

AN ORDINANCE AMENDING AMC 7.080.050 TO CLARIFY THE ORDINANCE AND STRENGTHEN THE CITY'S ABILITY TO PROTECT RESIDENTS FROM UNREASONABLE CONSTRUCTION NOISE AND DECLARING AN EMERGENCY

WHEREAS, AMC 7.080.050(5) generally prohibits construction activities after 6:00 p.m. and before 7:00 a.m. in order to protect community residents from loud, disturbing, and unnecessary noise;

WHEREAS, activities which are ancillary to construction frequently generate the same or substantially similar noise; and

WHEREAS, this amendment is intended to clarify AMC 7.080.050 to make certain that ancillary construction activities are also regulated by the City's unnecessary noise ordinance.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Unnecessary Noise. AMC 7.080.050 is amended to read as follows:

7.080.050 Unnecessary noise.

It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City. The following acts are declared to be violations of this section, but such enumerations are not deemed to be exclusive:

(1) The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity;

(2) The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises;

(3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a necessary warning or danger to property or person;

(4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled;

(5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the Common Council;

(6) Construction and activities ancillary to construction, not regulated under section 5 above or the Albany Standard Construction Specification, including, but not limited to, preparation of materials, staging of construction equipment and apparatus, processing, preparing, or moving construction vehicles, equipment, or material which generate sounds audible at any residentially zoned property; and which generate sounds for 30 minutes or more in any three-hour period between the hours of 6 p.m. and 7:00 a.m.. This section does not apply to construction related activities performed by the City of Albany or pursuant to a City of Albany contract or those activities otherwise permitted by the Common Council.

(76) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle;

(87) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

(98) The use of "muffler cutout" on any motor vehicle upon any street;

(109) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as

renders the same a public nuisance; provided, however, that upon application to the City Manager permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;

(1110) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. The foregoing acts are declared nuisances and any person violating any of the provisions of this section shall be deemed guilty of an offense. (Ord. 4937 § 1, 1990; Ord. 3873 § 1, 1975; Ord. 2823 § 43, 1958).

Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: June 22, 2011

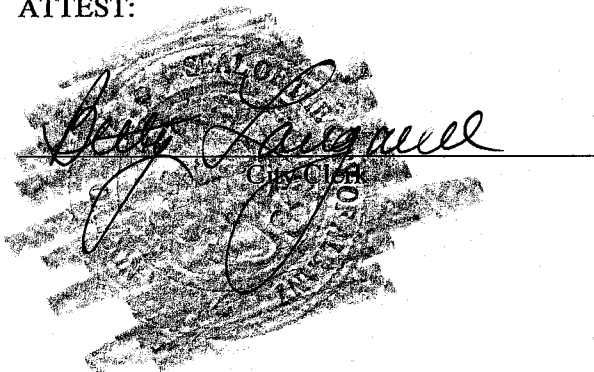
Approved by the Mayor: June 22, 2011

Effective Date: June 22, 2011



Mayor

ATTEST:



City Clerk