

AN ORDINANCE OF THE CITY OF EUPORA, MISSISSIPPI, PROHIBITING USE OF EXCESSIVE NOISE AND ESTABLISHING PENALTIES THEREFORE

WHEREAS, the City of Eupora, Mississippi, finds that it is 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 Eupora, Mississippi.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Eupora, Mississippi, that for the purposes 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 a 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 specifically 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 the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the 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 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 a 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 \$50.00 for first offense, \$75.00 for second offense, and \$100.00 for third and subsequent offenses.

Section 5 – Any and all prior provisions or 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 City 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 the ordinance in the official code of ordinances of the City of Eupora, Mississippi.

The foregoing ordinance having been reduced to writing and considered section by section at the special called meeting of May 23, 2005 of the Mayor and Board of Aldermen and on motion duly made for the adoption of the Ordinance by Alderman Ballard and seconded by Alderman Mays, a vote was taken as follows:

Alderman Ballard votedaye
Alderman Burchfield voted ...aye
Alderman Hillhouse voted.....aye
Alderman Mays voted.....aye
Alderman Flowersabsent

WHEREUPON, the Mayor declared the motion carried and the Ordinance adopted this the 23rd day of May, 2005

Mayor

Attest:

City Clerk

AN AMMENDMENT OF THE ORDINANCE OF THE CITY OF EUPORA, MS PROHIBITING USE OF EXCESSIVE NOISE

WHEREAS, the City of Eupora, MS has determined it necessary that the use of excessive noise be prohibited within the municipal limits of the City of Eupora, MS and adopted an Ordinance on May 23, 2005 establishing such regulations.

Now, Therefore, be it Ordained by the Mayor and Board of Aldermen of the City of Eupora, MS that the following provisions be included in Section 3 of the Ordinance as prior adopted:

It shall be unlawful for any driver of any vehicle to use or operate or cause to be operated within the corporate City limits of the City of Eupora, Mississippi, any engine brake, compression brake or mechanical exhaust device, designed to aid in the braking or deceleration of any vehicle, otherwise known as “Jake Brakes”, that results in excessive, loud, unusual or explosive noise from such vehicle.

This ordinance amendment shall take effect thirty (30) days after publication, as set forth by law. The City 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 the ordinance in the official code of ordinances of the City of Eupora, Mississippi.

The foregoing amendment to the May 23, 2005 Ordinance having been considered at the regular meeting of July 5, 2005 of the Mayor and Board of Aldermen and on motion duly made for the adoption of the Ordinance Amendment by Alderman Burchfield and seconded by Alderman Haney, a vote was taken as follows:

- Alderman Burchfield voted ...aye
- Alderman Flowersaye
- Alderman Haney voted.....aye
- Alderman Mays voted.....aye
- Alderman Newton voted.....aye

WHEREUPON, the Mayor declared the motion carried and the Ordinance amended this the 5th day of July 2005

Tommy Lott, Mayor

Attest:

Lesa Hardin, City Clerk