

NOISE ORDINANCE

WHEREAS, Miss. Code Ann. §§ 21-17-1, 21-17-5 and 21-19-1 authorize the governing authorities of any municipality to make regulations and ordinances to secure the general health of the municipality, and to prevent, remove and abate nuisances; and

WHEREAS, the Mayor and Board of Aldermen of the City of Aberdeen, have found it to be in the best interest of, and necessary for the public health and safety and general welfare of said City, that a Noise Ordinance be adopted as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ABERDEEN, MONROE COUNTY, MISSISSIPPI, AS FOLLOWS, TO-WIT:

Section 1: Unreasonable noise prohibited.

The creation of any unreasonably loud, disturbing and unnecessary noises in the City is hereby prohibited. Noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby declared unlawful.

Section 2: Enumeration of specific noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance; provided, however, that such enumeration shall not be construed to be exclusive of other noises, to wit:

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- (b) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.
- (c) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
- (d) The blowing of any steam whistle attached to any stationary boiler except to give notice of the

time to begin or stop work or as a warning of danger.

(e) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(f) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

(g) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the Mayor and Board of Aldermen, which permit may be renewed for a period of three (3) days or less while the emergency continues.

(h) The creation of any excessive noise on any street adjacent to any school institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided, conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(i) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(j) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(k) The use of loudspeakers or amplifiers on any vehicle.

(l) The Jake Brake or any similar device on any engine will not be energized or otherwise used inside the city limits of Aberdeen, Mississippi. A Jake Brake is a hydraulically operated device that operates a power producing diesel engine into a power absorbing retarding mechanism that produces a noise that is loud and excessive.

#### Section 3: Penalty.

It shall be unlawful to violate any provision of this Ordinance within the city limits of Aberdeen, and any person failing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two-hundred-fifty dollars

(\$250.00) and imprisonment in the county jail of not more than one (1) day, or either, for each offense.

Section 4: If any section or part of a section of said Ordinance is held to be unconstitutional or unenforceable for any reason, the same shall not affect the validity or enforceability of the remainder of said Ordinance which shall remain and be in full force and effect.

Section 5: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this ordinance are hereby repealed.

Section 6: This ordinance shall be published and take effect as provided by the laws and statutes of the State of Mississippi in such cases made and provided.

The above and foregoing Ordinance having first been reduced to writing was read and considered section by section, and each of said sections were adopted by the following vote, to-wit:

Aldermen voting "YEA":  
Alderman Cloyd Garth Sr.  
Alderman Brunson Odom  
Alderman Jim Buffington

Aldermen voting "NAY":  
Alderman Alonzo Sykes Sr.  
Alderman Willie Cook Sr.

Aldermen absent or not voting:

None

**WHEREUPON**, said Ordinance was put to a vote upon its final passage as a whole, and the same was passed as read, with the following vote, to-wit:

Aldermen voting "YEA":  
Alderman Cloyd Garth Sr.  
Alderman Brunson Odom  
Alderman Jim Buffington

Aldermen voting "NAY":  
Alderman Alonzo Sykes Sr.  
Alderman Willie Cook Sr.  
Aldermen absent or not voting:

None

**THEREUPON**, the Mayor declared said Ordinance approved, passed, and adopted this 16<sup>th</sup> day of July 2002.

  
WILLIAM M. TISDALE, MAYOR

ATTEST:

  
SUSAN HONEYCUTT, CITY CLERK