

AN ORDINANCE TO MAKE UNLAWFUL THE EMITTING OF LOUD OR EXCESSIVE OR UNREASONABLE OR DISTURBING OR DISTRACTING SOUND OR NOISE OR VIBRATION FROM A MOTOR VEHICLE OR OTHERWISE THAT COULD DISTRACT OR DISTURB OTHER MOTORISTS OR PEDESTRIANS OR ANOTHER OR PREVENT OR DIMINISH A PERSONS ABILITY TO HEAR AN EMERGENCY VEHICLE AND FOR RELATED PURPOSES

Be it ordained by the Mayor and Board of Aldermen of the City of Clinton, Mississippi:

WHEREAS;

The governing body of the City of Clinton, Mississippi, has determined that loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration is detrimental to the health, safety, welfare, comfort, repose and general well-being of the City's citizenry and;

A person, operating or exercising control over a motor vehicle or otherwise from which any such sound or noise or vibration as aforementioned shall be emitted or otherwise, poses a danger to himself or herself or to another or others by causing or allowing any such sound or noise or vibration as herein provided and;

It is necessary to insure or promote public safety and/or the peace or tranquility of another or others, within a dwelling or in any other place where any such person may be and can reasonably expect freedom from extraneous loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration, by preventative measure and;

A highly mobilized society necessitates that the police stop any person violating any provision of this ordinance and cause the cessation of the source of such violation, of which could be distracting to the operator of the motor vehicle emitting such sound or otherwise as aforesaid or to any person operating any other motor vehicle, which could prevent, diminish or delay hearing or detecting an approaching emergency vehicle or hear or detect any other sound that alerts to any other possible danger, or which can reasonably be deemed disturbing or distracting to another or others within a dwelling or as otherwise as provided herein and;

It being reasonable to believe that such loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration which has a penetration of bass or such an audible volume or otherwise that will or could awaken any person who may be sleeping within their dwelling or otherwise or other place of rest or disturb the peace therein or disturb the normal activities of business or any other lawful action or distract, prevent or delay the operator of any motor vehicle from hearing or detecting danger as aforesaid; the intervention and cessation of such sound or otherwise as stated herein is reasonable without there being any person named as a complainant therein when a person is so charged with a violation of this ordinance by a police officer.

THAT;

This Ordinance may be cited as the "Loud Noise Ordinance."

THEREFORE;

"LOUD NOISE ORDINANCE" CONTINUED ON PAGE TWO (2) OF THREE (3) PAGES

CONTINUATION OF "LOUD NOISE ORDINANCE" OF THE CITY OF CLINTON, MISSISSIPPI

(1) It shall be unlawful for any person to cause or allow or permit any loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration to be emitted or otherwise, in any manner, from or on or about a motor vehicle, either by stereo or radio or any other sound or noise or vibration emitting or producing device or apparatus or instrument or otherwise, whether originating from within or without such motor vehicle or other vehicle or otherwise, in such a manner or volume that is or has been or can reasonably be deemed distracting to the operator of the motor vehicle thereof or could prevent or diminish or delay the operator's ability to hear or detect any sound or noise or vibration that could alert said operator or the operator of any other motor vehicle as to the approach of an emergency vehicle, or to the sound or noise or vibration indicative of any other event or action that poses or could pose a danger to himself or herself or to another or others within a motor vehicle or to any pedestrian or otherwise, or can reasonably be deemed to disturb the quietude or tranquility of another or others.

(2) The provisions of this ordinance shall apply upon a public street or road or highway or alley or any passageway of whatever type or nature or in or on or about a public park or any other property owned and/or operated by any state, city, county or United States governmental entity, or on private property open to the public, whether or not such is open for business or otherwise, at the time of occurrence as aforementioned, or on vacant property or on or about a residential apartment complex or motel or trailer park or at or near the dwelling of another person, other than the one responsible for such violation, or other building or the area of ingress or egress thereto or in a parking lot, and this whether the motor vehicle or otherwise is stopped or in motion or occupied or unoccupied. The provisions herein shall not apply to any emergency vehicle or law enforcement officer or fireman or other authorized personnel acting within the course and scope of employment or to the city governing body in relation to any city authorized event or as otherwise approved by such governing body or authority or to the normal activities associated with business or travel or recreation within the city.

(3) It shall be prima facie evidence that loud or excessive or unreasonable or disturbing or distracting sound or noise or vibration is emitted when a person of normal hearing or other senses can hear or detect such while inside of another motor vehicle while such is traveling or stopped or standing or parked alongside, or traveling or stopped or standing or parked in front of or to the rear of the motor vehicle emitting such sound or noise or vibration as aforementioned; or when another person can hear or detect such while outside at a distance of one hundred (100) feet or more, or when one can reasonably infer that said sound or noise or vibration can or could be heard or detected while a person is within a building or other enclosure, and it shall not be necessary for any person to be named as one who has been so disturbed or distracted or otherwise when a person is so charged with a violation of this ordinance by a police officer having probable cause to believe that such a violation has occurred.

(4) The operator of a motor vehicle is deemed to be the person responsible for and in violation of any provision as herein stated; however, if at the time of such violation the vehicle is not being operated, then the person exercising control over the vehicle shall be deemed to be in violation unless there is other evidence that a particular person is responsible, either by their own admission or otherwise.

(5) A person not operating or in control of a motor vehicle shall not be relieved as to liability to the provisions of this ordinance. Any person carrying or in control of any device doing as aforementioned is in violation hereof.

(6) Any person violating any provision of this ordinance may be punished by the imposition of a fine in any amount not to exceed Five Hundred Dollars (\$500.00), or be imprisoned for any term not to exceed ninety (90) days, or punished by both such fine and imprisonment in the discretion of the court. Each day such violation is committed or permitted to continue shall constitute a separate offense.

"LOUD NOISE ORDINANCE" CONTINUED ON PAGE THREE (3) OF THREE (3) PAGES

CONTINUATION OF "LOUD NOISE ORDINANCE" OF THE CITY OF CLINTON, MISSISSIPPI

(7) Any provision or portion thereof of this ordinance that is held invalid or unconstitutional shall have no effect upon any remaining provision or portion thereof. This ordinance is supplementary to any other ordinance of like type or nature and shall not stand to modify or repeal any provision or portion thereof, nor shall any other ordinance do likewise except by direct repeal or modification of this or any other ordinance.

Upon motion of Alderman BRABHAM, and a second from Alderman BARNETT, this ordinance was heard and as a matter laid upon the regular agenda of the Mayor and Board of Aldermen, reduced to writing and submitted for consideration by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, at a regular meeting of the same; and after full and sufficient discussion of the ordinance the Mayor polled the Aldermen with the clerk recording their votes as follows:

NAME		VOTE
Alderman Jehu Brabham	(At-Large)	<u>AYE</u>
Alderman Tony Hisaw	(Ward 1)	<u>AYE</u>
Alderman Tony Greer	(Ward 2)	<u>AYE</u>
Alderman Mike Bishop	(Ward 3)	<u>AYE</u>
Alderman _____	(Ward 4)	<u>VACANT</u>
Alderman Mike Morgan	(Ward 5)	<u>ABSENT</u>
Alderman Bill Barnett	(Ward 6)	<u>AYE</u>

The necessity of public safety and the health, safety, welfare, comfort and repose of the citizenry being paramount, this ordinance shall become effective immediately upon passage and adoption provided such is by unanimous vote of the governing body; otherwise, said ordinance shall become effective from and after thirty (30) days of its passage and adoption.

This action was taken in the City of Clinton, Mississippi, at the regular meeting of the Mayor and Board of Aldermen; whereupon, the Mayor declared the motion carried and the ordinance is approved and adopted this 5th day of FEBRUARY, 2008.

Rosemary J. Aultman
Rosemary Aultman, Mayor

I, RUSSELL L. WALL, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the aforementioned is true of an ordinance adopted by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, at its meeting duly held

on the 5th day of February, 2008 as the same appears in minute book — at page(s) — of the minutes of said meeting and recorded in Ordinance book — of the City of Clinton, Mississippi, at page(s) — thereof.

Given under my hand and seal of office this the 6th day of February, 2008.

Russell L. Wall
City Clerk

