Phone number for main office or headquarters: _____
Owner, manager or chairperson
Name: _____
Address: _____
Phone number(s): _____

Individual, business or other group actually producing the noise requested to be permitted:

Name: _____
Address: _____
Phone number(s): _____

Noise to be produced:

Description: _____
Source: _____
Live noise or noise produced mechanically/electronically: _____
Reason for noise: _____
Street address & general description of where the noise will occur: _____
Estimated number of people who will be at the event: _____

Event details:

Noise to begin: _____ Time: _____
Noise to end: _____ Time: _____
Street address of proposed location: _____
General description of location (residence, park, church, commercial establishment, etc.): _____
Estimated number of people in attendance: _____

*As the individual applicant or the authorized representative of the entity named above, I hereby state that the foregoing information is complete and truthful to the best of my knowledge and belief and that I have made no material misrepresentations of the facts and information contained herein. I understand and acknowledge that submission of this application does not constitute notice from me that the noise will be produced and that the processing of this application by the City Clerk-Treasurer does not constitute permission from the City that the proposed noise may be produced. **I fully understand that the proposed production of noise shall not lawfully occur unless and until a permit is issued by the Mayor of the City of Madison, Alabama.** In the event a permit is issued, I, individually or on behalf of the above-named entity, hereby agree to abide by all applicable Code sections and any additional conditions placed on such permit. Finally, I understand, acknowledge, and agree to satisfy the requirement that I, as the individual permittee or as the designated representative of the entity named above, shall be present at the permitted location for the duration of the event and will be able to produce the permit on demand at any time during said event.*

Signature

Date

Witness

Date

Sec. 22-36. Noise permit.

- (a) *Application; exceptions.* Except for the provisions related to motor vehicles, application may be made for a noise permit relieving the applicant from the requirements and provisions of this article. Such application shall be filed with the city clerk no later than 15 days before the first date for which the permit is sought.
- (b) *Contents of application.* The application for a noise permit shall contain the following information:
- (1) The name, address and telephone number of the person completing the application. If the individual is completing the application on behalf of a business or organization, the name, address and phone number of the main office or headquarters of the organization as well as the name, address and telephone number of the owner, manager or chairperson of the organization;
 - (2) The name, address and telephone number of the individual, business or other group that will actually produce the noise;
 - (3) A description of the noise that will occur, including whether the source of the noise will be live or mechanical;
 - (4) The reason why the noise will be made;
 - (5) The proposed date and time the noise will begin and when it will end;
 - (6) A street address and general description of the location where the noise will occur, including, but not limited to, whether the property on which the noise will occur is a residence, park, church, commercial establishment or other; and
 - (7) If the noise will be made in connection with a gathering of people, an estimate of the number of people involved.
- (c) *Procedure for review and approval of application.* Upon receipt of an application for a noise permit, the city clerk shall forward copies of the application to the mayor, the city attorney, the police chief, the director of planning department, and the appropriate council representative for their review and comment. Following receipt of their input, the mayor, as the permitting authority, shall be responsible for making the final determination regarding issuance of the requested permit. In deciding whether to issue a noise permit, the mayor shall consider the following factors:
- (1) Whether the proposed activity or event complies with all applicable licensing, permitting and zoning laws and requirements of the city;
 - (2) Whether the proposed activity, event or noise is reasonably likely to interfere with or jeopardize the health, welfare and safety of individuals in the vicinity;
 - (3) The nature of the activity, event or noise, including whether the noise involves protected speech or expression;
 - (4) The nature of the location, whether residential, commercial or other;
 - (5) The proximity of the location to single-family or multifamily residences, churches and/or schools with consideration for the time of day the activity or event is to occur;
 - (6) The length of time the noise will be made; and
 - (7) Any other factors deemed relevant to the decision-making process. When issuing a noise permit, the permitting authority may place any limits, restrictions or conditions on the permit it deems reasonably necessary to preserve public health, safety and welfare.

- (d) *Contents of permit.* Every noise permit shall state the following information:
- (1) The name and address of the individual or organization being issued the permit;
 - (2) The location, date, starting time and approximate length of time the noise is to occur;
 - (3) Any limitations, restrictions or conditions on the permit; and
 - (4) Any other information the mayor deems necessary to ensure compliance with the permit and the laws of the city.
- (e) *Invalidity of permit.* A noise permit issued pursuant to this section shall cease to be valid under any of the following circumstances:
- (1) The permittee, individual or organization making or creating the noise fails to comply with all permit directions, limitations, restrictions or conditions and with all applicable city laws;
 - (2) The permittee or a designee is not present at the permitted location and able to produce the noise permit during the entire time the noise is being made or created; or
 - (3) The application for the noise permit contains a material misrepresentation which was not corrected before the noise permit was issued.
- (f) *Revocation of permit.* The mayor shall have the authority to revoke a permit prior to the activity or event, upon the joint concurrence of the city attorney and police chief for good cause shown but, before doing so, shall give written notice to the permittee stating the grounds for revocation.

(Ord. No. 2012-256, § 4, 8-13-2012)

Sec. 22-37. Presumptions and prima facie evidence; penalties for violation.

- (a) *Presumption of responsibility; prima facie evidence.*
- (1) In the prosecution of charges under this article, any person creating any sound or noise as is prohibited in this article or anyone permitting such a sound or noise to emanate from any premises or vehicle under his care, custody or control shall be presumed responsible for the production of any such sound or noise.
 - (2) In the prosecution of charges under this article, possession by a person or persons of any sound production device or sound reproduction device as described in [section 22-32\(a\)](#) through (c) shall be prima facie evidence that the person operates, or those persons operate, said device.
- (b) *Penalties.*
- (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 \$100.00 plus court costs.
 - (2) Upon second conviction for violation of any of the provisions of this article, he shall be fined a minimum of \$250.00 plus court costs.
 - (3) Upon third and each subsequent conviction for violation of any of the provisions of this article, he shall be fined a minimum of \$500.00 plus court costs. In addition, he shall be subject to imprisonment for no less than 24 hours.
 - (4) For purposes of prosecution, each day a violation is committed or permitted to continue is a separate offense.

(Ord. No. 2012-256, § 4, 8-13-2012)