

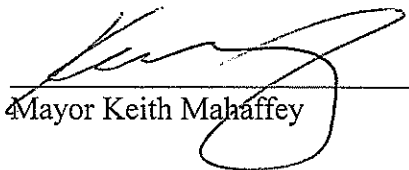
ORDINANCE NO. 06192017

**AN ORDINANCE TO AMEND ORDINANCE 040197 REZONING OF PROPERTY
LOCATED AT WILL WALKER ROAD Tax ID# 28-05-22-0-00-005.000**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

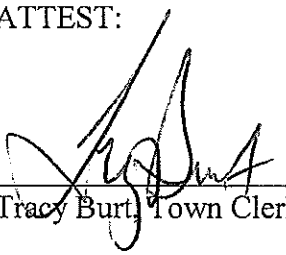
- I. The Planning and Zoning Commission met and had a public hearing concerning rezoning property located at Will Walker Road (Tax ID# 28-05-22-0-00-005.000) from A-1 to I-2.
There was no public comment regarding the zoning change. A motion was made to approve the rezoning of the property and it was unanimous to make a recommendation to the Council for approval.
- II. It shall further be known that at this time the Planning and Zoning is unanimous in its decision this is for the best and the zoning change is in harmony with the area.
- III. At this time the Town Council approves the zoning change on the mentioned property as stated on this June 16, 2017 at a regularly scheduled Council meeting.

ADOPTED AND APPROVED THIS THE 16th DAY OF June, 2017.



Mayor Keith Mahaffey

ATTEST:



Tracy Burt, Town Clerk

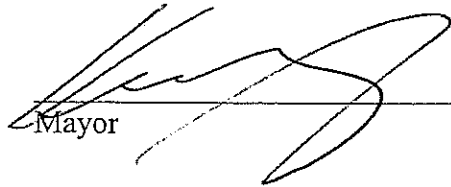
ANNEXATION ORDINANCE # 06192017a

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

The Corporate Limits of the Town of Vance, Alabama are extended to contain all of that property described in Exhibit A, Petition For Annexation, attached to this Ordinance and incorporated herein by reference.

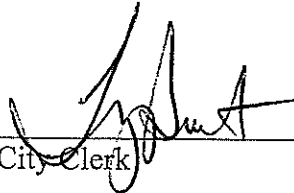
Approved and Adopted this the 19 day of June, 2017.

TOWN OF VANCE



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 09182017

**AN ORDINANCE TO PROHIBIT OPEN HOUSE PARTIES
WITHIN THE TOWN OF VANCE**

WHEREAS, the Town of Vance, Alabama has an interest in the safety of all of its citizens, including its citizens who are under the age of twenty-one (21); and

WHEREAS, persons who are under the age of twenty-one (21) who consume or possess alcoholic beverages and controlled substances threaten the safety of the citizens of the Town of Vance, Alabama; and

WHEREAS, the Town of Vance, Alabama has determined that persons under the age of twenty-one (21) are receiving, consuming and possessing alcoholic beverages and controlled substances while at the residences, accompanying property, or surrounding premises of adult citizens; and

WHEREAS, the Town of Vance, Alabama, desires to enact provisions that will reduce and eliminate the occurrence of persons under the age of twenty-one (21) receiving, possessing, and consuming alcoholic beverages and controlled substances while at the residences, accompanying property, or surrounding premises of adult citizens; and

WHEREAS, the Town of Vance, Alabama finds that "open house parties" as defined by this ordinance are an offense against the public welfare and that enactment of this ordinance serves a legitimate governmental and public interest and will further the health, safety and welfare of the citizens of Vance.

WHEREAS, it is the intent of the Town of Vance that this ordinance be strict liability;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Vance, Alabama, as follows:

Permitting open house parties where minors are present; exceptions;

1. Definitions. For purposes of this ordinance, the terms below shall be defined as follows:
 - a. **ADULT.** A person who, pursuant to state law, may possess alcoholic beverages.
 - b. **ALCOHOL.** Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, or non-beverage (industrial) alcohol ingested by non-oral means, which

contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

- c. **OPEN HOUSE PARTY.** A social gathering of two or more minors at a residence or premises, as defined by this ordinance.
- d. **CONTROLLED SUBSTANCE.** The meaning ascribed in Ala. Code § 20-22 (1975).
- e. **MINOR.** Any person under 21 years of age who, pursuant to state, law, may not possess alcoholic beverages. For purposes of this ordinance, a minor shall not include a person who is related to the adult who occupies the residence or premises as owner or lessee.
- f. **RESIDENCE OR PREMISES.** A home, apartment, condominium, RV, or any other unit designed for dwelling. Included within this definition is the surrounding property of said home, apartment, condominium, RV, or any other unit designed for dwelling.

2. Open House Parties - When Prohibited. Any adult who owns or rents, leases, subleases any residence or premises from another party shall be in violation of this ordinance if an open house party occurs at said adult's residence or premises and any alcohol or controlled substance prohibited by law to be possessed or consumed by a minor is possessed or consumed by a minor at said adult's residence or premises.

3. Penalties. The following penalties shall apply for a violation of this ordinance:

- a. For the first violation, an adult found to be in violation of this ordinance shall receive a warning from the court and be punished by a fine not to exceed Twenty-Five Dollars (\$25.00). Any adult who violates this section is guilty of a violation.
- b. For the second violation of this ordinance, any adult found to be in violation of this ordinance shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), and not less than Two Hundred Dollars (\$200.00). Any adult who violates this section is guilty of a violation.
- c. For the third and subsequent violations of this ordinance, an adult found in violation of this ordinance shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), and not less than Three Hundred Dollars (\$300.00) and by imprisonment or community service for the Town. The length of the imprisonment or community service or any combination thereof cannot exceed six (6) months. Any adult who violates this section is guilty of a violation.
- d. Upon application by the accused for a first violation of this ordinance, the court with concurrence of the prosecution may defer prosecution of said violation for a period of six (6) months, after which time the action may be

dismissed upon the following conditions:

- i. No more violations of this ordinance or any other ordinance or law concerning alcohol or controlled substances are committed by said adult during said deferral period; and
- ii. The applicant successfully completes a court-approved alcohol and controlled substance education program, which can be conducted by a private counselor certified in alcohol/drug issues, which addresses the dangers of alcohol and controlled substance use by persons under the age of twenty-one (21).

If the criminal action is dismissed pursuant to this subsection and the applicant is charged with a new violation of this ordinance after that dismissal, the charge which arose after the first action was dismissed will be treated as a second violation of this ordinance, and the penalties prescribed in section 3(b) of this ordinance shall apply. Subsequent violations shall be subject to the provisions of section 3(c) of this ordinance.

4. Procedure. The City finds that violations of this ordinance are bailable as a matter of right and that, if the defendant is not in custody and if there is no reason to believe that the defendant will not respond to the summons, the summons procedure provided by the Alabama Rules of Criminal Procedure is the preferred method to secure the presence of the person(s) accused of violating said ordinance. If the summons does not result in appearance of the defendant, there is reasonable cause to believe the defendant will fail to appear, or the summons cannot be delivered or served, an arrest warrant will be issued. In addition, all provisions of state law authorizing arrest without a warrant shall continue to apply with full force and effect.

5. Construction of Ordinance. This ordinance shall apply separate and apart from any similar provision of state law, and this ordinance shall not replace or supplant the provisions of state law concerning open house parties which shall continue to apply with full force and effect.

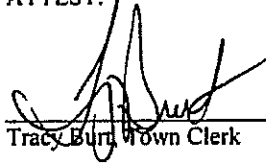
6. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

7. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED AND APPROVED THIS THE 18th DAY OF September 2017.


Mayor Keith Mahaffey

ATTEST:



Tracy Burn Town Clerk

ORDINANCE NO. 09182017a

**AN ORDINANCE ESTABLISHED TO REGULATE NOISE
WITHIN THE TOWN OF VANCE**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

The Town Council for the Town of Vance hereby authorizes the Magistrate for the Town of Vance to impose regulations as set out below:

I. Intent.

It is the intent of the city council to endeavor to provide citizens with an environment free from such excess sounds or noise as may jeopardize their health, welfare and safety, or degrade the quality of life.

II. Definitions.

For the purposes of this article:

Construction activities shall mean any and all activity incidental to the construction, erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

Construction equipment shall mean construction activity utilizing any equipment or devices such as, but not limited to, pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, bulldozers, crawler-tractors, rotatory drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors, pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways, or appurtenance thereto.

db(A) shall mean a measure of sound pressure level in decibels on the A-weighted scale.

Decibel meter shall mean an instrument to measure decibels which meets or exceeds American National Standards Institute (ANSI) section 1.4, 1971(r. 1976) standards for type 2 special purpose meters.

Device shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled.

Domestic power equipment shall mean any equipment or device used for routine home or building repairs and grounds maintenance.

Noise shall mean any sound which exceeds the prescribed decibel levels at a time and location described in the article.

Person shall mean and include any individual, corporation, association, partnership or limited partnership.

Property line shall mean the boundary line distinguishing ownership or the common wall of a townhouse, condominium or leased premises.

Residential district shall have the same meaning as in the Zoning Ordinance of the city, including single-family residence districts (R-1, R-2, R-3, R-4), multi-family residence districts (RMF-1, -4) and mobile home residence districts (RMH), or as established by future zoning ordinances as residential.

Sound shall mean that which is or can be heard, or particularly a temporal and spatial oscillation in pressure, or other physical quality, in a medium with internal forces that cause compression and rarefaction of that medium and which propagates at finite speed to distant points.

Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music or any other sound or noise.

III. Noise in residential districts.

(a) *General Restriction.* It shall be unlawful for any person to use, operate or permit to be used or operated any device, radio, musical instrument, television, phonograph, drum, sound-amplifying equipment or device which produces or reproduces sound either stationary or mobile, in such a manner so as to create any sounds or noise which exceeds eighty (80) db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds seventy-five (75) db(A) from 9:00 p.m. until 6:00 a.m. at any property line within a residential district or upon any public street or right-of-way within or bordering upon any residential district within the corporate limits of the city.

(b) *Loud or raucous sounds or noises.* It shall be unlawful for any person to willfully make, cause or continue any noise which disturbs the peace or quiet of any residential district and which exceeds eighty (80) db(A) during the hours of 6:00 a.m. until 9:00 p.m. or which exceeds seventy-five (75) db(A) from 9:00 p.m. until 6:00 a.m. at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.

(c) *Responsibility for creation of noise.* Any person creating any such sound or noise as described in this section and/or anyone permitting such a sound or noise to be created in, or emanate from, any premises under his care, custody or control shall be presumed responsible for any such sound or noise.

IV. Exceptions.

(a) *Emergency and public work.* Noise or sound created in the performance of public service by governmental agencies or their contractors; or emergency work engaged in by persons for the public safety, health or welfare; or to restore property to a safe condition following a public emergency; or work to restore essential public services, including construction activities directly related to the abatement of any emergency, shall not be subject to the provisions of this article.

(b) *Noises from authorized activities.* The prohibitions of this article shall not apply to parades, cultural event, athletic games, state or county fairs, or functions conducted pursuant to a permit specifically approved by the Vance City Council or other appropriate governmental agency. Issuance of a business license shall not constitute approval of, or authorization by the city council of the city within the meaning of this section.

(c) *Sirens, horns and whistles.* The provisions of this article shall not apply to any siren, whistle, horn or bell used by emergency vehicles or civil defense or used by motor vehicles, trains and boats as warning devices to avoid collisions.

(d) *Bells or chimes.* The provisions of this article shall not apply to any bell or chimes, or any device for the production or reproduction of the sound thereof which are associated with a clock or time-keeping device, a church or school.

(e) *Burglar alarms.* The provisions of this article shall not apply to any burglar alarm or security device; provided, however, no burglar alarm or security device shall sound for more than fifteen (15) minutes after being activated.

(f) *Construction activity or equipment.* The provisions of this article shall not apply to any construction activity or equipment operated between the hours of 6:00 a.m. to 9:00 p.m.

(g) *Domestic power equipment.* The provisions of this article shall not apply to any domestic power equipment operated between the hours of 6:00 a.m. to 9:00 p.m.

(h) *Vessels.* The provisions of this article shall not apply to the operation of any motor boat or vessel on any lake, river, stream or waterway.

(i) *Motor vehicles and trains.* The provisions of this article shall not apply to the normal and usual operation of motor vehicles and trains.

V. Noise on public streets generally.

It shall be unlawful for any person to use, operate, or permit to be used or operated in a motor vehicle any sound-amplifying equipment, including, but not limited to, radios, compact disc players and cassette tape players which produces or reproduces sound in such a manner as to create any sounds or noise which exceeds 75 db(A) on any public street or right-of-way in the corporate limits of the City of Vance or its police jurisdiction.

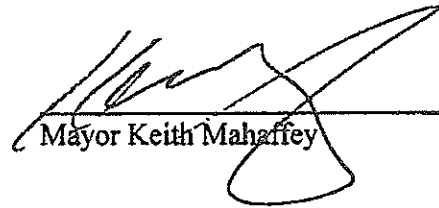
VI. Enforcement.

(a) Abatement order. Any sworn police officer of the city shall have the authority to issue a written or verbal order to any person found in violation of this article to abate the nuisance and if, after having received such order, such nuisance is not immediately abated, then the person found in violation of this article may be cited for a violation.

(b) Penalties. Any person violating any provision of this article shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or both, in the discretion of the city court.


(c) Injunctive relief. In addition to any other penalties or remedies provided hereunder, the city shall have the right to proceed in the circuit court for injunctive relief for any violation of this article by filing suit therefor in the name of the city.

ADOPTED AND APPROVED THIS THE 18th DAY OF September, 2017.



Mayor Keith Mahaffey

ATTEST:



Tracy Burt, Town Clerk