

AN ORDINANCE ESTABLISHING RESTRICTIONS ON REGULATING NOISE DISTURBANCES, AS AMENDED BY ORDINANCE DATED SEPTEMBER 15, 2023

On motion of Supervisor Jake Gazzo, seconded by Supervisor Robert Accardo, and unanimously passed, the Board of Supervisors of Pike County, Mississippi passed the following resolution at its meeting on September 15, 2023.

WHEREAS, the Board of Supervisors of Pike County, Mississippi, has authority to enact this Ordinance; and

WHEREAS the Board finds that it is in the interest of the citizens of Pike County to regulate the use of loud radios, musical instruments, phonographs, televisions, or other machines or devices, and to provide penalties for the prohibited uses thereof,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIKE COUNTY, MISSISSIPPI, THAT RESTRICTIONS ON NOISE DISTURBANCES IN SUCH A MANNER AS TO PREVENT THE DISTURBANCE OF THE PEACE, QUIET, AND COMFORT OF NEIGHBORING RESIDENTS OR ANY REASONABLE PERSON OF NORMAL SENSITIVENESS RESIDING IN THE AREA, ARE AS FOLLOWS:

NOISE DISTURBANCE

Section 1: Purpose

The purpose of this ordinance is to foster a quiet, safe, and healthy environment for all Pike County residents by regulating noise levels in a manner that is aligned with scientific standards and community preferences. Sound is measured by a person using his or her unaided hearing faculties at a distance greater than 75 feet.

Section 2: Definitions

A. Noise Disturbance: Any sound that (1) exceeds the noise levels established in this ordinance, (2) endangers or injures the health or safety of humans or animals, (3)

unreasonably interferes with the enjoyment of life or property, or (4) damages personal or real property.

B. Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties at a distance greater than 75 feet, as measured in section 1 of this ordinance.

Section 3: General Prohibition of Noise Disturbances

No person shall create, continue, or allow to be created or continued any noise disturbance. The following acts are declared to be noise disturbances in violation of this ordinance:

A. Radios, Television Sets, Musical Instruments, and Similar Devices:

Operating or permitting the operation of devices that produce or reproduce sound in a manner that creates a noise disturbance across a real property boundary or exceeds the noise levels specified in Section 2(B).

B. Loudspeakers and Public Address Systems: Using or operating sound amplifying equipment that creates a noise disturbance across a real property boundary or exceeds the noise levels specified in Section 2(B).

C. Animals and Birds: Owning or harboring any animal or bird that frequently creates a noise disturbance across a real property boundary or exceeds the noise levels specified in Section 2(B).

D. Loading and Unloading: Handling materials in a manner that creates a noise disturbance across a real property boundary or exceeds the noise levels specified in Section 2(B).

E. Construction: Operating tools or equipment used in construction, repair, or demolition work in a manner that creates a noise disturbance across a real property boundary.

F. Motor Vehicles: Operating motor vehicles or motorcycles that create a noise disturbance across a real property boundary.

Section 4: Exemptions

Sounds caused by the following are exempt from the prohibitions set out in this ordinance:

A. Emergency warning devices and emergency pressure relief valves.

B. Authorized emergency vehicles responding to an emergency or acting during an emergency.

C. Activities permitted by law and for which a license or permit has been granted by Pike County, provided they comply with any noise conditions or restrictions imposed by such license or permit.

Section 5: Enforcement and Penalties

A. Penalties:

1. First violation: \$250 fine and 50 hours of community service.

2. Second violation: \$500 fine and/or up to 30 days in jail.

Section 6: Severability

If any provision of this ordinance is deemed unconstitutional or invalid by a competent court, the remaining provisions shall remain in effect.

Section 7: Effective Date

This ordinance shall take effect immediately upon passage.

Section 8: Notice

The Clerk shall provide notice of this Ordinance and of the noise regulations established by it by having copies of the ordinance published in the McComb Enterprise Journal newspaper.

SO RESOLVED AND ORDERED, this the 15th day of September, 2023.

A handwritten signature in blue ink, appearing to read "Lee J. Smith", is written above a horizontal line.

PRESIDENT

STATE OF MISSISSIPPI,
COUNTY OF PIKE

PERSONALLY CAME before me, the undersigned, a notary public in and for PIKE County, Mississippi, the

CLERK of the McCOMB ENTERPRISE-JOURNAL, a newspaper published in the City of McComb, Pike County, in said state who being duly sworn, deposes and says that the McCOMB ENTERPRISE-JOURNAL is a newspaper as defined and prescribed in Senate Bill No. 203 enacted at the regular session of the Mississippi Legislature of 1948, amending Section 1858, of the Mississippi Code of 1942, and that the publication of a notice, of which the annexed is a copy in the

matter of an Ordinance Establishing Restrictions on Regulating Noise Disturbances

has been made in said paper one times consecutively, to wit:

On the 30th day of September, 20 23

On the _____ day of _____, 20 _____

On the _____ day of _____, 20 _____

On the _____ day of _____, 20 _____

On the _____ day of _____, 20 _____

On the _____ day of _____, 20 _____

On the _____ day of _____, 20 _____

SWORN TO and subscribed before me, this

2nd day of October, 2023

Linda Gentry
Notary Public

Cardnee Pepper
Clerk

My Commission Expires: June 24, 2025

McComb, Miss. _____, 20 _____

To McComb Enterprise-Journal

TO PUBLISHING _____

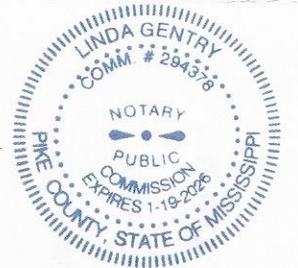
case of _____

_____ words space _____

_____ times and making proof, \$ 86.76

RECEIVED OF _____

payment in full of the above account.



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Publish: Sept. 30, 2023