

AN ORDINANCE OF THE CITY OF NETTLETON, MISSISSIPPI, PROHIBITING USE OF EXCESSIVE NOISE AND ESTABLISHING PENALTIES THEREFOR

WHEREAS, the City of Nettleton, Mississippi finds it necessary for the public safety, welfare and well-being that the use of certain excessive noise be prohibited within the municipal limits of the City of Nettleton.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Alderman of the City of Nettleton, Mississippi, that for the proposes set forth hereinabove, the following provisions are enacted into law as follows:

Section 1 – No person or persons owning, employing or having the care, custody or possession of any musical instrument, radio set, television set, Phonograph, Victrola or other instrument, machine or device for amplifying, producing or reproducing sound, shall operate, use or permit to be operated or used such instrument, machine or device 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 or chamber in which or who are on the premises from which such instrument, machine or device is operated and who are voluntary listeners thereto.

Section 2 – The operation of any such, instrument machine or device in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless specially permitted by ordinance or law or by an agency or department of municipal government.

Section 3 – No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit of any sound amplification system, including, but limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for amplification of sound from within the motor vehicle so that the sound is plainly audible

at a distance of fifty or more feet from the vehicle, or in the case of a motor vehicle on private property, beyond the property line. For the purpose of this subsection, “plainly audible” means any sound which clearly can be heard, by a unimpaired auditory, senses based on a direct line of sight of fifty or more feet, however, words or phrases need not be discernible and said sound shall include bass reverberation. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the municipal government or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of the municipal government.

Section 4 – Upon conviction, any person charged with a violation of this ordinance shall be fined in the amount of \$100.00 per occurrence.

Section 5 – Any prior provisions of ordinances in conflict with the provisions of this ordinance shall stand repealed. This ordinance shall take effect thirty (30) days after publication, as set-forth by law. The Clerk is hereby authorized and directed to publish this ordinance as set forth by law, and to take all necessary steps to codify the language of this ordinance in the official code of ordinances for the City of Nettleton, Mississippi.

The foregoing ordinance having been reduced to writing and considered section by section, was introduced by _____, seconded by _____ and was adopted by the following vote, to wit:

Alderman Kirk Lindsey	_____
Alderman Charles Morris	_____
Alderman Jimmy Rye	_____
Alderman Tommy Gene Clay	_____

WHEREUPON, the mayor declared the motion carried and the ordinance adopted this the _____ day of _____, 2005.

MAYOR

CITY CLERK