

ORDINANCE NO. 380

**AN ORDINANCE PROHIBITING THE MAKING, CREATION, OR
MAINTENANCE OF EXCESSIVE, UNNECESSARY, UNNATURAL,
OR UNUSUALLY LOUD NOISES; PROVIDING STANDARDS
AND DEFINITIONS; PENALTIES FOR VIOLATION OF THE
PROVISIONS THEREOF; EFFECTIVE DATE OF ENACTMENT;
AND FOR RELATED PURPOSES**

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Lucedale,
Mississippi;

NOISE:

(A) The operation and use of sound or loud speaking machines or any other noisemaking devise on the streets of the city shall be prohibited, and it is hereby declared unlawful for any person whomsoever to operate or run such loud speaking or sound equipment machines in the city;

(B) It shall also be unlawful for any person to use or allow to be used from thier place of business, amplifiers or othe like equipment for magnifying, or amplifying and/or enlarging or diffusing and throwing out music or loud noises in an unreasonable bud and large volume, disturbing and unreasonably annoying the public generally and/or citizens and residents in close proximity to such place and places.

(C) Religious or political gatherings and strictly civic or public gatherings, speaking and meetings and the announcement' or advertising thereof in a reasonable manner are specifically excepted from the effect of this section; provided, however, that such announcement or advertisements be first approved by the Mayor or the Chief of Police, and formal written permit be first had and obtained from one of such officers to so operate and/or use such equipment and machines on the streets and/or from the place of business in the city; provided further, that any such permit so issued may, by the officer issuing the same, be recalled and/or revoked at will if in his opinion and judgment the use of such equipment is objectionable or should for any reason not be allowed; and provided further that the opinion of such officer in this regard shall be final and conclusive.

STATE LAW REFERENCE - Authority to regulate noise, Mississippi Code Annotated 1942, 3374-124.

PENALTIES:

A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

CONSTRUCTION AND SEVERABILITY:

Severability is intended through and within the provisions of the Noise Ordinance. If any provision, including inter alia any exception, part, phrase or term of or the application thereof to any person or circumstances shall not be affected thereby and the validity of the Noise Ordinance in any and all other respects shall not be affected thereby, and the remaining sections and provisions shall continue in full force and effect. It is intended that the Noise Ordinance be held inapplicable in such cases if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. It is not the intent of this Ordinance to violate the Constitution of the State of Mississippi or the Constitution of the United States of America.

EFFECTIVE DATE:

This Ordinance shall be in full force and effect thirty (30) days from and after its passage.

The above and foregoing Ordinance having been reduced to writing, the same was read and voted upon, first section by section, and then as a whole with the following results:

ALDERMAN LOUIS VALENTINE
Alderman At-Large

VOTED YEA

ALDERMAN CARRIE MOULDS
Alderman for Ward One

VOTED YEA

ALDERMAN LLOYD WELFORD
Alderman for Ward Two

VOTED YEA

ALDERMAN EDMOND HOBODY
Alderman for Ward Three

VOTED YEA

ALDERMAN PAYTON DUDLEY
Alderman for Ward Four


VOTED YEA

WHEREFORE, the foregoing Ordinance was duly passed, adopted, and approved on this the 3RD day of OCTOBER, A.D., 2000.


DOUG LEE, MAYOR

(SEAL)

ATTEST:


KATHY JOHNSON, City Clerk